

TEXAS TECH UNIVERSITY SYSTEM

BOARD OF REGENTS

AGENDA BOOK

May 13, 2021



BOARD OF REGENTS

TEXAS TECH UNIVERSITY SYSTEM

AGENDA

May 13, 2021

BOARD OF REGENTS

Mr. J. Michael Lewis, Chairman Mr. Mark Griffin, Vice Chairman Ms. Arcilia C. Acosta (Pending Confirmation) Mr. Cody C. Campbell (Pending Confirmation) Mrs. Ginger Kerrick Davis Mr. Patrick "Pat" R. Gordon (Pending Confirmation) Mr. Ron Hammonds Mr. Ron Hammonds Mr. Christopher M. Huckabee Mr. Mickey L. Long Mr. John D. Steinmetz Mr. John B. Walker Mr. John B. Walker Mr. Dusty Womble Ms. Brooke Walterscheid, Student-Regent

Standing Committees:

Academic, Clinical and Student Affairs: Kerrick Davis (Chair); Brooke Walterscheid; Womble,

> Audit: Steinmetz (Chair); Walker,

Facilities: Kerrick Davis; Womble (Chair), _____

Finance, Administration, and Investments Steinmetz; Walker (Chair),

AGENDA

Lubbock, Texas

May 13, 2021

Abbreviated Agenda with Approximate Times*

Thursday, May 13, 2021

Swearing-in of new regents

8:55 am	Ceremonial swearing-in of newly appointed regents Location: Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas
	Meeting of the Board
9:00 am	 Call to Order; convene as Meeting of the Board and Committee of the Whole Board Introductions and Recognitions Determination on existing conflict of interest Approval of Consent and Information Agendas COVID-19 Report Strategic Highlights Location: Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas
10:00 am	Recess

CONTINUED ON NEXT PAGE

*For general information. All open session meetings of the Board of Regents will take place in the Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas. Any executive session meetings that should occur throughout the day will take place in the Regents Committee Room (106), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas. The times listed are estimates, with periodic recesses. On Thursday, May 13, 2021, prior to the start of the day's meetings, at approximately 8:55 am, a ceremonial swearing-in of the newly appointed regents will take place. Immediately following the swearing-in ceremony, the Meeting of the Board will convene to handle various board matters after which the Meeting of the Board will recess. Upon recess of the Meeting of the Board, committee meetings will be conducted sequentially beginning at approximately 10:00 am. The Board will reconvene the Meeting of the Board upon adjournment of the last committee meeting or whenever deemed necessary to conduct the remainder of its business and to convene into Executive Session. The Meeting of the Board is expected to end at approximately 3:30 pm; however, if needed, the meeting may continue beyond 3:30 pm until completed. The full board agenda is detailed on pages v through xiii. The agenda for each session of the board meeting or a meeting of a committee of the board is detailed behind the appropriate divider tab.

Lubbock, Texas

May 13, 2021

Abbreviated Agenda with Approximate Times*

Thursday, May 13, 2021

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

CONTINUED FROM PREVIOUS PAGE

10:00 am (or upon recess of the Meeting of the Board)	Audit Committee Location: Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas
10:15 am (or upon adjournment of the Audit Cmte. Meeting)	Facilities Committee Location: Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas
10:45 am (or upon adjournment of the Facilities Cmte. meeting)	Finance, Administration and Investments Committee Location: Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas
11:15 am (or upon adjournment of the FAI Cmte. meeting)	Academic, Clinical and Student Affairs Committee Location: Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas

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Lubbock, Texas

May 13, 2021

Abbreviated Agenda with Approximate Times*

Thursday, May 13, 2021

Meeting of the Board

11:35 am (or upon adjournment of the ACS Cmte. meeting)	 Call to Order; reconvene as Meeting of the Board and Committee of the Whole Board Approval of minutes Committee Reports 2021 BOR meeting schedule SGA President Reports Location: Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas
12:00 pm	Executive Session Location: Regents Committee Room (106), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas
3:25 pm	 Following Executive Session, reconvene into Open Session as Committee of the Whole ES Motions, if any Announcements Location: Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas
3:30 pm	Adjournment

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May 13, 2021

Agenda

<u>Thursday, May 13, 2021</u> Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas

- I. Meeting of the Board—Call to Order; convene into Open Session of the Board. The Board will continue in Open Session and meet as a Committee of the Whole and Meeting of the Board to consider and act on:Chairman Lewis
 - A. Introductions and Recognitions Chancellor Mitchell, President Hawkins, President Schovanec President Rice-Spearman, and President Lange

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CW

Consent Agenda

- a. ASU: Approve revised institutional Mission Statement and Vision Statement (ACS)
- b. ASU: Approve revisions to the *Student Handbook* of Angelo State University, effective May 2021 ((ACS)
- c. TTU: Approve faculty development leaves of absence (ACS)

- d. TTU: Approve revised Constitution of the Faculty Senate (ACS)
- e. TTU: Approved revisions to the Student Handbook, effective May 14, 2021 (ACS)
- f. TTUHSC: Approve revisions to the Student Handbook and Code of Professional Conduct, effective September 1, 2021 (ACS)
- g. TTUHSC El Paso: Approve revisions to the 2021-2022 Institutional Student Handbook: Code of Professional Conduct effective September 1, 2021 (ACS)
- h. TTUS: Approve amendments to *Regents' Rules*, Chapter 01 (Bylaws) relating to the Finance and Investments standing committee (CW)
- TTU: Approve naming of Texas Tech Plaza, Personal Financial Planning Clinic, Room 305G (J. Brent and Tamela Beene Family Counseling Room) (F)
- j. TTU: Approve naming of Texas Tech Plaza, Personal Financial Planning Clinic, Room 305A (In Honor of Dr. Vickie Hampton) (F)
- k. TTU: Authorize a utility easement benefitting the new School of Veterinary Medicine Mariposa Station located in Amarillo, TX (F)
- I. TTUHSC: Acknowledge designated Public Utility Corridor (south side 4th Street from Texas Tech Parkway to Indiana Avenue) (F)
- m TTUHSC El Paso: Approve naming of Texas Tech Dental Oral Health Clinic, Room 1105 (Feinberg Foundation Dental Suite) (F)
- n. TTUHSC El Paso: Acknowledge naming relocation within the Texas Tech Dental Oral Health Clinic (Ethos Financial Special Needs Dental Suite) (F)
- ASU, TTU, TTUHSC, TTUHSC El Paso and TTUSA: Approve the Five-Year Capital Projects Plan and authorize submission of the MP1 report (F)
- p. ÀŚU: Approve FY 2022 holiday schedule (FAI)
- q. TTU and TTUSA: Approve FY 2022 holiday schedule (FAI)
- r. TTU: Approve modification of quasi endowment (Political Science Professional and Scholarly Development Quasi Endowment) (FAI)

- s. TTU: Approve acceptance of Gift-in-Kind benefitting the College of Agricultural Sciences and Natural Resources (FAI)
- t. TTU: Master of Science in Interdisciplinary Studies with Concentration in Energy program fee (FAI)
- u. TTU: Authorize president to execute a contract with Hurricane Simulator (FAI)
- v. TTU and TTUS: Approve purchasing contract (s) in excess of \$1,000,000 (FAI)
- w. TTUHSC: Approve contract with Lubbock County Hospital District dba University Medical Center for Electronic Medical Records, Consumer Extensibility Package (FAI)
- x. TTUHSC: Approve contract with brand consultant (FAI)
- y. TTUHSC: Approve FY 2022 holiday schedule (FAI)
- z. TTUHSC El Paso: Approve of the FY 2022 Holiday Schedule (FAI)

Information Agenda

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

(1) ASU, TTU, TTUHSC and TTUHSC El Paso: Summary of Revenues and Expenditures by Budget Category, FY 2021 (as of February 28, 2021), per Section 01.02.8.d(3)(g), *Regents' Rules* – All actual expenditures will be reviewed by the Finance and Administration Committee annually and provided as information. Financial reports for the most recently completed quarter for each of the component institutions are available at: <u>https://www.texastech.edu/offices/cfo/board-financial-</u>

reports.php

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

- (3) ASU and TTUHSC EI paso: Consulting contracts with an initial consideration of \$25,000 or less per Section 07.12.4.e.(2), *Regents' Rules* <u>"(a) Board approval is not required, but the vice chancellor and chief financial officer, in consultation with the chancellor, presidents, and chief financial officers of the institutions, shall review consulting contracts of \$25,000 or less prior to execution of the contract by the chancellor or president, as appropriate. (b) A report of the contract shall be provided as an Information Agenda item at the next board meeting."</u>
- (4) TTU: Contracts that involve a stated or implied consideration that total in excess of \$1,000.000 over the entire term of the contract but the per annum amount is less than \$1,000,000 per section 07.12.4 of the Regents' Rules -Notwithstanding Section 07.12.3.a, Regents' Rules, the chancellor or president, as appropriate, is delegated the authority to approve: (i) contracts that involve a stated or implied consideration that total in excess of \$1,000,000 over the entire term of the contract but the per annum amount is less than \$1,000,000; and (ii) any amendment, extension, or renewal of a contract originally approved by the chancellor or president, as appropriate, so long as the amendment, extension, or renewal does not cause the per annum amount of the contract to exceed \$1,000,000. This requirement is applicable to both cash and non-cash considerations. Information about such contracts or contract amendments, extensions, or renewals that are approved by the chancellor or a president under this delegation of authority shall be provided to the board as an information item at the next regular board meeting.
- (5) TTUHSC: Contracts for Sponsored Program Projects per Section 07.12.4.b., *Regents' Rules* <u>The board delegates to the presidents the authority to</u> <u>approve the proposals and execute and sign contracts for</u> <u>sponsored program projects in excess of \$1,000,000 per</u>

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.

- (6) TTU: Contracts that involve a stated or implied consideration that totals in excess of \$1,000,000 over the entire term of the contract and contracts involving the sale or lease of land and/or improvements thereon, or a commitment of funds or other resources for more than four years, per sections 07.12.3.a, and 07.12.3.d.1.b Regents' Rules – 07.12.3.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. The board may delegate the approval and signature authority for such contracts to the chancellor or component president." 07.12.3.d.(1)(b): "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: (b)contracts that involve a commitment of funds or other resources for more than four years."
- (7) TTU: Emergency or exigent circumstances approval of contracts by Section 07.12.3.g, Regents' Rules – <u>"Unless prohibited by law and upon</u> 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 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."
- (8) TTUHSC: 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."

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		3.	TTUS: COVID-19 Report	11
		4.	TTUS: Strategic Highlight - Report on Strategic Initiatives at Angelo State University	12
II.	Rece	ess	Chairma	an Lewis
III.		tion: R	Standing Committees egents Conference Room (104A), First Floor, System 508 Knoxville Avenue, Lubbock, Texas	Building,
	A.	Audit	Committee	<u>Page</u> A
		1.	TTUS: Report on audits	2
		2.	Adjournment	
	B.	Facili	ities	<u>Page</u> F
		1.	TTU: Approve total project budget for the Museum East Wing Addition project and accept CMAR's GMP	3
		2.	TTU: Authorize expenditures for the Academic Sciences Building project for DP Stage II services and CMAR Pre-construction services	5
		3.	TTU: Approve namings within the School of Veterinary Medicine	7
		4.	TTU: Approve honorific naming of the School of Veterinary Medicine - Headquarters, Room E294 (Herrick Leadership Conference Room)	12
		5.	TTU: Approve naming the Museum East Wing Addition (Dr. Robert Neff and Louise Willson Arnold Wing)	13
		6.	TTUS: Report on Facilities Planning and Construction projects	14
		7		

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7. Adjournment

C.	Fina	nce, Administration, and Investments Committee	<u>Page</u> FAI
	1.	ASU: Approve contract with Skyline Aviation for Flight School	3
	2.	TTU: Authorize president to execute a contract with Tophatmonocle Corp. dba Top Hat (Top Hat) to provide classroom engagement technology services	4
	3.	TTU: Approve contracts with four (4) vendors for temporary staffing services	5
	4.	TTU: Approve an amendment of the lease agreement with ClubCorp TTC, LLC	7
	5.	TTU: Approve a one-year contract extension with the City of Lubbock for bus service	9
	6.	TTUS: Authorize negotiations with vendor for pouring rights	11
	7.	TTUS: Investment Performance Update	12
	8.	Adjournment	
D.	Acad	demic, Clinical and Student Affairs Committee	<u>Page</u> ACS
	1.	ASU: Approve emeritus appointment	2
	2.	ASU: Approve the name changes of the Departments of Psychology and Sociology and the Department of Social Work	3
	3.	TTU: Approve exceptions to nepotism policy	4
	4.	TTUHSC: Approve appointment with tenure	6
	5.	TTUHSC El Paso: Approve changes in academic rank	7
	6.	Adjournment	

IV.	Meeting of the Board—Call to Order; reconvene into Open Session of the Board. The Board will continue in Open Session and meet as a Committee of the Whole and Meeting of the Board to consider and act on:		
	A.	Approve minutes of the board meeting held on February 25-26, 2021	
V.		orts of Standing Committees: Standing Commented sequentially to the Committee of the Whole	
	A.	Report of the Audit Committee	Regent Steinmetz
	В.	Report of the Facilities Committee	Regent Womble
	C.	Report of the Finance, Administration, and Investments Committee	Regent Walker
	D.	Report of the Academic, Clinical and Student A Committee	
VI.	 The Board will continue in Open Session as the Committee of the Whole and Meeting of the Board of Regents. 		ommittee of the
	A.	Schedule for Board meetings: August 5-6, 2021, Lubbock October 15, 2021, Lubbock December 9-10, 2021, Lubbock	Keino McWhinney
	B.	Student Government Association Reports	Kristen Kilpatrick, Faisal Al-Hmoud, Bernado E. Gonzalez, and Alexa Guerrero
VII.	Sessi Syste permi	utive Session: The Board may convene into Exon, in the Regents Committee Room (106), First on, in the Regents Committee Room (106), First m Building, 1508 Knoxville Avenue to consider r issible under Chapter 551 of the <i>Texas Governm</i> ling, for example:	: Floor, matters <i>nent Code</i> ,
	Α.	Consultation with attorney regarding privileged	

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

A.	Consideration of appropriate action, if any, on items discussed in Executive Session Vice Chairman Griffin
В.	Chairman's AnnouncementsChairman Lewis
Adj	u rnment Chairman Lewis

IX.

AUDIT

Audit Committee

Committee Meeting May 13, 2021

- **Time:** 10:00 am (or upon recess of the Meeting of the Board)
- Place: Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas

Regents: Steinmetz (Chair), Walker,

<u>Agenda</u>

- Approve minutes of committee meeting held on February 25, 2021
- **III.A.** Consideration of items to be recommended by the Audit Committee to the Board of Regents of the Texas Tech University System ("TTUS") for and on behalf of Angelo State University ("ASU"), TTUS, the TTU System Administration ("TTUSA"), Texas Tech University ("TTU"), Texas Tech University Health Sciences Center ("TTUHSC"), and Texas Tech University Health Sciences Center at El Paso ("TTUHSC El Paso")

Page A

- 2. Adjournment

NOTE: Following consideration of the above item by the committee, the Committee Chair will present the Committee Report to the full Board of Regents for its consideration on Thursday May 13, 2021.

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.

FACILITIES

Facilities Committee

Committee Meeting May 13, 2021

- **Time:** 10:15 am (or upon adjournment of the Audit Committee meeting)
- Place: Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas

Regents: Womble (Chair), Kerrick Davis,

<u>Agenda</u>

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

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1.	TTU: Approve total project budget for the Museum East Wing Addition project and accept CMAR's GMP3
2.	TTU: Authorize expenditures for the Academic Sciences Building project for DP Stage II services and CMAR Pre- construction services
3.	TTU: Approve namings within the School of Veterinary Medicine7
4.	TTU: Approve honorific naming of the School of Veterinary Medicine - Headquarters, Room E294 (Herrick Leadership Conference Room)12
5.	TTU: Approve naming the Museum East Wing Addition (Dr. Robert Neff and Louise Willson Arnold Wing)13
6.	TTUS: Report on Facilities Planning and Construction projects
7.	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 Thursday May 13, 2021.

1. <u>TTU: Approve total project budget for the Museum East</u> Wing Addition project and accept CMAR's GMP.

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

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents authorize the chancellor or the chancellor's designee to (i) accept the Guaranteed Maximum Price ("GMP") for construction of the Museum East Wing Addition project; (ii) increase the budget by \$10,697,183 for a total project budget of \$12,000,000; (iii) report the project to the Texas Higher Education Coordinating Board ("THECB"); and (iv) amend the Construction Manager At Risk ("CMAR") Agreement. The total project budget will be funded through the Revenue Finance System ("RFS") repaid with Gifts, Higher Education Funds ("HEF") (cash), Institutional Funds, and the Texas Research Incentive Program ("TRIP").

The Board reasonably expects to incur debt obligations for the design, planning, and construction of the project, and all or a portion of the debt proceeds are reasonably expected to be used to reimburse the System for project expenditures previously expended. The maximum principal amount of debt obligations to be issued for the Project is \$12,000,000.

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

BACKGROUND INFORMATION

This approval grants authority to construct the Museum East Wing Addition for a total project budget of \$12,000,000.

The Museum of Texas Tech University ("TTU") received a generous bequest of a large collection of glassware and other three-dimensional art forms from Dr. Robert Neff and Louise Willson Arnold.

The proposed location of the addition is an infill project on the east side of the Museum Building complex, a space originally designated in the 1970 construction as an outdoor sculpture courtyard and theater space. The footprint is approximately 6,000 square feet, which can accommodate a basement and two-story addition, adding 18,700 GSF.

The scope of work envisioned includes: (1) the basement level to provide connection to other secured hallways, collections areas, and include the main storage room for the collection; (2) modification of various existing spaces/rooms to connect to a central basement hallway; (3) provide fresh air intakes for a mechanical room; (4) the first-floor level will primarily consist of gallery space for the collection and other display items; and (5) the second level will provide academic and staff space for the Heritage Management & Museum Science program.

The component institution and FP&C will explore the possibility of incorporating existing and/or surplus furniture, fixtures, and equipment into the project.

In December 2020, the Board of Regents authorized award of a Construction Manager At Risk ("CMAR") Agreement to allow the CMAR to provide preconstruction activities associated with the planning and design process, i.e., project evaluation; site analysis; constructability review; value engineering; scheduling; cost control; and development of a Guaranteed Maximum Price ("GMP"). The expenditures of \$160,400 were funded through the Revenue Finance System ("RFS") repaid with Gifts, Higher Education Funds ("HEF") (cash), Institutional Funds, and Texas Research Incentive Program ("TRIP").

In October 2020, the Board of Regents authorized the Design Professional to move forward with Stage II services consisting of the Design Development, Construction Documents, Construction Administration Phases, and to provide a Statement of Probable Cost and project schedule. The expenditures of \$1,142,417 were funded through the Revenue Finance System ("RFS") repaid with Gifts, Higher Education Funds ("HEF") (cash), Institutional Funds, and Texas Research Incentive Program ("TRIP").

In December 2019, the Board of Regents authorized the Design Professional to move forward on the project's vision through the programming and schematic design phases and provide a Statement of Probable Cost and project schedule. The expenditures of \$333,034 were funded through the Revenue Finance System ("RFS") repaid with Gifts, Higher Education Funds ("HEF") (cash), Institutional Funds, and Texas Research Incentive Program ("TRIP"). The Stage I budget included the previously authorized budget from HEF (\$100,000 cash).

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

2. <u>TTU: Authorize expenditures for the Academic Sciences</u> <u>Building project for DP Stage II services and CMAR Pre-</u> <u>construction services.</u>

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

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents authorize the chancellor or the chancellor's designee to (i) approve expenditures of \$6,381,432 for a total of \$8,130,683 for the Academic Sciences Building project with an anticipated total project budget of \$100,000,000; (ii) authorize and amend the Design Professional Agreement for Stage II services; and (iii) award a Construction Manager at Risk ("CMR") Agreement for preconstruction services. The expenditures will be funded through the Revenue Finance System ("RFS") repaid with Higher Education Funds ("HEF"). The current total of expenditures includes the previously board authorized expenditures (\$1,749,251).

The Board reasonably expects to incur debt obligations for the design, planning, and construction of the project, and all or a portion of the debt proceeds are reasonably expected to be used to reimburse the System for project expenditures previously expended. The maximum principal amount of debt obligations to be issued for the Project is \$100,000,000.

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

BACKGROUND INFORMATION

This approval grants authority to amend the Design Professional Agreement for Stage II services consisting of Design Development ("DD"), Construction Documents ("CD"), Construction Administration ("CA") Phases, and to provide a Statement of Probable Cost and project design schedule. Furthermore, award a Construction Manager At Risk ("CMAR") Agreement to allow the CMAR to provide pre-construction activities associated with the planning and design process, i.e., project evaluation; site analysis; constructability review; value engineering; scheduling; cost control; and development of a Guaranteed Maximum Price ("GMP").

The Academic Sciences Building will be an approximate 125,000 GSF, basement and 3-story structure in the academic core of the campus. Also located within the Historic District Zone of the campus, the new building will be adjacent to the original Chemistry Building and the Science Building and therefore, will be designed in the spirit of the Spanish Renaissance architectural style of the campus. An exterior enhancement to the east side of Chemistry is being considered should additional funding become available. The new facility will provide limited office space, a high technology flipped classroom/event space, teaching class labs, collaboration and support spaces, and research space. Possible National Institute of Health grant space may include a Cell Culture Core, Histopathology lab, Human Sampling lab, and a Clean room. A total of five (5) departments will have a presence in the building including Physics, Geosciences, Psychological Sciences, Biological Sciences, and Chemistry. Site utility infrastructure work will include new direct buried lines from CHACP I to provide heating and cooling for the new facility. The scope of the project includes analysis of any additional site utility infrastructure work required. The project may include landscape enhancements and public art. The project's design incorporates a new courtyard and science plaza to foster student collaboration.

The component institution and FP&C will explore the possibility of incorporating existing and/or surplus furniture, fixtures, and equipment into the project.

In February 2020, the Board of Regents approved expenditures of \$1,749,251 to execute a Design Professional Agreement and authorize Stage I services in order to move forward on the project's vision through the Programming and Schematic Design phases, provide a Statement of Probable Cost and project schedule.

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

3. <u>TTU: Approve namings within the School of Veterinary</u> <u>Medicine.</u>

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

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents approve the interior namings as listed below within the School of Veterinary Medicine buildings. The donors concur with the naming of their space. Signage for these spaces will specify the approved name.

Naming Location	Official Name	
School of Veterinary Medicine building – Headquarters		
Large Auditorium, E106	Happy State Bank & Trust Co. Auditorium	
Anatomy Teaching Lab, W147	Bob L. Herd Foundation Anatomy Teaching Lab	
Classroom 1, E112	Amarillo National Bank Classroom	
Large Student Breakout Room, E122	FirstBank Southwest Student Breakout Room	
School of Veterinary Medicine building	ngs – Mariposa Station	
Multipurpose Classroom, 101	Caviness Family Classroom	
Bovine/Ruminant Skills Training, B101	Cactus Feeders Bovine Skills Training	

BACKGROUND INFORMATION

Multiple donors have made certain commitments, as outlined below, to the Texas Tech Foundation, Inc., benefitting construction of the School of Veterinary Medicine buildings:

School of Veterinary Medicine building – Headquarters			
Donor	Gift Amount	Naming Location	Official Name
Happy State Bank and Trust Company	\$2.5 million	Large Auditorium, E106	Happy State Bank & Trust Co. Auditorium
Bob L. Herd Foundation	\$2 million	Anatomy Teaching Lab, W147	Bob L. Herd Foundation Anatomy Teaching Lab
Amarillo National Bank	\$1 million	Classroom 1, E112	Amarillo National Bank Classroom
FirstBank Southwest	\$500,000	Large Student Breakout Room, E122	FirstBank Southwest Student Breakout Room

Happy State Bank and Trust Company

Happy State Bank and Trust Company ("Happy State Bank") made a generous contribution of \$2.5 million to support the School of Veterinary Medicine. To honor and recognize this contribution, the School of Veterinary Medicine, Room E106 will be named the "Happy State Bank & Trust Co. Auditorium." Signage for the space will specify the approved name.

Established in 1908 in Happy, Texas, Happy State Bank has become one of the largest banks in Texas, with assets exceeding \$5.5 billion and nearly 60 locations in more than 40 communities across the Texas Panhandle, the South Plains, Austin, Central Texas, and the Dallas/Fort Worth Metroplex. It prides itself on its unique corporate culture and its service to the communities it serves. It has been recognized many times as one of the Best Banks to Work For in the USA by the *American Banker* newspaper. It has won recognition for its financial literacy training via its "Kid's Bank" program and has been awarded the Torch Award from the Better Business Bureau for outstanding ethical business standards. To date, Happy State Bank has generously contributed over \$4.5 million to the Texas Tech University System.

Bob L. Herd Foundation

The Bob L. Herd Foundation ("Foundation") made a generous commitment of \$2 million to support the School of Veterinary Medicine. To honor and recognize this contribution, the School of Veterinary Medicine, Room W147 will be named "Bob L. Herd Foundation Anatomy Teaching Lab." Signage for the space will specify the approved name.

Established in 1991 by Bob L. Herd and his wife, Pat, the Foundation has supported various philanthropic causes including education, faith, and healthcare. The Herds were active supporters of Texas Tech University. Bob was a graduate of TTU whose legacy to TTU included a momentous gift to name the Bob L. Herd Department of Petroleum Engineering as well as numerous gifts to support student scholarship and university priorities. When planning began for the School of Veterinary Medicine, Bob was among the project's staunchest supporters and remained so until his passing in December 2019. To date, the Herds and the Foundation generously contributed over \$20.5 million to the Texas Tech University System.

Amarillo National Bank

Amarillo National Bank ("Amarillo National Bank") made a generous contribution of \$1 million to support the School of Veterinary Medicine. To honor and recognize this contribution, the School of Veterinary Medicine, Room E112 will be named "Amarillo National Bank Classroom." Signage for the space will specify the approved name.

Begun in 1892, Amarillo National Bank is managed by the 5th generation and remains family owned. Customer service and community-based philanthropy have led it to garner national recognition, including being named Outstanding Large Philanthropic Business by the Association of Fundraising Professionals Texas Plains Chapter among many other honors. With locations across the Texas Panhandle and the South Plains, Amarillo National Bank seeks to continue providing leadership and support in the communities it serves. To date, it has generously contributed over \$2 million to the Texas Tech University System.

FirstBank Southwest

FirstBank Southwest ("FirstBank Southwest") made a generous contribution of \$500,000 to support the School of Veterinary Medicine. To honor and recognize this contribution, the School of Veterinary Medicine, Room E122 will be named "FirstBank Southwest Student Breakout Room." Signage for the space will specify the approved name.

Chartered in 1907 as First National Bank of Ochiltree, the bank grew rapidly in the 1980s and 1990s by acquiring banks in Booker, Hereford, and Pampa, Texas. Now with nine banking center locations throughout the Texas Panhandle, FirstBank Southwest is active in its local communities. It was recently

recognized by the Independent Bankers Association of Texas, the largest state community banking association in the nation.

School of Veterinary Medicine buildings – Mariposa Station			
Donor	Gift Amount	Naming Location	Official Name
Caviness Beef Packers	\$2 million	Multipurpose Classroom, 101	Caviness Family Classroom
Cactus Feeders	\$1 million	Bovine/Ruminant Skills Training, B101	Cactus Feeders Bovine Skills Training

Caviness Beef Packers

Caviness Beef Packers ("Caviness") made a generous contribution of \$2 million to support the School of Veterinary Medicine. To honor and recognize this contribution, the School of Veterinary Medicine, Room 101 will be named "Caviness Family Classroom." Signage for the space will specify the approved name.

Opened in 1962 in Hereford, Texas, Caviness has turned into a thriving, thirdgeneration family operation, operating two processing locations and marketing products worldwide. It has remained one of the most relationship-oriented companies in the beef industry. Caviness has remained committed to various causes in its communities, including higher education initiatives in West Texas.

Cactus Feeders

Cactus Feeders ("Cactus") made a generous contribution of \$1 million to support the School of Veterinary Medicine. To honor and recognize this contribution, the School of Veterinary Medicine, Room B101 will be named "Cactus Feeders Bovine Skills Training." Signage for the space will specify the approved name.

Established in 1975 as a family company, Cactus has beef and pork production locations in Texas, Kansas, Iowa, North Carolina, South Carolina, and Georgia. It is 100% employee owned. Their company mission is "Feeding a Hungry World: Family, Friends, and Neighbors". Cactus dedicates its most critical resources to the animals in its care and the employees that care for those animals. It is dedicated to finding ways to produce more food, while using fewer resources at a lower cost. In addition to addressing food insecurity in its

communities, Cactus collaborates with local foundations and institutions to fulfill other needs in its communities.

These gifts meet the minimum fifty percent (50%) threshold requirement for naming a subunit within a facility, as verified by the vice chancellor of facilities planning and construction.

Regents' Rules, Section 08.05.1 requires board approval of the naming of all buildings, subunits, and other facilities within the TTU System.

4. <u>TTU: Approve honorific naming of the School of Veterinary</u> <u>Medicine - Headquarters, Room E294 (Herrick Leadership</u> <u>Conference Room).</u>

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

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents approve an honorific naming of the School of Veterinary Medicine - Headquarters, Room E294 the "Herrick Leadership Conference Room. Signage for the space will specify the approved name.

BACKGROUND INFORMATION

Jason Herrick was instrumental in the successful fundraising campaign that established the School of Veterinary Medicine. In honor of his leadership and service to the School of Veterinary Medicine, it is requested that Room E294 within the School of Veterinary Medicine – Headquarters building be named the "Herrick Leadership Conference Room".

Herrick, president of Pantera Energy Company based in Amarillo, Texas, graduated from Texas A&M University in 1997 with a bachelor's in industrial engineering. In addition to a personal contribution to the campaign, he has continued to advocate for ongoing fundraising efforts. Herrick is active in the community and serves as an executive member of the Amarillo Area Foundation and Don Harrington Discovery Center boards. He previously served in various leadership roles at the Center City of Amarillo, the Panhandle Producers and Royalty Association, Society of Petroleum Engineers, and the Texas Panhandle Regional Economic Development Corporation, among other area non-profits.

Regents' Rules, Section 08.05.1 requires board approval of the naming of all buildings, subunits, and other facilities within the TTU System.

Regents' Rules, Section 08.05.1d states subunits of buildings may be named after an individual 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.

5. <u>TTU: Approve naming the Museum East Wing Addition (Dr.</u> <u>Robert Neff and Louise Willson Arnold Wing).</u>

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

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents approve naming the Museum East Wing Addition the "Dr. Robert Neff and Louise Willson Arnold Wing." The donors concur with the naming of this space. Signage for the space will specify the approved name.

BACKGROUND INFORMATION

The Helen Jones Foundation, Inc. ("Foundation") made a generous commitment of \$9.0 million to support construction of the exhibit wing and an endowment for maintenance of the exhibits. To honor and recognize this contribution, the Museum East Wing Addition will be named the "Dr. Robert Neff and Louise Willson Arnold Wing". Signage for the space will specify the approved name.

The Foundation owes its existence to Helen DeVitt Jones, a great humanitarian and patroness of education and the fine arts, whose personal generosity resulted in the creation of the Foundation. Mrs. Jones funded the Foundation in 1984. Although she passed away in September 1997, the Foundation continues her legacy through the support of various philanthropic causes. In combination with personal gifts from Mrs. Jones, the Foundation has generously contributed over \$72 million to support the initiatives and students of the Texas Tech University System.

The naming is in honor of Dr. Robert Neff and Louise Willson Arnold. Both worked tirelessly in their community and served on countless boards and committees throughout Lubbock. Robert graduated from Texas Tech in 1944 and the University of Texas Medical School Galveston in 1949. Louise graduated from Iowa State University in 1946.

Robert and Louise left a generous gift-in-kind of an art collection worth over \$790,000 to the Museum of Texas Tech University as part of their bequest. The Foundation's gift is a result of its desire to showcase the Arnold's collection and honor their legacy.

Louise served on the Texas Tech Foundation Board of Directors, the College of Human Sciences Advisory Board, and Museum of Texas Tech University Association Board. Robert served on Medici Circle supporting the School of Art. Louise's most remarkable accomplishment, and life's work, began during her involvement in the groundwork for the Foundation. Louise and Helen Jones met while serving on the Texas Tech Foundation Board, and their friendship inspired the creation of the Foundation. Under Louise's leadership, from 1984 through 2005, the Foundation made significant donations to Texas Tech University, several educational institutions, and a host of visual and performing arts companies. Louise was the Foundation's first executive director. Additionally, Robert served as a member of the Foundation's board.

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

Regents' Rules, Section 08.05.1 requires board approval of the naming of all buildings, subunits, and other facilities within the TTU System.

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

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

Presentation Time: 5 minutes

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

FINANCE, ADMINISTRATION, AND INVESTMENTS

Finance, Administration, and Investments Committee

Committee Meeting May 13, 2021

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

Regents: Walker (Chair), Steinmetz,

<u>Agenda</u>

- Approve minutes of committee meeting held on February 25, 2021
- III.C. Consideration of items to be recommended by the Finance and Administration Committee to the Board of Regents of the Texas Tech University System ("TTUS") for and on behalf of Angelo State University ("ASU"), TTUS, the TTU System Administration ("TTUSA"), Texas Tech University ("TTU"), Texas Tech University Health Sciences Center ("TTUHSC"), and Texas Tech University Health Sciences Center at El Paso ("TTUHSC El Paso")

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1.	ASU: Approve contract with Skyline Aviation for Flight School
2.	TTU: Authorize president to execute a contract with Tophatmonocle Corp. dba Top Hat (Top Hat) to provide classroom engagement technology services
3.	TTU: Approve contracts with four (4) vendors for temporary staffing services
4.	TTU: Approve an amendment of the lease agreement with ClubCorp TTC, LLC7
5.	TTU: Approve a one-year contract extension with the City of Lubbock for bus service
6.	TTUS: Authorize negotiations with vendor for pouring rights 11
7.	TTUS: Investment Performance Update12

- 8. 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 Thursday May 13, 2021.

1. <u>ASU: Approve contract with Skyline Aviation for Flight</u> <u>School.</u>

Presenter: Mr. Ronnie Hawkins Presentation Time: 3 minutes Board approval required by: Section 7.12.3.d(1)(b) *Regents Rules*

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents approve a contract between Skyline Aviation Inc. ("Skyline") and Angelo State University ("ASU") for Skyline to provide an FAA approved Part 141 Flight School for students enrolled in the Bachelor of Commercial Aviation ("BCA") program beginning with the fall 2021 semester.

BACKGROUND INFORMATION

The BCA program was approved by the Board of Regents in May of 2020 with the understanding that ASU would partner with a Part 141 Flight School to provide flight instruction leading up to a Certified Flight Instructor-Instrument Instructor certification. The Part 141 designation is required so that students can use federal financial aid including the GI Bill to pay for flight instruction. After investigating numerous options, ASU has made the decision that Skyline Aviation, Inc. is by far the best option to partner with. The contract that has been developed has been vetted by the Office of General Counsel. The contract specifies the duties of Skyline and specifies a mechanism for Skyline to be compensated for student flight hours. The contract period is for 10 years due to the significant investment Skyline will make in aircraft, maintenance and facilities in the immediate future.

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

2. <u>TTU: Authorize president to execute a contract with</u> <u>Tophatmonocle Corp. dba Top Hat (Top Hat) to provide</u> <u>classroom engagement technology services.</u>

Presenter: Mrs. Noel Sloan Presentation Time: 3 minutes Board approval required by: Section 07.12.3.a, and 07.12.3.d.(1)(b) Regents' Rules

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents authorize the president or his designee to execute a contract with Tophatmonocle Corp. dba Top Hat (Top Hat) to provide classroom engagement technology services for the TTU campus.

BACKGROUND INFORMATION

TTU issued a Request for Proposal ("RFP") on December 2, 2019 seeking competitive proposals from vendors with experience in providing a cloud-based classroom engagement software solution that engages TTU students and faculty and selected Top Hat as the most qualified and possessing the best overall value to TTU.

The new contract will be effective upon final execution of the contract between the parties and end four (4) years thereafter. There is an option to renew the contract up to four (4) additional one-year periods upon written approval of the parties. The estimated eight (8) year value of the agreement is \$1,100,000. There is no termination for convenience in the contract.

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

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

3. <u>TTU: Approve contracts with four (4) vendors for temporary</u> <u>staffing services.</u>

Presenter: Mrs. Noel Sloan Presentation Time: 3 minutes Board approval required by: Section 07.12.3.a and 07.12.3.c *Regents' Rules*

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents authorize the president, or his designee, to finalize negotiations with All Star Temporaries, Inc. dba Lubbock Temporary Help Services; 22nd Century Technologies, Inc.; KT Black Services, LLC; and InGenesis, Inc. to provide temporary staffing services on the TTU campus.

BACKGROUND INFORMATION

TTU issued a Request for Proposal ("RFP") on February 8, 2021 seeking competitive proposals from vendors with experience in managing and providing temporary staffing services. TTU is awarding multiple contracts to fulfill the various staffing needs across the campus. The new agreements will be effective August 1, 2021 or upon final execution of the contracts between the parties and the initial term will end on July 31, 2025. There is an option to renew each contract up to four (4) additional one-year periods upon written approval of the parties.

Based on historical spend, the annual value of the four combined agreements is estimated to be approximately \$ 8,000,000. Based on historical spend, the total eight-year value of the four combined agreements is estimated to be approximately \$64,000,000. Annual and total values may fluctuate based on supply and demand and the staffing needs of the institution.

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

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

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

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

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

4. <u>TTU: Approve an amendment of the lease agreement with</u> <u>ClubCorp TTC, LLC.</u>

Presenter: Mrs. Noel Sloan Presentation Time: 3 minutes Board approval required by: Section 07.12.3.a, Section 07.12.3.b, Section 07.12.3.c, and 07.12.3.d.(1)(b) *Regents' Rules*

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents authorize him or his designee to execute an amendment with ClubCorp TTC, LLC ("ClubCorp") for operations of a private club/restaurant in Jones AT&T Stadium and provide catering services for all suites and club levels in Jones AT&T Stadium.

BACKGROUND INFORMATION

The Board previously approved and authorized the execution of the Lease Agreement with ClubCorp.

The existing Lease Agreement will be amended to extend the Lease Agreement for five (5) years through May 31, 2026 and upon termination shall thereafter automatically extend for up to three (3) consecutive renewal terms of five (5) years each unless either party gives notice to the other party on or before the date that is one (1) year prior to the expiration of the then current Extended Term that such party does not desire to extend the Lease Agreement. In addition, ClubCorp will make an estimated \$1,300,000 capital investment for additional club improvements. The improvements will be mutually agreed upon between the parties.

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

Section 07.12.3.b., *Regents' Rules,* requires Board approval on any amendment, extension, or renewal 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 over the entire term of the contract.

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

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

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

5. <u>TTU: Approve a one-year contract extension with the City of</u> <u>Lubbock for bus service.</u>

Presenter: Mrs. Noel Sloan Presentation Time: 3 minutes Board approval required by: Section 07.12.3.a and 07.12.3.c, *Regents' Rules*

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents authorize the president, or his designee, to finalize negotiations and enter into a one-year contract extension with the City of Lubbock ("Citibus") to provide on and off campus bus service routes, benefiting TTU students.

BACKGROUND INFORMATION

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

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

Term and termination. The contract provides bus services for 1 year, beginning September 1, 2021 and ending on August 31, 2022. TTU may terminate the contract with 30 days prior written notice.

Cost. TTU will pay \$61.00 per hour for Citibus services, for an estimated total of \$1,794,000 for on-campus services and an estimated total of \$2,165,000 for off-campus services, each year. The total cost of services provided over the one-year term is estimated to be \$3,959,000. The \$5.00 increase in the hourly rate will not require a change in the student fee amount for the upcoming academic year.

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

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

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

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

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

6. TTUS: Authorize negotiations with vendor for pouring rights

Presenter: Gary Barnes Presentation Time: 3 minutes Board approval required by: Section 07.12.3.a, 07.12.3.c, and 07.12.3.d.1.b *Regents' Rules*

RECOMMENDATION

The chancellor recommends that the Board of Regents authorize the chancellor or his designee to enter negotiations and execute a contract for Texas Tech University System pouring rights for the TTUS component institutions.

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

BACKGROUND INFORMATION

TTUS issued a Request for Proposal ("RFP") on December 9, 2020 seeking competitive proposals from qualified vendors with experience in campus beverage sponsorship and pouring rights operations and will select the most qualified and possessing the best overall value to TTUS.

It is expected that the new contract will be effective September 1, 2021 or upon final execution of the contract between the parties.

Section 07.12.3.a., *Regents' Rules,* requires Board approval on contracts that involve a state or implied consideration in excess of \$1,000,000.

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

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

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

7. TTUS: Investment Performance Update.

Presenter: Mr. Gary Barnes Presentation Time: 10 minutes Report requested by: Board of Regents.

Mr. Gary Barnes, Vice Chancellor and CFO, TTUS, will provide an update on the performance of TTUS investments.

ACADEMIC, CLINICAL AND STUDENT AFFAIRS

Academic, Clinical and Student Affairs Committee

Committee Meeting May 13, 2021

- **Time:** 11:15 am (or upon adjournment of the Finance, Administration and Investments Committee meeting)
- Place: Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas

Regents: Kerrick Davis (Chair), Womble, _____ Walterscheid (Student Regent)

<u>Agenda</u>

- Approve minutes of committee meeting held on February 25, 2021
- **III.D.** Consideration of items to be recommended by the Academic, Clinical and Student Affairs Committee to the Board of Regents of the Texas Tech University System ("TTUS") for and on behalf of Angelo State University ("ASU"), TTUS, the TTU System Administration ("TTUSA"), Texas Tech University ("TTU"), Texas Tech University Health Sciences Center ("TTUHSC"), and Texas Tech University Health Sciences Center at El Paso ("TTUHSC El Paso")

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3.	TTU: Approve exceptions to nepotism policy	4
4.	TTUHSC: Approve appointment with tenure	6
5.	TTUHSC El Paso: Approve changes in academic rank	7
6.	Adjournment	
NOTE	E: 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 Thursday May 13, 2021.

1. ASU: Approve emeritus appointment.

Presenter: Mr. Ronnie Hawkins Presentation Time: 1 minute Board approval required by: Section 04.01.2, *Regents' Rules*; ASU Operating Policy 02.03

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents approve to confer the title of distinguished professor emeritus onto Dr. Terence A. Dalrymple, Ph.D., for his long and faithful service to Angelo State University.

BACKGROUND INFORMATION

Dr. Terence A. Dalrymple received his Ph.D. in English from Oklahoma State University. Dr. Dalrymple served Angelo State University for 40 years, earning praise from his students and colleagues for his numerous achievements in teaching, service, and creative work. He worked with members of the Department of English and Modern Languages to create both a major concentration and minor in Creative Writing, which continue to both be popular with students. He is widely recognized as an authority on creative writing and an inspiring teacher who touched the lives of many undergraduate and graduate students at Angelo State University.

In recognition of his work, Dr. Dalrymple was elected to membership in the prestigious Texas Institute of Letter. This honor is bestowed on him largely due to his tremendous literary achievements. He served in leadership positions in the American Studies Association of Texas, South Central Modern Language Association, Texas Association of Creative Writing Teachers, Conference of College Teachers of English, Sigma Tau Delta, and the Texas Institute of Letters. He held the John S. Cargile University Professorship from 2003-2019.

Dr. Dalrymple retired on May 31, 2020.

2. ASU: Approve the name changes of the Departments of Psychology and Sociology and the Department of Social Work.

Presenter: Mr. Ronnie Hawkins Presentation Time: 2 minutes Board approval required by: Section 04.11.3b *Regents' Rules*

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents approve the following administrative change at the department level within the Division of Academic Affairs, effective August 1, 2021.

Archer College of Health and Human Services

Change the name of the Department of Psychology and Sociology to the Department of Psychology. Change the name of the Department of Social Work to the Department of Social Work and Sociology both in the Archer College of Health and Human Services to be effective August 1, 2021.

BACKGROUND INFORMATION

The proposed administrative change to rename the Department of Psychology and Sociology to the Department of Psychology and to rename the Department of Social Work to the Department of Social Work and Sociology. The change results from the proposed move of Sociology to the Department of Social Work. No additional personnel or budget will be required due to this change. This proposed administrative change meets all conditions for automatic approval identified by the Texas Higher Education Coordinating Board.

3. <u>TTU: Approve exceptions to nepotism policy.</u>

Presenter: Dr. Michael Galyean Presentation Time: 2 minutes Board approval required by: Section 03.01.11, *Regents' Rules*; TTU Operating Policy 70.08

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents approve an exception to the nepotism policy in each of the following instances.

Dr. Claudia Cogliser, Professor of Management, was promoted to the position of Area Coordinator of Management in the Rawls College of Business effective April 1, 2019. Dr. Cogliser's spouse, William Gardner, is a Horn Distinguished Professor in the Area of Management. To avoid any potential conflict of interest with this line of reporting, Dr. Gardner will be supervised by Dr. Dennis Arnett, Professor of Marketing and Associate Dean in the Rawls College. Dr. Arnett will conduct Dr. Gardener's performance evaluations, compensation changes, and related personnel matters in consultation with Dr. Margaret Williams, Dean of the Rawls College of Business. This arrangement will be re-evaluated at the end of each academic year to ensure there is appropriate management of the conflict of interest and to determine whether any modifications to the arrangement are necessary.

Dr. Robert Ricketts was reappointed to the position of Area Coordinator of Accounting in the Rawls College of Business effective September 11, 2020. Dr. Ricketts' spouse, Quepha Lynn, is an instructor in the Area of Accounting. To avoid any potential conflict of interest with this line of reporting, Instructor Lynn will be supervised by Dr. Dennis Arnett, Professor of Marketing and Associate Dean in the Rawls College. Dr. Arnett will conduct Instructor Lynn's performance evaluations, compensation changes, and related personnel matters in consultation with Dr. Margaret Williams, Dean of the Rawls College of Business. This arrangement will be re-evaluated at the end of each academic year to ensure there is appropriate management of the conflict of interest and to determine whether any modifications to the arrangement are necessary.

Ms. Andrea Stubblefield has been offered a temporary position assisting with the TTU Junction Outdoor Learning Center for the Summer of 2021. Ms. Stubblefield's father, Robert Stubblefield, is Director of the TTU Center at Junction. To avoid any appearance of a conflict of interest, Andrea Stubblefield's line of reporting will be directly to Mr. Brett Moseley, Director of the TTU Junction Outdoor Learning Center, who reports to Dr. Justin Louder, Associate Vice Provost. Mr. Moseley does not report to Robert Stubblefield. Mr. Moseley is responsible for all personnel matters pertaining to Andrea Stubblefield. Ms. Stubblefield's appointment, and thus this arrangement, will be effective June 1, 2021 through August 13, 2021.

BACKGROUND INFORMATION

Regents' Rules 03.01.11 and TTU OP 70.08 prohibit a person related to an administrator by a prohibited degree to have an initial appointment to a position in an area of responsibility over which the administrator has appointive authority, in whole or in part, regardless of the source of funds from which the position's salary is to be paid. Furthermore, no employee may approve, recommend, or otherwise take action with regard to the appointment, reappointment, promotion, salary, or supervision of an individual related to the employee within a prohibited degree. If an appointment, reappointment, reclassification or promotion of an employee places the employee under an administrative supervisor who is related within a prohibited degree, all subsequent personnel and compensation actions affecting the employee shall become the responsibility of the next higher administrative supe

4. TTUHSC: Approve appointment with tenure.

Presenter: Dr. Lori Rice-Spearman Presentation Time: 1 minutes Board approval required by: Section 04.02, *Regents' Rules*; HSC Operating Policy 60.01

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents approve the granting of tenure to Darrin D'Agostino, DO, MPH, MBA, concurrently with his appointment as professor in the Department of Internal Medicine in the School of Medicine at Texas Tech University Health Sciences Center ("TTUHSC"), effective April 1, 2021.

Dr. D'Agostino joined TTUHSC from Kansas City University ("KCU") where he served as a professor of medicine and has held the roles of executive dean of the College of Osteopathic Medicine and vice provost of health affairs. Prior to his work at KCU, he served as associate dean of community health and innovation and professor of medicine at the University of North Texas Health Sciences Center. He earned his Master of Public Health from the University of Connecticut, his Doctor of Osteopathic Medicine from the New York Institute of Technology, and his Master of Business Administration from the University of Texas at Dallas.

Dr. D'Agostino has a consistent record of significant relevant accomplishments from multiple organizations during his career. He brings tremendous experience in teaching, curriculum development, clinical service, and research. He is board certified in internal medicine by the American Osteopathic Board of Internal Medicine and in neuromusculoskeletal medicine by the American Osteopathic Board of Neuromusculoskeletal Medicine.

In addition to his appointment as professor within the TTUHSC School of medicine, Dr. D'Agostino will serve as TTUHSC's provost and chief academic officer.

BACKGROUND INFORMATION

The individual whose name appears above is recommended for the award of tenure with his appointment for qualifications meriting tenure in accordance with school tenure and promotion policies, standards and guidelines.

Approval of tenure at this BOR meeting for Dr. D'Agostino brings the number of tenured faculty in all academic schools of the Health Sciences Center to 163. There are a total of 221 faculty either in the tenure-track or tenured. After these appointments, the percentage of tenure track faculty who have been awarded tenure will be approximately 73.8 percent. The number of faculty that is non-tenure track is 540.

5. TTUHSC El Paso: Approve changes in academic rank.

Presenter: Richard A. Lange, MD, MBA Presentation Time: 2 minutes Board approval required by: Section 04.02, *Regents' Rules;* HSCEP Operating Policy 60.01

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents approve changes in academic rank effective May 15, 2021, to the faculty as listed below:

- Gilberto Gonzalez-Trevizo, M.D., assistant professor to associate professor, Department of Orthopaedic Surgery and Rehabilitation, Paul L. Foster School of Medicine
- Ahmed Thabet-Hagag, M.D., assistant professor to associate professor, Department of Orthopaedic Surgery and Rehabilitation, Paul L. Foster School of Medicine

BACKGROUND INFORMATION

The Board previously approved the faculty listed above for change in their academic rank at the February 25-26, 2021 Board meeting. That initial approval was scheduled to take effect on September 1, 2021. However, due to time sensitivity in fulfilling certification requirements, these faculty members need their change in rank to take effect at an earlier time.

Those members of the faculty whose names appear on the above list have been judged by the appropriate departmental and collegiate committees and administrative personnel as worthy of the promotions for which they have been recommended. The procedure used in recommending members of the faculty for promotion has been followed carefully.

MEETING OF THE BOARD/ COMMITTEE OF THE WHOLE

Meeting of the Board

Thursday, May 13, 2021

Ceremonial swearing-in of newly appointed regents: Prior to the start of the day's meetings, at approximately 8:55 am, the newly appointed regents will participate in a ceremonial swearing-in. Location: Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas

- **Time:** 9:00 am
- Place: Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas

<u>Agenda</u>

I. Meeting of the Board—Call to Order; convene into **Open Session of the Board.** The Board will continue in Open Session and meet as a Committee of the Whole and Meeting of the Board to consider and act on:Chairman Lewis Α. Introductions and Recognitions Chancellor Mitchell, President Hawkins. **President Schovanec** President Rice-Spearman, and **President Lange** Β. Committee of the Whole—The Board will continue as a Committee of the Whole and Meeting of the Board Vice Chairman Griffin Page CW 1. TTUS: Determination of the existence of conflicts of interest for newly appointed regents and ratify 2. ASU, TTU, TTUHSC, TTUHSC El Paso, TTUSA, and TTUS: Approve Consent Agenda; acknowledge review of Information Agenda......10

Consent Agenda

- a. ASU: Approve revised institutional Mission Statement and Vision Statement (ACS)
- b. ASU: Approve revisions to the *Student Handbook* of Angelo State University, effective May 2021 ((ACS)
- c. TTU: Approve faculty development leaves of absence (ACS)
- d. TTU: Approve revised Constitution of the Faculty Senate (ACS)
- e. TTU: Approved revisions to the Student Handbook, effective May 14, 2021 (ACS)
- f. TTUHSC: Approve revisions to the Student Handbook and Code of Professional Conduct, effective September 1, 2021 (ACS)
- g. TTUHSC El Paso: Approve revisions to the 2021-2022 Institutional Student Handbook: Code of Professional Conduct effective September 1, 2021 (ACS)
- h. TTUS: Approve amendments to *Regents' Rules*, Chapter 01 (Bylaws) relating to the Finance and Investments standing committee (CW)
- TTU: Approve naming of Texas Tech Plaza, Personal Financial Planning Clinic, Room 305G (J. Brent and Tamela Beene Family Counseling Room) (F)
- j. TTU: Approve naming of Texas Tech Plaza, Personal Financial Planning Clinic, Room 305A (In Honor of Dr. Vickie Hampton) (F)
- k. TTU: Authorize a utility easement benefitting the new School of Veterinary Medicine Mariposa Station located in Amarillo, TX (F)
- I. TTUHSC: Acknowledge designated Public Utility Corridor (south side 4th Street from Texas Tech Parkway to Indiana Avenue) (F)
- m TTUHSC El Paso: Approve naming of Texas Tech Dental Oral Health Clinic, Room 1105 (Feinberg Foundation Dental Suite) (F)
- n. TTUHSC El Paso: Acknowledge naming relocation within the Texas Tech Dental Oral Health Clinic (Ethos Financial Special Needs Dental Suite) (F)
- o. ASU, TTU, TTUHSC, TTUHSC El Paso and TTUSA: Approve the Five-Year Capital

Projects Plan and authorize submission of the MP1 report (F)

- p. ASU: Approve FY 2022 holiday schedule (FAI)
- q. TTU and TTUSA: Approve FY 2022 holiday schedule (FAI)
- r. TTU: Approve modification of quasi endowment (Political Science Professional and Scholarly Development Quasi Endowment) (FAI)
- s. TTU: Approve acceptance of Gift-in-Kind benefitting the College of Agricultural Sciences and Natural Resources (FAI)
- t. TTU: Master of Science in Interdisciplinary Studies with Concentration in Energy program fee (FAI)
- u. TTU: Authorize president to execute a contract with Hurricane Simulator (FAI)
- v. TTU and TTUS: Approve purchasing contract (s) in excess of \$1,000,000 (FAI)
- TTUHSC: Approve contract with Lubbock County Hospital District dba University Medical Center for Electronic Medical Records, Consumer Extensibility Package (FAI)
- x. TTUHSC: Approve contract with brand consultant (FAI)
- y. TTUHSC: Approve FY 2022 holiday schedule (FAI)
- z. TTUHSC El Paso: Approve of the FY 2022 Holiday Schedule (FAI)

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 2021 (as of February 28, 2021), per Section 01.02.8.d(3)(g), *Regents' Rules* – All actual expenditures will be reviewed by the Finance and Administration Committee annually and provided as information. Financial reports for the most recently completed quarter for each of the component institutions are available at: <u>https://www.texastech.edu/offices/cfo/board-financialreports.php</u>

- (2) TTUHSC El Paso: Contracts for ongoing and continuing health-related service relationships per Section 07.12.4.c, Regents' Rules -"Notwithstanding Section 07.12.3.a or Section 07.12.3.b, Regents' Rules, the board delegates to the presidents of health-related institutions the authority to approve the proposals and execute and sign contracts for health related services, as specified herein. This delegation is limited to contracts with entities for which the institution has an ongoing and continuing contractual relationship, to include: revenue contracts from which the institution receives payment for health related services; participation in health provider networks; resident or faculty support; and expense contracts with healthcare providers or suppliers necessary to fulfill the obligation to provide health related services as part of a revenue contract. Before such a contract may be executed, the president shall obtain the prior review of the TTUS Office of General Counsel and the TTUS vice chancellor and chief financial officer, or their designees. A list of health related services contracts that have been executed under this delegation of authority since the previous regular board meeting shall be provided to the board as an information item at the next regular board meeting."
- (3) ASU and TTUHSC EI paso: Consulting contracts with an initial consideration of \$25,000 or less per Section 07.12.4.e.(2), *Regents' Rules* – <u>"(a) Board approval is not required,</u> but the vice chancellor and chief financial officer, in consultation with the chancellor, presidents, and chief financial officers of the institutions, shall review consulting contracts of \$25,000 or less prior to execution of the contract by the chancellor or president, as appropriate. (b) A report of the contract shall be provided as an Information Agenda item at the next board meeting."
- (4) TTU: Contracts that involve a stated or implied consideration that total in excess of \$1,000,000 over the entire term of the contract but the per annum amount is less than \$1,000,000 per section 07.12.4 of the *Regents' Rules* – Notwithstanding Section 07.12.3.a, *Regents' Rules*, the chancellor or president, as appropriate, is delegated the authority to approve: (i) contracts that involve a stated or implied consideration that total in excess of \$1,000,000 over the entire term of the contract but the per annum amount is less than \$1,000,000; and (ii) any amendment, extension, or renewal of a contract originally approved by the chancellor or president, as appropriate, so long as the amendment, extension, or renewal does not cause the per annum amount of the

contract to exceed \$1,000,000. This requirement is applicable to both cash and non-cash considerations. Information about such contracts or contract amendments, extensions, or renewals that are approved by the chancellor or a president under this delegation of authority shall be provided to the board as an information item at the next regular board meeting.

- (5) TTUHSC: Contracts for Sponsored Program Projects per Section 07.12.4.b., *Regents' Rules* – <u>The board delegates to the presidents the</u> <u>authority to approve the proposals and execute and sign</u> <u>contracts for sponsored program projects in excess of</u> \$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.
- (6) TTU: Contracts that involve a stated or implied consideration that totals in excess of \$1,000,000 over the entire term of the contract and contracts involving the sale or lease of land and/or improvements thereon, or a commitment of funds or other resources for more than four years, per sections 07.12.3.a, and 07.12.3.d.1.b Regents' Rules - 07.12.3.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. The board may delegate the approval and signature authority for such contracts to the chancellor or component president." 07.12.3.d.(1)(b): "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: (b)contracts that involve a commitment of funds or other resources for more than four years."
- (7) TTU: Emergency or exigent circumstances approval of contracts by Section 07.12.3.g, Regents' Rules – <u>"Unless prohibited by law and upon</u> 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 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."

- (8) TTUHSC: Report on establishment of new centers and institutes per Section 04.11.2., *Regents' Rules* – <u>"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."</u>
- 3. TTUS: COVID-19 Report......11

- III. Meeting of Standing Committees: Conducted sequentially and separately from the Meeting of the Board beginning upon recess of the Meeting of the Board at approximately 10:00 am—refer to agenda for each respective committee meeting.

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

Time: 11:35 am

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

<u>Agenda</u>

- IV. Meeting of the Board—Call to Order; reconvene into Open Session of the Board. The Board will continue in Open Session and meet as a Committee of the Whole and Meeting of the Board to consider and act on:Chairman Lewis
 - A. Approve minutes of Board meetings held on February 25-26, 2021.....Chairman Lewis

V.	Reports of Standing Committees: Standing Committee reports will be presented sequentially to the Committee of the Whole.		
	A.	Report of the Audit CommitteeRegent Steinmetz	
	В.	Report of the Facilities CommitteeRegent Womble	
	C.	Report of the Finance, Administration, and Investments CommitteeRegent Walker	
	D.	Report of the Academic, Clinical and Student Affairs CommitteeRegent Kerrick Davis	
VI.	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 5-6, 2021, Lubbock October 15, 2021, Lubbock December 9-10, 2021, Lubbock Keino McWhinney	
	B.	Student Government Association ReportsKristen Kilpatrick, Faisal Al-Hmoud, Bernado E. Gonzalez, and Alexa Guerrero	
VII.	Executive Session: The Board may convene into Executive Session in the Regents Committee Room (106), First Floor, System Building, 1508 Knoxville Avenue to consider matters permissible under Chapter 551 of the <i>Texas Government Code</i> , including, for example:		
	A.	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
- VIII. Open Session: The Board will reconvene in the Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue and meet as a Committee of the Whole and Meeting of the Board to consider and act on:

	A.	Consideration of appropriate action, if any, on items discussed in Executive Session Vice Chairman Griffin
	В.	Chairman's AnnouncementsChairman Lewis
Adjournment		ournmentChairman Lewis

IX.

1. <u>TTUS: Determination of the existence of conflicts of</u> <u>interest for newly appointed regents and ratify existing</u> <u>contracts.</u>

Presenter: Chairman Lewis Presentation Time: 2 minutes Board approval required by: Section 03.03.5.a, *Regents' Rules;* Texas Education Code 51.923

RECOMMENDATION

The chairman recommends that the Board of Regents 1) accept the disclosure of conflicts of interest identified by Regents Acosta and Campbell, newly appointed regents; 2) acknowledge Regents Acosta's and Campbell's declaration of their intention to abstain from acting on items related to their conflicts of interest during their time of service as regents; and 3) ratify the existing contracts between Texas Tech University ("TTU") and the respective businesses.

BACKGROUND INFORMATION

Regent Acosta is the president and CEO of CARCON Industries which participates in dining hall food contracts with TTU. She is also the founder and CEO of Southwestern Testing Laboratories ("STL") Engineers, a geotechnical engineering and construction materials testing firm which has offered bids to the universities of the Texas Tech University System.

Regent Campbell is the co-founder and co-CEO of Double Eagle Energy Holdings III LLC and Double Eagle Development. TTU has an existing contract for the use of Double Eagle Aviation as a donor charter service. Under this contract, payments are made for reimbursable expenses to the operator if the donors' aircraft is utilized.

The appointment of Regents Acosta and Campbell to the Board of Regents of the Texas Tech University System presents a conflict of interest with the business interest as described above. To address these conflicts, the Texas Education Code 51.923 and Section 03.03.5.a, *Regent's Rules*, allows a higher education agency to conduct business with an entity in which a regent or a regent's family member has a financial interest so long as the regent 1) discloses the conflict of interest in an open meeting; and 2) abstains from the Board's consideration of transactions related to the conflict.

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

Presenter: Vice Chairman Griffin Presentation Time: 2 minutes Board approval required by: Sections 01.02.7.d(4)(b) and 01.02.07.d(4)(c), *Regents' Rules*

RECOMMENDATION

The chancellor recommends that the Board of Regents (i) approves the Consent Agenda for the meeting of May 13, 2021; 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.

3. TTUS: COVID-19 Report.

Presenter: Chancellor Mitchell Report requested by: Board of Regents Presentation Time: ___ minutes

Chancellor Mitchell will present an update on COVID-19.

4. <u>TTUS: Strategic Highlight - Report on Strategic Initiatives</u> <u>at Angelo State University.</u>

Presenter: Mr. Ronnie Hawkins Report requested by: Board of Regents Presentation Time: 10 minutes

Mr. Ronnie Hawkins will present a report on strategic initiatives at Angelo State University.

CONSENT/ INFORMATION AGENDA

BOARD OF REGENTS TEXAS TECH UNIVERSITY SYSTEM

CONSENT AGENDA and INFORMATION AGENDA

May 13, 2021

BOARD OF REGENTS

Mr. J. Michael Lewis, Chairman Mr. Mark Griffin, Vice Chairman Ms. Arcilia C. Acosta (Pending Confirmation) Mr. Cody C. Campbell (Pending Confirmation) Mrs. Ginger Kerrick Davis Mr. Patrick "Pat" R. Gordon (Pending Confirmation) Mr. Ron Hammonds Mr. Ron Hammonds Mr. Christopher M. Huckabee Mr. Mickey L. Long Mr. John D. Steinmetz Mr. John B. Walker Mr. John B. Walker Mr. Dusty Womble Ms. Brooke Walterscheid, Student-Regent

Standing Committees: Academic, Clinical and Student Affairs: Kerrick Davis (Chair); Brooke Walterscheid; Womble,

> Audit: Steinmetz (Chair); Walker, _____

Facilities: Kerrick Davis; Womble (Chair),

Finance, Administration, and Investments Steinmetz; Walker (Chair),

TEXAS TECH UNIVERSITY SYSTEM BOARD OF REGENTS

May 13, 2021

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INFORMATION AGENDA

(Titles only; full agenda is on page 52) Information is provided as required by Section 01.02.7.d(4)(c), *Regents' Rules*

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

- (1) ASU, TTU, TTUHSC and TTUHSC El Paso: Summary of Revenues and Expenditures by Budget Category, FY 2021 (as of February 28, 2021), per Section 01.02.8.d(3)(g), Regents' Rules – All actual expenditures will be reviewed by the Finance and Administration Committee annually and provided as information. Financial reports for the most recently completed quarter for each of the component institutions are available at: <u>https://www.texastech.edu/offices/cfo/board-financialreports.php</u>
- (2) TTUHSC EI Paso: Contracts for ongoing and continuing health-related service relationships per Section 07.12.4.c, **Regents' Rules** – "Notwithstanding Section 07.12.3.a or Section 07.12.3.b, Regents' Rules, the board delegates to the presidents of health-related institutions the authority to approve the proposals and execute and sign contracts for health related services, as specified herein. This delegation is limited to contracts with entities for which the institution has an ongoing and continuing contractual relationship, to include: revenue contracts from which the institution receives payment for health related services; participation in health provider networks; resident or faculty support; and expense contracts with healthcare providers or suppliers necessary to fulfill the obligation to provide health related services as part of a revenue contract. Before such a contract may be executed, the president shall obtain the prior review of the TTUS Office of General Counsel and the TTUS vice chancellor and chief financial officer, or their designees. A list of health related services contracts that have been executed under this delegation of authority since the previous regular board meeting shall be provided to the board as an information item at the next regular board meeting."
- (3) ASU and TTUHSC EI Paso: Consulting contracts with an initial consideration of \$25,000 or less per Section 07.12.4.e.(2), Regents' Rules "(a) Board approval is not required, but the vice chancellor and chief financial officer, in consultation with the chancellor, presidents, and chief financial officers of the institutions, shall review consulting contracts of \$25,000 or less prior to execution of the contract by the chancellor or president, as appropriate. (b) A report of the contract shall be provided as an Information Agenda item at the next board meeting."
- (4) TTU: Contracts that involve a stated or implied consideration that total in excess of \$1,000,000 over the entire term of the contract but the per annum amount is less than \$1,000,000 per

section 07.12.4 of the Regents' Rules – Notwithstanding Section 07.12.3.a, Regents' Rules, the chancellor or president, as appropriate, is delegated the authority to approve: (i) contracts that involve a stated or implied consideration that total in excess of \$1,000,000 over the entire term of the contract but the per annum amount is less than \$1,000,000; and (ii) any amendment, extension, or renewal of a contract originally approved by the chancellor or president, as appropriate, so long as the amendment, extension, or renewal does not cause the per annum amount of the contract to exceed \$1,000,000. This requirement is applicable to both cash and non-cash considerations. Information about such contracts or contract amendments, extensions, or renewals that are approved by the chancellor or a president under this delegation of authority shall be provided to the board as an information item at the next regular board meeting.

- (5) TTUHSC: Contracts for Sponsored Program Projects per Section 07.12.4.b., 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.
- TTU: Contracts that involve a stated or implied consideration (6) that totals in excess of \$1,000,000 over the entire term of the contract and contracts involving the sale or lease of land and/or improvements thereon, or a commitment of funds or other resources for more than four years, per sections 07.12.3.a. and 07.12.3.d.1.b Regents' Rules - 07.12.3.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. The board may delegate the approval and signature authority for such contracts to the chancellor or component president." 07.12.3.d.(1)(b): "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: (b)contracts that involve a commitment of funds or other resources for more than four years."
- (7) TTU: Emergency or exigent circumstances approval of contracts by Section 07.12.3.g, Regents' Rules – "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 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."

(8) 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. <u>ASU: Approve revised institutional Mission Statement and</u> <u>Vision Statement</u>.

Board approval required by: Texas Education Code, Chapter 61.051. (a-5); THECB, Chapter 5, Section 5.24; SACSCOC Principles Section 4: Governing Board 2.a.

The request is to approve the revised Mission Statement and Vision Statement for Angelo State University as per Southern Association of Colleges and Schools Commission on Colleges ("SACSCOC") Mission review guidance and The Higher Education Coordinating Board Rules and Regulations. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

MISSION STATEMENT

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

VISION

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

BACKGROUND INFORMATION

Angelo State University is seeking authorization to revise its Mission Statement and Vision Statement by requesting approval from the Texas Higher Education Coordinating Board.

Texas Education Code, Chapter 61, Section 61.051(e) and the Texas Higher Education Coordinating Board Rules and Regulations, Chapter 5.24 require all public universities' and health-related institutions to review their vision and mission statements at least every four years for the reviewed current Mission Statement.

Angelo State reviews their mission statements at least every four years. The mission statement was last approved by the Board of Regents on December 15, 2017, with no changes.

Current Mission Statement:

Mission Statement

Angelo State University, a member of the Texas Tech University System, delivers undergraduate and graduate programs in the liberal arts, sciences, and

professional disciplines. In a learning-centered environment distinguished by its integration of teaching, research, creative endeavor, service, and co-curricular experiences, ASU prepares students to be responsible citizens and to have productive careers.

Approved by the Texas Higher Education Coordinating Board April 25, 2013

Re-approved with no changes by the Board of Regents, Texas Tech University System December 15, 2017

Current Vision Statement:

Vision

ASU strives for excellence by fostering an innovative, collaborative and supportive learning environment that enables a diverse student body to achieve success as citizens and professionals.

b. <u>ASU: Approve revisions to the Student Handbook of</u> <u>Angelo State University, effective May 2021.</u>

Board approval required by:

Section 05.01.2, Regents' Rules

The request is to approve revisions to the <u>Student Handbook</u> and *Code of Student Conduct* for Angelo State University, effective May 14, 2021. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

Executive Summary

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

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

Additionally, the new Angelo State University Mission, Vision and Core Values will be included in the Student Handbook after approval and adoption by the Texas Tech University System Board of Regents.

c. TTU: Approve faculty development leaves of absence.

Board approval required by: Section 4.05.1, 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.

Dr. Jacob Baum, Associate Professor, Department of History, for the period of September 1, 2021 through May 31, 2022 at one-half salary. Dr. Baum has been named a Fellow of the National Humanities Center (NHC) in Research Triangle Park, North Carolina. Dr. Baum's area of specialization intersects history and disability studies. As an NHC Fellow, Dr. Baum will be afforded full-time attention to continue researching and writing his current book project, tentatively titled *The Deaf Shoemaker: Ability, Disability, and Daily Life in the Sixteenth Century.* This leave should enable him to submit a substantial portion of the book manuscript to an academic publisher for contract by late 2022. A fellowship with the NHC is among Texas Tech University's Targeted External Awards for which the Office of the Provost and the Office of Research and Innovation jointly recommend a Faculty Development Leave.

Dr. Zachary Brittsan, Associate Professor, Department of History, for the period of January 1, 2022 through May 31, 2022 with full salary. Dr. Brittsan has been awarded a fellowship with the National Endowment for the Humanities. Dr. Brittsan is a specialist in Modern (19th Century) Mexico. This award provides him time and resources to support full-time archival research writing in Guadalajara and Mexico City to continue work on his second book, *Trying Modernity: Murder and Justice in Mexico's Age of Conflict, 1848-1872.* A fellowship with the National Endowment for the Humanities is among Texas Tech University's Targeted External Awards for which the Office of the Provost and the Office of Research and Innovation jointly recommend a Faculty Development Leave.

Dr. Dorothy Chansky, Professor, School of Theatre and Dance, for the period September 1, 2021 through May 31, 2022 at one-half salary. Dr. Chansky has been competitively awarded a Visiting Scholar Fellowship with the Pennsylvania State University (PSU) Humanities Institute. The purpose of this visiting scholar program and thus Dr. Chansky's visit is to have direct and regular interaction with PSU faculty on research topics and projects of mutual or emerging interest while on location at PSU. Dr. Chansky will also use some of the time on leave to work on a new book project. Although separate from the Targeted External Awards program of the Office of the Provost and the Office of Research and Innovation, significant fellowships of this sort are considered for recommendation of Faculty Development Leave.

Emily Skidmore, Associate Professor, Department of History, for the period January 1, 2022 through May 31, 2022 at full salary. Dr. Skidmore has been invited to serve as a Resident Associate of the National Humanities Center (NHC) in Research Triangle Park, North Carolina. As a Resident Associate of the NHC, Dr. Skidmore will enjoy library privileges, technical support, and participation in all intellectual and social activities of the Center usually afforded NHC Fellows. These provisions will directly support continuing work on her book manuscript, Breast is Best?: The Long Debate Over Infant Feeding in the United States, which examines both medical and popular discussions of breastfeeding in order to illustrate how they are imbricated with notions of race, class, bodily autonomy, gender, and sexuality. Although separate from the Targeted External Awards program of the Office of the Provost and the Office of Research and Innovation, significant residential opportunities with prestigious entities such as the NHC are considered for recommendation of Faculty Development Leave.

Dr. Pamela Zinn, Assistant Professor, Department of Classical and Modern Languages and Literatures, for the period of September 1, 2021 through May 31, 2022 at one-half salary. Dr. Zinn has been awarded a prestigious Harvard University Loeb Classical Library Foundation Fellowship. With this leave, Dr. Zinn will enjoy full-time, on-site access to resources in the Loeb Classical Library to complete her scholarly book about Lucretius' De rerum natura (On the Nature of Things). Lucretius' collection of six books is one of the most complex and influential works to survive from classical antiquity and addresses questions of fascination to people today. For example, topics include the differences between humans and animals, and whether animals can think, feel, and reason as people do. Dr. Zinn's book manuscript has publication interest with Cambridge University Press. Although separate from the Targeted External Awards program of the Office of the Provost and the Office of Research and Innovation, significant fellowships of this sort are considered for recommendation of Faculty Development Leave.

d. TTU: Approve revised Constitution of the Faculty Senate.

Board approval required by Article VI., Section 2 of the Constitution of the Faculty Senate of Texas Tech University.

The request is to approve revisions to the Constitution of the Faculty Senate of Texas Tech University. The proposed revisions are included as a supplemental attachment to the agenda book.

BACKGROUND INFORMATION

Article VI., Section 2 of the Constitution of the Faculty Senate of Texas Tech University provides that, "Upon passage [by the voting faculty], an amendment shall become effective after ratification by the President of the University and approval by the Board of Regents." The Constitution governs the organization and membership of the Faculty Senate. On February 10, 2021, the Faculty Senate voted unanimously to expand representation to non-tenure-track faculty who hold continuing appointment. Following procedures for making an amendment to the Constitution, the proposed revisions were distributed to the voting faculty of the University. In a special called meeting of the voting faculty on April 16, 2021, the faculty of Texas Tech University voted to adopt the amendment which reads, "The voting faculty shall consist of all persons under full-time contract who have completed a residence of one year at this University and who are (1) tenured, (2) on tenure track, or (3) have a continuing appointment." The Constitution of the Faculty Senate of TTU was last amended 25 years ago.

e. <u>TTU: Approved revisions to the Student Handbook,</u> <u>effective May 14, 2021.</u>

Board approval required by: Section 05.01.2, Regents' Rules

The request is to approve the revisions to the <u>Student Handbook</u> and *Code of Student Conduct* for Texas Tech University, effective May 14, 2021. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

Executive Summary

The <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.depts.ttu.edu/dos/handbook/</u>.

Proposed revisions contain editorial revisions include clarifying language and the following changes/updates to ensure alignment with current best practices in higher education and TTU operating policies: Updates made to: Part I, Section B: Misconduct and Part II, Community Policies

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 August 6, 2020, the Board of Regents approved revisions to the <u>Student Handbook</u> effective August 6, 2020 (Minute Order X.B.1.c.).

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 (Part 1)</u> is reviewed annually by the *Code of Student Conduct* Review Committee including faculty, staff, and student representatives, along with further review by the Office of Student Conduct, the Office of the Dean of Students, Title IX, and General Counsel.

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

Part I, Section B: Misconduct

- 1.a.9 Cheating clarify existing language;
- 1.b Plagiarism clarify existing language;
- **1.c Collusion** clarify existing language;

Part I, Section B. 2: Actions Against Members of the University Community and Others

• Clarify language related Harmful, Threatening or Endangering Conduct

Part I, Section B. 8. e: Theft, Damage, Littering or Unauthorized Use

• Clarify and simply exiting language

Part I, Section B. 13: Abuse, Misuse, or Theft of University Information Resources

• Simply existing language

Part II, Section C: Anti-Discrimination Policy

• Updated to align with TTU System regulations 7.10, 7.6, 7.6b, and TTU operating policies 40.02 and 40.03

f. <u>TTUHSC: Approve revisions to the Student Handbook and</u> <u>Code of Professional Conduct, effective September 1, 2021.</u>

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

The request is to approve revisions to the Student Handbook and Code of Professional Conduct, effective September 1, 2021. 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 and Code of Professional Conduct 2021-2022 with proposed revisions is included as a supplemental attachment to the agenda book.]

EXECUTIVE SUMMARY

The Student Handbook and Code of Professional Conduct is intended to inform the Texas Tech University Health Sciences Center community of the expectations, regulations, and/or standards by which members abide and procedures which guide campus activities. The Student Handbook is available electronically at <u>https://www.ttuhsc.edu/student-affairs/handbook.aspx</u>.

Revisions were coordinated by the Assistant Provost for Student Affairs in cooperation with the Executive Student Affairs Workgroup, Title IX Coordinator, General Counsel, and other TTUHSC stakeholders. Proposed revisions contain minor editorial and formatting revisions.

Proposed changes:

Throughout document – Updated School of Pharmacy name to Jerry H. Hodge School of Pharmacy. Updated conduct oversight from President to Provost. **Throughout (e.g. Part 1, Section 4, Item 1)**– Updated nomenclature for students accused of violations

p. I – Minor update to statement of accreditation

Part I, Section A – Removed old strategic goals and linked to forthcoming strategic plan.

Part 1, Section C – Added statement to best reflect chain of delegation.

Part II, Section F, Item 23d(ii) – Changed chair for student conduct board in the School of Health Professions.

Part II, Section D, Item 17c(iv) – Removed the term collusion.

Part II, Section F, Item 3 – Updated link

Part II, Section F, Item 4b – Removed statement with inconsistent timeline from hearing process.

Part II, Section F, Items 4c, 4j – Removed phrase "in their sole discretion."

Part II, Section F, Item 4f – Removed phrase "the determination of the request." **Part II, Section F, Item 4i** – Updated statement about provision of an attorney. Removed statement "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."

Part II, Section F, Item 4j – Updated language around the questioning of witnesses. Added "solely" to statement about responsibility of Complainant and Accused. Added statement regarding party witnesses.

Part II, Section F, Item 40 – Removed statement "The Dean's decision shall be final."

Part II, Section F, Item 4p – Added statement or that new information has become available" to appeal process. Deadline for appeals notice was updated for consistency.

Part II, Section F, Item 4p(iii) - Moved item to Part 2, Section F, Item 4q.

Part II, Section F, Item 4p & q – Added "or their designee".

Part II, Section G, Item 2g – Updated language for transcript notations for non-academic dismissals.

Part II, Section G, Item 2i – Removed "[position] of the" related to expulsion.

Part II, Section G, Items 3, 4 – Updated language around student records.

Part II, Section H -Added "or their designee".

Part III, Section A, Item 2 – Updated for clarity.

Part III, Section C, Item 1 – Updated for clarity.

Part III, Section D, Item 2a-g – Updated for clarity.

Part III, Section D, Item 4 – Updated appeal process.

Part IV, Section C, Items 6, 7,8 – Updated for clarity.

Part IV, Section C, Item 11 – Removed statement "and will not be tolerated."

Part IV, Section D, Items 3, 4, 5, 6, 7 – Updated for clarity.

Part IV, Section E, Items 1, 2 – Updated for clarity.

Part IV, Section F – Updated for clarity.

Part V, Section B – Updated process for maintaining an address of record.

Part V, Section C – Updated for clarity.

Part V, Section C, Item 3 – Updated name of Student Privacy Policy Office.

Part V, Section E, Item 1 – Updated FERPA regulation number.

Part V, Section G – Deleted obsolete information related to a printed directory.

Part VI, Section A - D – Updated process for registration of student organizations.

Part VII, Section B – Added language related to liability while using campus space.

Part X, Section A, Item 19 – Updated language around required Federal Student Aid Exit Counseling

Part X, Section A, Item 20 – Updated information regarding Medical Services Fee and Student Health Insurance.

Part X, Section A, Item 23 – Updated number of free counseling sessions from six to eight per year.

Part X, Section A, Item 30 – Updated language regarding student academic progress (SAP).

Part XI, Section F, Item 1e – Updated GSBS policy name

g. <u>TTUHSC El Paso: Approve revisions to the 2021-2022</u> <u>Institutional Student Handbook: Code of Professional</u> <u>Conduct effective September 1, 2021.</u>

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

The request is to approve the revisions to the Institutional Student Handbook: *Code of Professional and Academic Conduct* 2021-2022 to be effective September 1, 2021. The Handbook with proposed revisions is included as a supplemental attachment to the agenda book. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

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.

The Code of Professional Conduct in the Student Handbook has been updated to reflect recent organizational changes and minor statement clarifications. In addition, items throughout the document include updates to reflect the evolution of the institutional level student affairs organization and input from campus stakeholders.

h. <u>TTUS: Approve amendments to Regents' Rules, Chapter</u> <u>01 (Bylaws) relating to the Finance and Investments</u> <u>standing committee.</u>

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

The request is to consider adoption of amendments to Chapter 01 (Bylaws), *Regents' Rules,* to rename the Finance, Administration, and Investments Committee the "Finance and Investments Committee." This request has been approved administratively by the chancellor and is recommended for approval by the Board of Regents.

[NOTE: Chapter 01 (Bylaws) with proposed revisions is included as a supplemental attachment to the agenda book.]

BACKGROUND INFORMATION

Amendments to the *Regents' Rules* are proposed that rename the Finance, Administration, and Investments Committee the "Finance and Investments Committee."

Section 01.02.8.b.(3), *Regents' Rules*, establish the Finance, Administration, and Investments Committee as a standing committee of the Board. The proposed amendments will shorten the committee's name to the "Finance and Investments Committee." The name change does not alter the duties of the committee.

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*.

i. <u>TTU: Approve naming of Texas Tech Plaza, Personal</u> <u>Financial Planning Clinic, Room 305G (J. Brent and Tamela</u> <u>Beene Family Counseling Room).</u>

Board approval required by: Section 08.05.1, Regents' Rules

The request is to approve naming Personal Financial Planning Clinic, Room 305G within the Texas Tech Plaza the "J. Brent and Tamela Beene Family Counseling Room." The donor concurs with the naming of this space. Signage for the space will specify the approved name. This request has been approved administratively by the president and the chancellor and is recommended for acknowledgement by the Board of Regents.

BACKGROUND INFORMATION

J. Brent Beene ("Donor") made a generous contribution of \$25,000 to support the Personal Financial Planning Experiential Learning Space. To honor and recognize this contribution, Personal Financial Planning Clinic, Room 305G within the Texas Tech Plaza will be named the "J. Brent and Tamela Beene Family Counseling Room". Signage for the space will specify the approved name.

The Donor received his bachelor's in finance in 1999 and a master's in interdisciplinary studies in 2002 from Texas Tech University. Tamela received her bachelor's in marketing in 2003 from Texas Tech University. The Donor previously served on the Personal Financial Planning Alumni Advisory Board. They reside in Westfield, New Jersey.

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

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

j. <u>TTU: Approve naming of Texas Tech Plaza, Personal</u> <u>Financial Planning Clinic, Room 305A (In Honor of Dr.</u> <u>Vickie Hampton).</u>

Board approval required by: Section 08.05.1, and Section 08.05.1d, Regents' Rules

The request is to approve naming Personal Financial Planning Clinic Room 305A within the Texas Tech Plaza "In Honor of Dr. Vickie Hampton." The donors concur with the naming of this space. Signage for the space will specify the approved name. This request has been approved administratively by the president and the chancellor and is recommended for acknowledgement by the Board of Regents.

BACKGROUND INFORMATION

Multiple parties associated with the Department of Personal Financial Planning, including alumni, faculty and staff ("Donors"), made a generous contribution of \$25,000 to honor Dr. Vickie Hampton. To honor and recognize this contribution, Personal Financial Planning Clinic Room 305A within the Texas Tech Plaza will be named "In Honor of Dr. Vickie Hampton". Signage for the space will specify the approved name.

Dr. Vickie Hampton is the chairperson of the Department of Personal Financial Planning at Texas Tech University. Since joining TTU in 1999, she has been active on various national boards, including the Certified Financial Planner (CFP) Board of Governors, the CFP Board of Examiners, the Board of Trustees for the American College, and the Academy of Financial Services Board. Her leadership has been critical to the success of the department, including its recognition as the top program in the nation by Wealth Management magazine. Hampton will retire in August 2021.

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

Regents' Rules, Section 08.05.1 requires board approval of the naming of all buildings, subunits, and other facilities within the TTU System. *Regents' Rules*, Section 08.05.1d states subunits of buildings may be named after an individual who, as an employee, has provided exemplary service to the TTU system.

k. <u>TTU: Authorize a utility easement benefitting the new</u> <u>School of Veterinary Medicine Mariposa Station located in</u> <u>Amarillo, TX.</u>

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

RECOMMENDATION

The request is to authorize and execute a utility easement with Southwestern Public Service Company for 0.350 acres (15,246 square feet) of Texas Tech University land located in Amarillo, TX. This easement will allow for the installation of an electric line/utility corridor to support the new School of Veterinary Medicine Mariposa Station project. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

[NOTE: The metes and bound description and survey for the new Utility Easement are attached on the following pages.]

BACKGROUND INFORMATION

This approval grants authority to execute a Utility Easement to support the construction of the new School of Veterinary Medicine Mariposa Station project with an electrical service corridor and infrastructure that will be provided by Southwestern Public Service Company ("SPS"). The Easement provides SPS with the right to install, operate, relocate, construct, reconstruct, add to, maintain, inspect, patrol, enlarge, repair, and replace utility facilities for the transmission and distribution of electricity upon, over, under, and across the Texas Tech University land. The utility company will pay all costs associated with planning, constructing, and maintaining this proposed connector and any related work. Additionally, SPS will be required to return the property to original condition or an acceptable state.

In October 2020, the Board of Regents granted authority to execute a separate Public Utility Easement for the purpose of installing, constructing, maintaining, operating, extending/repairing, removing, replacing, and upgrading public utilities and appurtenances at Potter County's sole cost, upon, over, under and across the Texas Tech University ("Property"), together with the right of ingress and egress over, along and across the "Property" for said purposes. And acknowledge a change in the acreage from 3.89 acres to 4.36 acres of the previously recognized Public Access Easement at the October 4, 2019 Board of Regents meeting and re-name the document a Public Utility Easement.

In October 2019, the Board of Regents accepted a real property gift-in-kind from Mariposa Village Community Land, a Texas non-profit corporation of 10.39 acres, situated in the County of Potter, Texas, just west of N. Soncy Road (Loop Hwy. 335), with an assessed value of \$ 31,170 and approved execution of the

deed. Also, they acknowledged a Public Access Easement, an exclusive easement of 3.89 acres adjacent to the deeded property, for the purpose of ingress and egress to the deeded property.

Section 07.12.3.d, *Regents' Rules* require 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.

Exhibit "A"

Easement Description

Being a 0.350 acre tract of land out of a 10.39 acre tract of land in Section 58, Block 9, B.S.&F. Survey, Potter County, Texas, said 10.39 acre tract of land being conveyed to Texas Tech Universityin a Gift Special Warranty Deed recorded under Clerk's File No. 2019OPR0017143, of the Official Public Records of Potter County, Texas, said 0.350 acre tract of land being further described by metes and bound as follows:

COMMENCING at a No 4 rebar w/ yellow plastic cap stamped "RPLS 4263" found for the southeastcorner of said 10.39 acre tract of land, (Bearings based upon the Texas Coordinate System, North Zone, NAD 83, all distances are ground surface values in U.S. Survey feet.)

Thence North 00 degrees 36 minutes 52 seconds East, along the east line of said 10.39 acre tractof land, a distance of 16.06 feet, to the Beginning corner of this tract of land; **Thence** continue North 00 degrees 36 minutes 52 seconds East, a distance of 10.00 feet;

Thence North 89 degrees 21 minutes 16 seconds West, a distance of 6.88 feet; **Thence** North 22 degrees 54 minutes 24 seconds West, a distance of 62.20 feet; **Thence** North 00 degrees 31 minutes 13 seconds West, a distance of 310.13 feet; **Thence** North 21 degrees 16 minutes 33 seconds West, a distance of 82.63 feet; **Thence** South 89 degrees 51 minutes 09 seconds West, a distance of 29.32 feet; **Thence** North 44 degrees 10 minutes 14 seconds West, a distance of 26.98 feet; **Thence** North 58 degrees 34 minutes 49 seconds West, a distance of 42.08 feet; **Thence** South 89 degrees 54 minutes 28 seconds West, a distance of 233.71 feet; **Thence** North 90 degrees 00 minutes 00 seconds West, a distance of 121.99 feet; **Thence** South 89 degrees 51 minutes 35 seconds West, a distance of 63.38 feet; **Thence** South 00 degrees 08 minutes 25 seconds East, a distance of 10.00 feet; **Thence** North 89 degrees 51 minutes 35 seconds East, a distance of 58.27 feet; **Thence** South 01 degrees 45 minutes 30 seconds West, a distance of 185.63 feet; **Thence** South 01 degrees 07 minutes 46 seconds West, a distance of 137.53 feet; **Thence** South 86 degrees 14 minutes 50 seconds East, a distance of 65.99 feet; **Thence** South 00 degrees 33 minutes 51 seconds West, a distance of 155.65 feet; **Thence** South 89 degrees 26 minutes 08 seconds East, a distance of 10.00 feet; **Thence** North 00 degrees 33 minutes 51 seconds East, a distance of 165.11 feet; **Thence** North 86 degrees 14 minutes 50 seconds West, a distance of 65.89 feet; **Thence** North 01 degrees 07 minutes 46 seconds East, a distance of 127.92 feet;

Thence North 01 degrees 45 minutes 30 seconds East, a distance of 185.90 feet;
Thence South 90 degrees 00 minutes 00 seconds East, a distance of 117.08 feet;
Thence North 89 degrees 54 minutes 28 seconds East, a distance of 230.89 feet;
Thence South 58 degrees 34 minutes 49 seconds East, a distance of 38.00 feet;
Thence South 44 degrees 10 minutes 14 seconds East, a distance of 29.96 feet;
Thence North 89 degrees 51 minutes 09 seconds East, a distance of 26.71 feet;
Thence South 21 degrees 16 minutes 33 seconds East, a distance of 310.27 feet;
Thence South 00 degrees 54 minutes 24 seconds East, a distance of 70.73 feet;
Thence South 89 degrees 21 minutes 16 seconds East, a distance of 13.43 feet, to the Point ofBeginning of this tract;

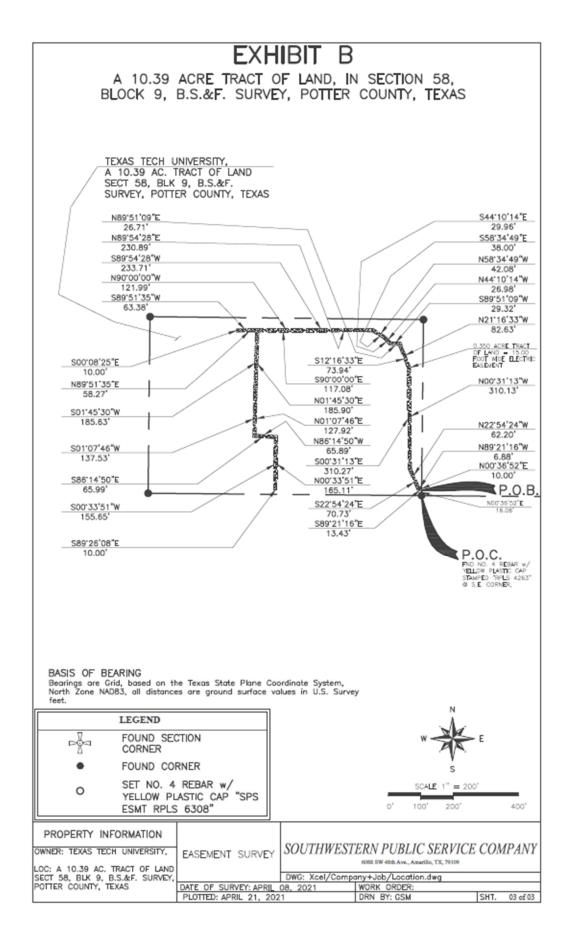
Said tract contains a computed area of 0.350 acres of land

NOTES:

- 1. Date of field survey: April 08, 2021
- 2. Parcel plat with same date accompanies this description
- 3. The above described 0.350 acre tract is subject to any rights-of-way or other easements as granted or reserved by instruments of record, or as now existing across said described tractof land.

Gale Scott Munsell RPLS 6308 Date

Southwestern Public Service Company 790 S. Buchanan Street. Amarillo, Texas 79101 Phone: (806) 640-6559 Attn: Scott Munsell, SWSC



I. <u>TTUHSC: Acknowledge designated Public Utility Corridor</u> (south side 4th Street from Texas Tech Parkway to Indiana <u>Avenue).</u>

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

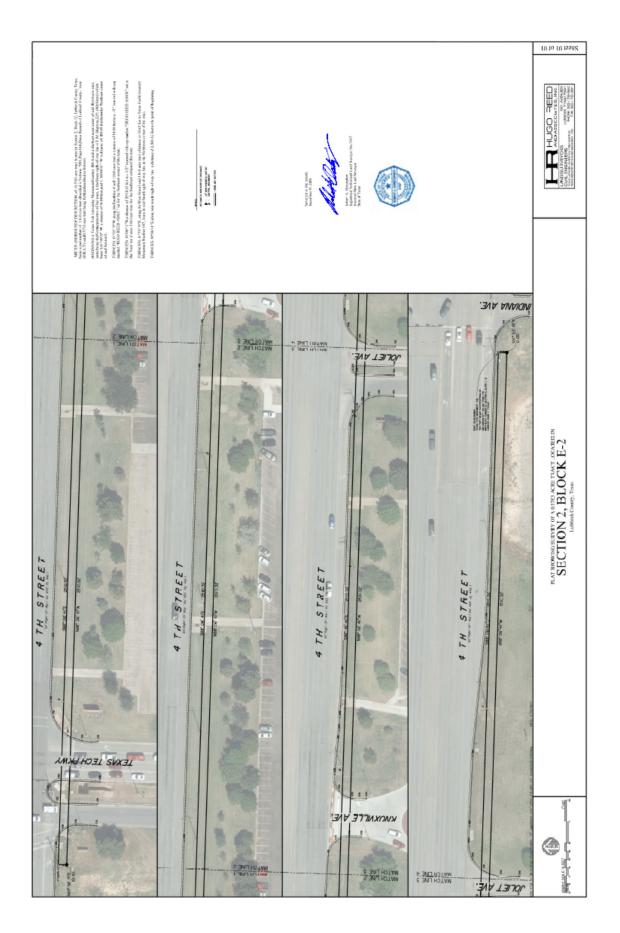
The request is to (i) designate 0.5763 acres (25,104 SF) of Texas Tech University Health Sciences Center ("TTUHSC") land as a designated 10-footwide public utility corridor situated south of and adjacent to the south right-of-way line of 4th Street, corresponding to the TTUHSC's north property line, from the west side of the Texas Tech Parkway to the west side of Indiana Avenue; and (ii) record such document with Lubbock County. This request has been approved administratively by the president and the chancellor and is recommended for acknowledgement by the Board of Regents.

[NOTE: The metes and bound description and survey for the new Public Utility Corridor are attached on the following pages.]

BACKGROUND INFORMATION

Texas Tech University Health Sciences Center ("TTUHSC") in order to control utility improvements has designated a 10-foot-wide public utility corridor corresponding to the TTUHSC's north property line. The corridor is for future improvements and/or the need to relocate utilities within the area. This designation will dictate the location that will allow public utility companies access to the TTUHSC property for the purpose of installing, repairing, and maintaining utility lines.

Section 07.12.3.d, *Regents' Rules* require 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.



m. <u>TTUHSC El Paso: Approve naming of Texas Tech Dental</u> <u>Oral Health Clinic, Room 1105 (Feinberg Foundation Dental</u> <u>Suite).</u>

Board approval required by: Section 08.05.1, Regents' Rules

The request is to approve naming the Texas Tech Dental Oral Health Clinic, Room 1105 the "Feinberg Foundation Dental Suite." The donor concurs with the naming of this space. Signage for the space will specify the approved name. This request has been approved administratively by the president and the chancellor and is recommended for acknowledgement by the Board of Regents.

BACKGROUND INFORMATION

Feinberg Foundation, Inc. ("Donor") made a generous contribution of \$50,000 to support the Woody L. Hunt School of Dental Medicine. To honor and recognize this contribution, the Texas Tech Dental Oral Health Clinic, Room 1105 will be named the "Feinberg Foundation Dental Suite". Signage for the space will specify the approved name.

Active since 1953, the Donor is a family foundation that has been serving the El Paso and surrounding communities. To date, the Donor has generously contributed over \$113,000 to the Texas Tech University System.

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

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

n. <u>TTUHSC El Paso: Acknowledge naming relocation within</u> <u>the Texas Tech Dental Oral Health Clinic (Ethos Financial</u> <u>Special Needs Dental Suite).</u>

Board approval required by: Section 08.05.1, Regents' Rules

The request is to acknowledge relocation of a previously approved naming within the Texas Tech Dental Oral Health Clinic. The signage for "Ethos Financial Special Needs Dental Suite" will be relocated from Room 1105 to Room 1107. The donor concurs with this location change. This request has been approved administratively by the president and the chancellor and is recommended for acknowledgement by the Board of Regents.

BACKGROUND INFORMATION

In December 2020, the Board of Regents approved the naming of the Texas Tech Dental Health Clinic, Room 1105 as the "Ethos Financial Special Needs Dental Suite."

Ethos Financial ("Donor") made a generous contribution of \$25,000 to support the Woody L. Hunt School of Dental Medicine and Dental Dean's Excellence Fund. To honor and recognize the contribution, the Special Needs Dental Suite Room 1105 within the Texas Tech Dental Health Clinic was named the "Ethos Financial Special Needs Dental Suite".

The Donor specializes in helping business owners and medical professionals build a solid foundation for financial success. Founded by Inaam Ziyadeh, Ethos Financial dedicates its time to helping individuals and businesses achieve financial goals. Before joining the financial industry, Ziyadeh was an Arabic language and ethics teacher. She later returned to the University of Texas at El Paso where she obtained her degrees in finance and marketing.

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

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

o. <u>ASU, TTU, TTUHSC, TTUHSC El Paso and TTUSA:</u> <u>Approve the Five-Year Capital Projects Plan and authorize</u> <u>submission of the MP1 report.</u>

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

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

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

> [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, 2021.

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

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

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

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

[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, 2021.

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

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

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

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

> [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, 2021.

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

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

Board approval required by: Texas Education Code, §61.0582

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

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

BACKGROUND INFORMATION

Institutions of higher education must submit to the Texas Higher Education Coordinating Board ("THECB") annual updates to the Capital Expenditure Plan/MP1 report. This report, which is based on the Institution's Five-Year Capital Projects Plan, lists all capital construction and major repair and renovation projects, real property acquisition, and major information technology projects that it may accomplish in the next five-years. The report is due to the THECB on July 1, 2021.

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

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

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

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

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

BACKGROUND INFORMATION

Institutions of higher education must submit to the Texas Higher Education Coordinating Board ("THECB") annual updates to the Capital Expenditure Plan/MP1 report. This report, which is based on the Institution's Five-Year Capital Projects Plan, lists all capital construction and major repair and renovation projects, real property acquisition, and major information technology projects that it may accomplish in the next five-years. The report is due to the THECB on July 1, 2021.

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

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p. ASU: Approve FY 2022 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 2022 holiday schedule as presented on the following page. This request has been approved administratively by the president and chancellor and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

Title 6, Section 662.011, *Texas Government Code*, as amended, 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 2022. In FY 2022, five (5) of the state holidays fall on weekends and cannot be substituted for other regular working days. The result is twelve (12) holidays for FY 2022.

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. Approval of the FY 2022 holiday schedule is subject to current law and any necessary changes in state holidays made by the 87th State Legislature will be made in August if necessary.

ANGELO STATE UNIVERSITY Holiday Schedule for 2021-2022

	DATE	DAY OF WEEK	HOLIDAY
2021	September 6	Monday	Labor Day
	November 25	Thursday	Thenkeriving Day
	November 25	Thursday	Thanksgiving Day
	November 26	Friday	Thanksgiving Day
	December 24	Friday	Winter Holiday
	December 27	Monday	Winter Holiday
	December 28	Tuesday	Winter Holiday
	December 29	Wednesday	Winter Holiday
	December 30	Thursday	Winter Holiday
	December 31	Friday	Winter Holiday
2022	January 17	Monday	Martin Luther King Day
	May 30	Monday	Memorial Day
	July 4	Monday	Independence Day

TOTAL ALLOWABLE HOLIDAYS

12

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 2022. In FY 2022, five (5) holidays fall on weekends and cannot be substituted for other regular working days. The result is twelve (12) observable holidays for FY 2022.

q. TTU and TTUSA: Approve FY 2022 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 2022 holiday schedule as presented on the following page. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

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

Approval of the FY 2022 holiday schedule is subject to current law and any necessary changes in state holidays made by the 87th State Legislature will be made in August if necessary.

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

TEXAS TECH UNIVERSITY TEXAS TECH UNIVERSITY SYSTEM ADMINISTRATION HOLIDAY SCHEDULE 2021-2022

	DATE	DAY OF WEEK	HOLIDAY
2021	September 6	Monday	Labor Day
	November 25 November 26	Thursday Friday	Thanksgiving Thanksgiving
	December 24 December 27 December 28 December 29 December 30 December 31	Friday Monday Tuesday Wednesday Thursday Friday	Winter Break Winter Break Winter Break Winter Break Winter Break Winter Break
2022	January 17	Monday	Martin Luther King, Jr. Day
	May 30	Monday	Memorial Day
	July 4	Monday	Independence Day

TOTAL ALLOWABLE HOLIDAYS

12

Approval of the FY 2022 holiday schedule is subject to current law and any necessary changes in state holidays made by the 87th State Legislature will be made in August if necessary.

r. <u>TTU: Approve modification of quasi endowment (Political</u> <u>Science Professional and Scholarly Development Quasi</u> <u>Endowment).</u>

Board approval required by: Section 02, *Investment Policy Statement of the Long Term Investment Fund*

The request is to approve an additional transfer of \$300,000 from the Political Science Faculty Support Fund to the Political Science Professional and Scholarly Quasi Endowment. 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 Political Science Professional and Scholarly Quasi Endowment ("Quasi") was established in May 2020 with funds from the Political Science Faculty Support Fund through approval by the TTUS Chief Financial Officer, per the Investment Policy Statement of the Long Term Investment Fund, Section 3 that states the Board delegates to the Chancellor, or the Chancellor's designee, the authority to establish a quasi-endowment fund when such a fund totals less than \$250,000.

The Department of Political Science in the College of Arts & Sciences has requested the additional transfer of \$300,000 from the Political Science Faculty Support Fund to the Quasi.

The purpose of the Quasi is to provide funds to support the research, teaching, and professional development of the department's faculty, graduate students, and staff.

The balance of the Endowment as of April 19, 2021, including the corpus is \$206,021.08.

The Investment Policy Statement of the Long Term Investment Fund, Section 2 states a quasi-endowment fund is established by the Board to function like an endowment fund, which may be totally expended at any time at the discretion of the Board.

s. <u>TTU: Approve acceptance of Gift-in-Kind benefitting the</u> <u>College of Agricultural Sciences and Natural Resources.</u>

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

The request is to approve acceptance of a gift-in-kind from Hygiena of 15 salmonella testing kits with a value of \$280,800.00. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

Hygiena, LLC ("Donor") made a generous contribution of 10 BAX kits and ancillaries and 5 MicroSnap[™] kits and ancillaries. The value of the 10 BAX kits and ancillaries is \$230,400, and the value of the 5 MicroSnap[™] kits and ancillaries is \$50,400. The total value of all kits of \$280,800. The gift will be used for salmonella research, including collaborative projects between Hygiena and Texas Tech's International Center for Food Industry Excellence.

Formed in 1974, the Donor provides rapid microbial detection, monitoring and identification solutions for a wide range of industries, including food and beverage, health care, hospitality, pharmaceuticals, and personal care.

Regents' Rules Section 06.01.2b requires board approval of the acceptance of gifts, including gifts-in-kind.

t. <u>TTU: Master of Science in Interdisciplinary Studies with</u> <u>Concentration in Energy program fee.</u>

Board approval required by: Section 07.10, *Regents' Rules;* Section 229.9 *Texas Administrative Code, 54.504, 54.0513, 55.16, and 54.017 Texas Education Code*

The request is to approve a term-based program fee with a maximum total program cost of \$56,000. The interdisciplinary program will encompass up to 36 semester credit hours of study in four separate colleges selected from a menu of four disciplines: Energy Commerce, Law, Oil and Gas, and Renewables. The program is designed to be completed in 9-12 months. This fee will be effective beginning with the tall 2021 term. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

At its August 2019 meeting, the board approved the Master of Science in Interdisciplinary Studies ("MSIS") with a Concentration in Energy along with a maximum program cost of \$50,000 for up to three required modules. Some students have expressed a desire to take a fourth module as a certificate program. In order to allow students to take a fourth module, TTU needs to seek approval to increase the overall program cost to \$56,000, or \$14,000 per module.

Students wishing to attend all four modules will also earn a certificate for the additional up to 12 semester credit hours.

The MSIS with a Concentration in Energy is an interdisciplinary partnership among the Graduate School, the Rawls College of Business Administration, the School of Law, the Whitacre College of Engineering, and the National Wind Institute. The program provides an MSIS degree with a Concentration in Energy to working professionals and is part of the greater Texas Tech Energy Initiative.

The MSIS in Energy enrolled its first cohort in Lubbock in August of 2020.

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

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

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

u. <u>TTU: Authorize president to execute a contract with</u> <u>Hurricane Simulator.</u>

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

The request is to authorize the president to execute an agreement with Hurricane Simulator to place and maintain a hurricane simulator amusement device at the Texas Tech University ("TTU") Museum. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

The simulator machine is used at museums and exhibits across the country. The simulator accepts payment from customers in exchange for an interactive experience and is expected to generate revenue for the TTU Museum. TTU will enter into a contract with Hurricane Simulator for placement of the simulator and revenue share.

BACKGROUND INFORMATION

Section 07.12.3.f, *Regents' Rules,* requires Board approval 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 of each component to determine and approve the location of vending machines, games, or any other coin operated food, refreshment and amusement devices placed in all buildings and property under the charge and control of the president's institution.

v. <u>TTU and TTUS: Approve purchasing contract (s) in excess</u> of \$1,000,000.

Board approval required by: Section 07.12.3, Regents' Rules

The request is to approve purchasing contracts in accordance with *Regents Rules* 07.12.3.a, including those contracts with a value exceeding \$5,000,000 in accordance with *Regents' Rules* 07.12.3.c as listed on the following page. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

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

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

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

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

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

		Verification that the solicitation and purchasing method and contractor selection process comply with State law and TTU may arise in the solicitation, purchasing, System policies or contractor selection process.	Verification that the solicitation and purchasing method and contractor selection process comply with State law and TTU System policies or contractor selection process.
	Procure ment Method	Ver solicite DIR Agreement meth with	Ver solicita E&I Agreement select with S
	End		
	Start	05/17/2021 05/16/2023 (or vear effective renewal date) terms	11/17/2020
	Estimated Term Expenditures (includes renewals)	\$ 5,000,000	\$ 5,600,000
)	Estimated Term Estimated Per Expenditures Annum (includes Expenditures renewals)	\$ 1,250,000 \$ 5,000,000	\$ 2,800,000 \$ 5,600,000 11/17/2020 3/31/2022
	Services or Goods to be Provided	Data Storage , Data Communication & Networking equipment and related services	Stadium seating, lecture room furniture, bleachers and telescopic platforms
-	Vendor	ConvergeOne	Irwin Seating Company
Regents' Rules 07.12.3.a and 07.12.3.c	Component	SUTT	ΩĽ

TTU: Approval of Purchasing Contracts

45

w. <u>TTUHSC: Approve contract with Lubbock County Hospital</u> <u>District dba University Medical Center for Electronic</u> <u>Medical Records, Consumer Extensibility Package.</u>

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

This request is to approve a contract with Lubbock County Hospital District dba University Medical Center ("UMC") for Texas Tech University Health Sciences Center's ("TTUHSC") use of additional Cerner Electronic Medical Records functionality thru implementation of a Consumer Extensibility Package. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

TTUHSC is requesting Board of Regents authorization allowing the president to approve and execute the contract (CON2909598).

BACKGROUND INFORMATION

TTUHSC has a longstanding relationship with UMC governed by the Master Coordinating Agreement ("MCA") and ancillary contracts that additionally govern the sharing of certain assets and licensing. UMC currently licenses the Cerner Document Imaging and Capture System ("EMR") which is shared with TTUHSC for agreed upon compensation.

The parties have implemented a joint electronic medical record (EMR) system. This agreement adds a component to the HealtheLife Patient Portal, the Cerner Consumer Framework portal. TTUHSC and UMC agree to share the cost of the Cerner Consumer Framework portal which will allow for enhancements to the patient portal and the ability to integrate 3rd party vendors to the portal.

The full term of the contract will be for a period beginning September 1, 2021 through December 31, 2030. Upon the completion of implementation, the cost of which is borne by UMC, TTUHSC will begin a subscription commitment at \$1,650 monthly for a term of 116 months, with first payment beginning on or about September 1, 2021.

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

x. TTUHSC: Approve contract with brand consultant.

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

This request is to approve a contract with a consultant to provide Brand Inventory and Planning Services.

TTUHSC issued a Request for Proposal 739-SL2809252 ("RFP") in January 2021 seeking competitive responses from qualified vendors which resulted in an award to BrandActive Inc USA as the most qualified Consultant, possessing the best overall value to TTUHSC.

The anticipated cost of the resulting contract will not exceed \$56,000, including any reimbursement for Consultants' actual travel, lodging, and out-of-pocket expenses related to the services provided. A contract is expected to be effective on or about April 1, 2021 and will end on August 31, 2021. The contract contains a clause limiting authorized expenditures to \$25,000 unless otherwise approved by the TTU System Board of Regents.

BACKGROUND INFORMATION

Texas Tech University Health Sciences Center ("TTUHSC") recognizes the need for brand inventory and planning in support of the Marketing and Communications Office initiative to optimize and enhance branding and brand management processes for TTUHSC.

The Consultant's service deliverable is to document existing brand assets across the institution and provide a plan to support future brand growth and value extraction. An extensive review will allow the selected Consultant to make recommendations including (1) a phased approach to brand implementation optimizing time and resources, (2) ROI modeling for fiscally responsible brand management and resource allocation, and (3) a targeted brand enhancement marketing strategy.

Section 07.12.4.e.1.b *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.

y. TTUHSC: Approve FY 2022 holiday schedule.

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

The request to approve the FY 2022 holiday schedule for as presented on the following page. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

Section 662.011, Title 6 of the Texas Government Code, as amended, authorizes the Board to establish the holiday schedule for Texas Tech University Health Sciences Center provided that the number of holidays scheduled do not exceed the number of holidays observed by other state agencies.

State law provides for 17 state holidays. In FY 2022 five (5) holidays fall on a weekend and cannot be substituted for other regular working days. The state will observe twelve (12) holidays in FY 2022. TTUHSC will observe nine (9) holidays. An additional three (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. Approval of the FY 2022 holiday schedule is subject to current law and any changes in state holidays made by the 87th State Legislature will be made in August, if necessary.

TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER Holiday Schedule for 2021 - 2022

<u>2021</u>	DAY OF WEEK	HOLIDAY
September 6	Monday	Labor Day
November 25 November 26	Thursday Friday	Thanksgiving Day Thanksgiving Holiday
December 24 December 27 December 31	Friday Monday Friday	Winter Holiday Winter Holiday Winter Holiday
<u>2022</u> January 17	Monday	Martin Luther King, Jr. Day
May 30	Monday	Memorial Day
July 4	Monday	Independence Day

TOTAL ALLOWABLE HOLIDAYS: 12 TTUHSC OBSERVED HOLIDAYS: 9

NOTE:

State law provides for 17 state holidays. In FY 2022 five (5) holidays fall on a weekend and cannot be substituted for other regular working days. The state will observe twelve (12) holidays in FY 2022. TTUHSC will observe nine (9) holidays. An additional three (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.

State employees are 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.

z. <u>TTUHSC EI Paso: Approve of the FY 2022 Holiday</u> <u>Schedule.</u>

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

The request to approve the FY 2022 holiday schedule as presented on the following page. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

Section 662.011, Title 6 of the *Texas Government Code*, as amended, authorizes the Board to establish a holiday schedule for Texas Tech University Health Sciences Center El Paso provided that the number of holidays scheduled do not exceed the number of holidays observed by other state agencies. There are 17 days in the state's holiday schedule. In FY 2022, five holidays fall on a weekend and cannot be substituted for other regular working days. The result is 12 holidays for FY 2022. It is recommended that the actual observance of some holidays be transferred to coincide with the academic and clinical holiday schedules and permit energy conservation and cost avoidance by closing offices during periods when classes and/or clinics are not in session. TTUHSC El Paso will observe 9 days as 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.

Approval of the FY 2022 holiday schedule is subject to current law and any necessary changes in state holidays made by the 87th State Legislature will be made in August if necessary

TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO Holiday Schedule for 2021-2022

<u>2021</u>	DAY OF WEEK	HOLIDAY
September 6	Monday	Labor Day
November 25 November 26	Thursday Friday	Thanksgiving Day Thanksgiving Holiday
December 24 December 27 December 31	Friday Monday Friday	Winter Holiday Winter Holiday New Year's Holiday
<u>2022</u> January 17	Monday	Martin Luther King, Jr. Day
May 30	Monday	Memorial Day
July 4	Monday	Independence Day

TOTAL ALLOWABLE HOLIDAYS: 12 TTUHSC EI Paso OBSERVED HOLIDAYS: 9

NOTE: State law provides for 17 state holidays. In FY 2022 five (5) holidays fall on a weekend and cannot be substituted for other regular working days. The state will observe twelve (12) holidays in FY 2022, which is less than FY 2021. TTUHSC EP will observe nine (9) holidays. An additional three (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.

CONTENTS OF THE INFORMATION AGENDA

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

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

INFORMATION AGENDA

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

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

(1) ASU, TTU, TTUHSC and TTUHSC El Paso: Summary of Revenues and Expenditures by Budget Category, FY 2021 (as of February 28, 2021), per Section 01.02.8.d(3)(g), Regents' Rules – All actual expenditures will be reviewed by the Finance and Administration Committee annually and provided as information. Financial reports for the most recently completed quarter for each of the component institutions are available at: <u>https://www.texastech.edu/offices/cfo/board-financialreports.php</u>

(2) TTUHSC EI Paso: Contracts for ongoing and continuing health-related service relationships per Section 07.12.4.c,

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

- (a) 08363; El Paso County Hospital District dba University Medical Center, "Radiology Service Agreement" for TTUHSC El Paso Campus RE: physician services for radiology services for hospital.
- (b) 08529; Texas Health and Human Services Commission, "Quality Incentive Agreement" for TTUHSC EI Paso campus RE: Texas Incentives for Physician and Professional Services (TIPPS).

(3) ASU and TTUHSC EI Paso: Consulting contracts with an initial consideration of \$25,000 or less per Section 07.12.4.e.(2), Regents' Rules – "(a) Board approval is not required, but the vice chancellor and chief financial officer, in consultation with the chancellor, presidents, and chief financial officers of the institutions, shall review consulting contracts of \$25,000 or less prior to execution of the contract by the chancellor or president, as appropriate. (b) A report of the contract shall be provided as an Information Agenda item at the next board meeting."

<u>ASU</u>:

Regents' Rules 07 12 1

(a) Media Advantage: To provide marketing consulting services related to COVID-19 small business recovery. Referrals will be provided by the SBDC Director; not to exceed \$10,000.

HSC El Paso:

- (a) 07969; KAV Consulting LLC., "Consultant Services Agreement" for TTUHSC El Paso campus, RE: Consulting services for institution to optimize the Enterprise Task Manager (ETM) application to ensure best practices are employed and address coding and charge entry related to the coding consolidation initiative total contract value \$9,000.
- (4) TTU: Contracts that involve a stated or implied consideration that total in excess of \$1,000,000 over the entire term of the contract but the per annum amount is less than \$1,000,000 per section 07.12.4 of the *Regents' Rules* – Notwithstanding Section 07.12.3.a, Regents' Rules, the chancellor or president, as appropriate, is delegated the authority to approve: (i) contracts that involve a stated or implied consideration that total in excess of \$1,000,000 over the entire term of the contract but the per annum amount is less than \$1,000,000; and (ii) any amendment, extension, or renewal of a contract originally approved by the chancellor or president, as appropriate, so long as the amendment, extension, or renewal does not cause the per annum amount of the contract to exceed \$1,000,000. This requirement is applicable to both cash and non-cash considerations. Information about such contracts or contract amendments, extensions, or renewals that are approved by the chancellor or a president under this delegation of authority shall be provided to the board as an information item at the next regular board meeting.
 - (a) See attachments below of contracts that meet the above criteria.

-				Estimated			
				Term			
			Estimated Per	Consideration	Start	End	
		Services or Goods to	Annum	(includes			Procurement
Component	Vendor	be Provided	Consideration	renewals)			Method
		Audio Visual					
ττυ	Lubbock Audio Visual	Equipment, Supplies,	\$ 700,000	\$ 2,100,000	11/29/2020	11/30/2023	TIPS
		and Services					

TTU: Approval of Purchasing Contracts

(5) TTUHSC: Contracts for Sponsored Program Projects per Section 07.12.4.b., Regents' Rules – The board delegates to the presidents the authority to approve the proposals and execute and sign contracts for sponsored program projects in excess of \$1,000,000 per annum. Sponsored program projects are those grants, contracts, and cooperative agreements from either the public or private sectors that support research, instructional, and service projects. A list of such contracts for sponsored program projects in excess of \$1,000,000 per annum shall be provided to the board as an information item at the next regular board meeting.

- (a) Health Resources and Services Administration grant funding entitled "Health Center Program"; grant year 03/01/2021 through 02/28/2022; award amount \$3,064,853.
- (6) TTU: Contracts that involve a stated or implied consideration that totals in excess of \$1.000.000 over the entire term of the contract and contracts involving the sale or lease of land and/or improvements thereon, or a commitment of funds or other resources for more than four years, per sections 07.12.3.a, and 07.12.3.d.(1)(b) Regents' Rules - 07.12.3.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. The board may delegate the approval and signature authority for such contracts to the chancellor or component president." 07.12.3.d.(1)(b): "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: (b)contracts that involve a commitment of funds or other resources for more than four years."
 - (a) At its February 2021 meeting, the Board authorized the president to conclude negotiations and execute a contract for campus bookstore operations on the TTU campus. The Board asked that final terms of the agreement be provided as an information agenda item at the May 2021 meeting. The following are the terms as agreed:

TTU issued a Request for Proposal ("RFP") on November 4, 2020 seeking competitive proposals from vendors with experience in campus bookstore operations and selected Follett Higher Education Group, Inc. (Follett) as the most qualified and possessing the best overall value to TTU.

The new contract will be effective July 1, 2021 or upon final execution of the contract between the parties and end on June 30, 2026. Thereafter, unless either party notifies the other in writing at least 120 days before expiration of the initial term, or then-current renewal term, of its intention not to renew, this contract shall automatically renew for one five-year renewal term under the terms and conditions set forth in this contract. The first year estimated annual value of the agreement is \$1,250,000 and will be adjusted annually for increases in sales. Follett will also provide \$650,000 in upfront funding for facility renovations and signing bonus.

- (7) TTU: Emergency or exigent circumstances approval of contracts by Section 07.12.3.g, Regents' Rules – "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 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."
 - (a) On April 5, 2021, Chairman Lewis granted an exigent circumstances approval that authorized President Schovanec, or his designee, to execute an employment agreement with Mark Adams to serve as the Head Coach for

men's basketball for Texas Tech University. In advance of the Chairman's action, all regents were provided information regarding the employment agreement.

- (8) TTUHSC: 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."
 - (a) The Amarillo Center of Excellence for Covid Research and Pandemics (ACECRP) is designed to address the need for multidisciplinary research to combat the Covid-19 pandemic. The Center aims to employ basic research, clinical trials, and epidemiological surveillance in order to better understand and eventually control the pandemic.

ACECRP will be housed in the School of Medicine on the Amarillo campus to provide broad collaboration among different departments and campuses across the school.

Dr. Tarek Naguib serves as the Director.

ATTACHMENTS

ATTACHMENT

Ι

ASU Student Handbook 2021-2022 with proposed revisions (Consent Item b.)

ANGELO STATE UNIVERSITY Student Handbook 202<u>1</u>0-202<u>2</u>1

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FORWARD

General Purpose

A University, like any community, must have regulations and/or standards by which its members abide and procedures by which its organization functions. The standards should provide order and an atmosphere conducive to intellectual and personal development. This Student Handbook and the *Code of Student Conduct* contained within are intended to serve these purposes in the interest of all segments of Angelo State University.

Angelo State University is accredited by the Southern Association of Colleges and Schools Commission on Colleges to award associate, baccalaureate, masters, and doctorate degrees. Contact the Southern Association of Colleges and Schools Commission on Colleges at 1866 Southern Lane, Decatur, Georgia 30033-4097 or call 404-679-4500 for questions about the accreditation of Angelo State University.

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

The University reserves the right to make changes to this code as necessary and once those changes are posted online, they are in effect. Students are encouraged to check online for the updated versions of all policies and procedures. Students are also informed of changes to the *Code of Student Conduct* by electronic notification outlets and/or official campus publications. The Student Handbook was approved by the Board of Regents on August 10, 2018 to be effective Monday, August 13, 2018.

Membership in the Angelo State University Community

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

Angelo State University Mission

Angelo State University, a member of the Texas Tech University System, delivers undergraduate and graduate programs in the liberal arts, sciences, and professional disciplines. In a learning-centered environment distinguished by its integration of teaching, research, creative endeavor, service, and co-curricular experiences, ASU prepares students to be responsible citizens and to have productive careers.

Angelo State University Vision

Growing regionally, nationally, and internationally while achieving excellence by fostering a supportive learning environment that allows a diverse student body to achieve success and personal development through curricular and co-curricular experiences.

Angelo State University Values

- Learning: Our Focus
 - ASU holds student learning as the center of everything that we do.
- Excellence: Our Standard ASU embraces excellence in teaching, scholarly activity, creative endeavor, and service.
- Transformation: Change for the Better

ASU prepares its students for a life of contribution and accomplishment by instilling a respect for learning and intellectual inquiry.

- Integrity: Social and Ethical Responsibility
 ASU expects a high standard of social and ethical responsibility from all members of
 the campus community.
- Engagement: Participation and Community Service ASU encourages participation and community service both on and off campus by faculty, staff, and students.
- Innovation: Teaching, Service, and Scholarship
 ASU promotes innovation in teaching, scholarship, technology, collaborative partnerships, support services, and co-curricular activities.
- **Diversity: Cultures, People and Ideas** ASU believes that everyone should experience a diversity of cultures, people, and ideas in order to better appreciate the world around them.
- Collegiality: Getting Along
 ASU fosters among students, faculty, and staff, and across disciplines a culture of
 shared governance, open communication, transparent operations, and mutual
 respect.

NOTE: The Angelo State University Mission, Vision and Core Values wil be added once they are approved by the Texas Tech University Board of Regents in the May 13, 2021 meeting.

PART I: CODE OF STUDENT CONDUCT

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

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

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

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

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

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

1. Disciplinary Authority

The authority to enact and enforce regulations of the University is vested in the Board of Regents. The responsibility for enforcing the regulations and imposing penalties is delegated to the President of the University and any University officials the President designates. The Office of the President is the principal agency for the investigation and adjudication of Title IX cases while the Office of the Vice President for Student Affairs and Enrollment Management is the principal agency for the administration of student conduct and non-Title IX cases. The Executive Director of Student Affairs, the Director of Title IX Compliance/Title IX Coordinator (Title IX Coordinator), and the Director of Housing and Residential Programs shall implement the student discipline procedures. All references to the officials listed above shall be interpreted to include persons designated to act on their behalf.

The Executive Director of Student Affairs, the Title IX Coordinator, or designee will assume responsibility for the investigation of an allegation of misconduct to determine if the complaint has merit.

a. Student Conduct Officer/Investigator

A Student Conduct Officer/Investigator is a trained University staff member whose role is to conduct a thorough, reliable, and impartial investigation of alleged violations of the *Code of Student Conduct*. In most cases heard by a University Hearing Panel, the Student Conduct Officer/Investigator will present the information and evidence obtained through the investigation to the Hearing Panel, which will make a determination of responsible or not responsible and assign a sanction. In cases unrelated to Sexual Misconduct or Title IX that are heard through the Administrative Hearing process or completed via an Informal Conference, the Student Conduct Officer/Investigator may render findings and issue sanctions.

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

b. Administrative Hearing Officer

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

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

c. Title IX and Sexual Misconduct Response Team

The Title IX and Sexual Misconduct Response Team are ASU faculty and staff members specifically trained about Title IX and Sexual Misconduct policies, offenses, investigation procedures, due process requirements, impartiality, conflicts of interest, informal resolution processes, and other state and federal laws that related to Title IX and Sexual Misconduct . Members of the team may serve as Investigators or Hearing Panel Members in cases related to Title IX or Sexual Misconduct In Hearings involving Title IX Sexual Misconduct, the Title IX Hearing Officer will be one of the four members of the Hearing Panel and will serve as the Hearing Panel's chair. The Hearing Panel will be the decision-maker that objectively evaluates all relevant evidence and renders a determination regarding responsibility after the hearing.

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

d. Hearing Panel

The Hearing Panel will conduct disciplinary Hearings. The Panel pool will consist of a trained pool of full-time faculty, full-time staff, and full-time students according to the following guidelines:

1. Hearing Panel Appointments

The Executive Director of Student Affairs or Title IX Coordinator will be responsible for assembling and training the hearing panel annually. The Hearing panel will consist of full-time members of the University community. The Office of Student Conduct and Title IX and Sexual Misconduct Response Team. Panel appointments will be made as follows:

a. Student Recommendations:

The President of the Student Government Association is invited to make recommendations for full-time student Conduct Panel members. Upon recommendation and review, three (3) full-time student members will be appointed by the Executive Director of Student Affairs or designee. To be eligible for appointment, students must be considered full-time students, be in academic and disciplinary good standing, and have completed at least 15 hours of academic credit with a cumulative GPA of at least 2.0.

 b. Faculty and Staff Recommendations: The Vice President of each division and the President are invited to make recommendations for full-time faculty and/or staff Panel members. Upon recommendation and review, three (3) full-time faculty and/or full-time staff members from each division may be appointed by the Executive Director of Student Affairs, Title IX Coordinator, or designee.

2. Hearing Panel Terms

Each member will be appointed for a single one-year term. Panel members may be re-appointed for consecutive one-year terms but must complete Hearing Panel training annually.

3. Hearing Panel Composition

For each Hearing, a Hearing Panel will consist of three (3) members chosen from the available pool by the Executive Director of Student Affairs, Title IX Coordinator, or designee. Typically, the Hearing Panel will be comprised of one student, one faculty member, and one staff member. Availability may determine a different composition for the Panel. Typically, Hearing Panel will be comprised of one student, one faculty member, and one staff member. For a hearing involving charges for Academic Misconduct, the Executive Director of Student Affairs or designee will appoint three (3) Panel members consisting of only students and faculty. The Hearing Panel composition may include only professional faculty and/or staff members in cases involving sensitive issues.

For a hearing involving Sexual Misconduct, See Section D.,

4. Removal of Hearing Panel Member

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

5. Resource Person

The Executive Director of Student Affairs, Title IX Coordinator, or designee will appoint a Resource Person. The Resource Person serves as a non-voting member of the Hearing Panel and assures that University procedures are followed throughout each Hearing. The Resource Person is responsible for composing the Panel's decision, rationale, drafting the decision letter, providing clarification on policy and procedure, and providing clarification on appropriate sanctions if assigned.

6. Hearings

The Executive Director of Student Affairs, Title IX Coordinator, or designee will establish hearing dates and times during which cases will be heard.

7. Panel Quorum

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

8. Panel Deliberation

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

9. Additional Panel Members

The Executive Director of Student Affairs, Title IX Coordinator, or designee may appoint additional members of the Hearing Panel to expedite the orderly disposition of cases and/or to aid in the administration of the conduct process within the University. The additional members of the Hearing Panel will complete the same training, have the same composition of membership, the same duties, and the same authority as the original Hearing Panel member(s).

10. Panel Orientation and Training

Prior to serving on a Hearing Panel, members of the Hearing Panel will be required to participate in an orientation and training program facilitated by the Executive Director of Student Affairs and/or the Title IX Coordinator, or designee. Members are encouraged to attend additional trainings throughout their service on the Hearing Panel.

e. The Code of Student Conduct Review Committee

The *Code of Student Conduct* is reviewed every year by the *Code of Student Conduct* Review Committee. The *Code of Student Conduct* Review Committee will conduct an annual review of the *Code of Student Conduct* and make recommendations to the Vice President for Student Affairs and Enrollment Management regarding omissions, clarifications, constructive changes, and other matters relevant to the proper interpretation and operation of the *Code of Student Conduct*. The Vice President for Student Affairs and Enrollment Management or designee will then present the *Code of Student Conduct* to the University President for review and consideration by the Board of Regents.

1. Committee Appointment

The *Code of Student Conduct* Review Committee members are appointed by the Vice President for Student Affairs and Enrollment Management or designee who will invite recommendations by the Faculty Senate, Staff Senate, and the Student Government Association.

2. Committee Composition

The *Code of Student Conduct* Review Committee will include a member from the following classes of Angelo State University community members:

- A Representative from the Office of Title IX Compliance
- Full-time faculty
- Full-time staff
- Full-time undergraduate student(s)
- Full-time graduate student(s)

3. Committee Removals

The Vice President for Student Affairs and Enrollment Management or designee may remove a member from this committee when, in his/her judgment, the member has failed or refused to serve and perform the duties and functions of this committee.

4. Committee Meetings

The Vice President for Student Affairs and Enrollment Management or designee will establish meeting dates and times during which the *Code of Student Conduct* will be reviewed and will provide for scheduling special meetings as needed.

5. Committee Quorum

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

6. Additional Committee Members

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

2. Jurisdiction

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

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

The *Code of Student Conduct* and the processes included therein apply to the conduct of individual students, both undergraduate and graduate, and all registered student organizations. For the *Code* to apply, the University considers an individual to be a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the University.

The *Code of Student Conduct* applies to behaviors which occur on University premises, at University-sponsored activities and events, and may apply to off-campus behavior when the Vice President for Student Affairs and Enrollment Management, the Executive Director of Student Affairs, Title IX Coordinator, or designee determines that the off-campus conduct affects a substantial University interest, such as situations where a student's conduct may present a danger or threat to the health or safety of him/herself or others; situations that infringe on the rights of other students; situations causing significant disruption to the educational community; or are detrimental to the educational mission of the University. Proceedings under the *Code of Student Conduct* may be carried out prior to, independent of, concurrent with, or following civil or criminal proceedings.

The University retains jurisdiction related to this *Code* over students who choose to take a leave of absence, withdraw, or have graduated for any misconduct that occurred prior to the leave, withdrawal, or graduation. If sanctioned, a hold may be placed on the student's ability to re-enroll, obtain official transcripts, and/or graduate. All sanctions must be satisfied prior to re-enrollment eligibility. In the event of serious misconduct committed while still enrolled but reported after the accused student has graduated, the University may invoke these procedures and should the former student be found responsible, the University may revoke that student's degree or any other penalty that may be deemed appropriate. The University reserves the right to address and adjudicate behavior of previously enrolled students when there is a continued University interest.

The *Code of Student Conduct* may be applied to behavior conducted online, via e-mail, or other electronic medium. This activity may fall outside of protected speech, and may, in some cases, constitute *Code of Student Conduct* violations. Students should also be aware that online postings such as blogs, web postings, chats, and social networking sites are in the public sphere and are often not private. While the University does not typically search for this activity, it may be brought to the University's attention. If the activity rises to the level of a *Code of Student Conduct* violation, disciplinary action may be taken.

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

3. Notice

Notice is deemed to have been properly provided when written notification is sent to the student's official assigned Angelo State University e-mail address, delivered via Certified Mail to the student's last known address, or personally delivered to the student. University e-mail is the University's primary means of communication with students. Students are responsible for all communication delivered to their University e-mail address. Students will be given a reasonable amount of time to respond to requests to meet with University officials. Prescheduled meetings are scheduled around a student's published academic schedule and include the opportunity to reschedule in the event of unavoidable conflicts. Should a student wish to reschedule an appointment, he/she should contact the sender of the message in a timely manner. The University will make all reasonable efforts to accommodate student scheduling conflicts but will not permit unreasonable delays in the conduct process. After proper notice has been given to the student, the Student Conduct Officer/Investigator or designee may proceed with the conduct process. Should a student fail to comply with the requests of a Student Conduct Officer/Investigator or designee, the Executive Director of Student Affairs, the Title IX Coordinator, or designee may issue a "Failure to Comply" Code of Student *Conduct* allegation to the student. Students are advised to keep their most current local

address, permanent address, and primary telephone number updated in the student records system at:

http://www.angelo.edu/services/registrars office/registrar forms.php.

4. Timelines

It is recommended that reports of alleged violations of the *Code of Student Conduct* should be reported as soon as possible after the alleged incident to initiate conduct procedures. There is no time limit on reporting violations; however, the longer someone waits to report an offense, the more difficult it becomes to obtain information and evidence regarding the incidents. -The Office of Student Affairs will make every effort to complete the process as quickly as possible. Timelines may vary depending on the availability of individuals participating in the process, availability of evidence, delays for concurrent criminal investigations, breaks between academic semesters, and other delays.

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

5. Standard of Evidence

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

6. Reporting Allegations of Misconduct or any Concerns Related to Student Behavior

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

When submitting an online report, please include as many details as possible, including name, CID, title, and contact information. Please note that submitting the report anonymously may greatly limit the institution's ability to address your concern. Upon receipt of this report, the appropriate Angelo State Administrator will review the

matter and take proper steps to investigate, stop, prevent, and remedy prohibited conduct in accordance with Angelo State policies.

Individuals may also file a report in person with the Executive Director of Student Affairs or designee, located in Suite 112 of the Houston Harte University Center, or the Title IX Coordinator located in the Mayer Administration Building, Room 210. The Executive Director of Student Affairs, Title IX Coordinator, or designee regularly review reports submitted from the Angelo State University community, Housing and Residential Programs, University Police Department, and non-University community members.

As it relates to Student Organizations, leaders of organizations may self-report organization or member behavior that may be considered a violation(s) of Angelo State University policy. When an organization is able to quickly identify a concern, address it, and report it, the organization is less likely to be held responsible for behavior that may be a policy violation. The self-report allows the University, in conjunction with the student organization, to collect information, begin individual student conduct processes, and ensure that behavior has ceased and does not recur. When incidents are unreported by organizations and instead come to the attention of the University via a Complainant, the options for resolution are more limited. Self-reporting allows the University to work collaboratively with the organization to address the situation and can allow for lower-levels of sanctioning for misconduct. Sometimes organization leaders may become aware of organization or member activities that may result in violations of policy but have not occurred yet. In these cases, the organization leadership is encouraged to work directly with the Executive Director of Student Affairs or designee to intervene and address the concern. This type of pre-report has the highest likelihood of lowering the risk of potential conduct violations and sanctions for the organization. Organization leaders may self-report misconduct or potential misconduct by utilizing the online Incident Reporting Form.

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

7. Confidentiality

Angelo State University is committed to ensuring confidentiality during all stages of the student conduct process. The confidentiality the Complainant, the Respondent, the Reporting Party, any individuals who have sought guidance about this policy or have participated in an investigation or incident will be honored by the University to the extent possible without compromising the University's commitment and obligation to investigate allegations of misconduct, to protect the University Community, and to the extent allowed by law. Unless waived in writing by the individual, the identity of aforementioned individuals:

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

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

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

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

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

8. Anonymity

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

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

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

9. Family Educational Rights and Privacy Act (FERPA)

FERPA protects the privacy of student education records, including personally identifiable information derived from student conduct records. Generally, schools must have written permission from a student in order to release any information from a student's education record. FERPA allows schools to disclose student records, without consent, in situations including, but not limited to:

- a. School officials with legitimate educational interest.
- b. Other schools to which a student is transferring.
- c. To comply with a judicial order or lawfully issued subpoena.
- d. To parents when there is a health or safety emergency involving the student.
- e. To parents when the student has committed a disciplinary violation with respect to use or possession of alcohol or a controlled substance and the student is under 21 years of age at the time of the disclosure.
- f. To the victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense concerning the final results of a disciplinary hearing.

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

10. Student Organizations

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

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

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

11. Reporting Criminal Behavior

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

See Section D.3 for more information on reporting Sexual Misconduct to law enforcement.

12. Amnesty

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

- a. Victims of or witnesses to misconduct who were engaging in policy violations, such as underage drinking or drug use at the time of the incident.
 - 1. In investigations into matters of Actions Against Members of the University Community and Others, all involved parties may fall under this amnesty provision.
- b. Students who offer assistance to others by calling medical personnel or law enforcement.
- c. Students who bring their own use, addiction, or dependency to alcohol, drugs, or other addictions to the attention of the University prior to any conduct incidents or reports.

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

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

Abuse of amnesty provisions can result in a violation of the *Code of Student Conduct*. Amnesty does not preclude students from being charged with allegations of misconduct related to Part I, section B.1.b. (Actions Against Members of the University Community and Others). The *Code of Student Conduct* amnesty provisions do not impact criminal proceedings or charges. Amnesty does not preclude students from being required to meet with University staff and to participate in conditions such as counseling and alcohol assessments, but the final determination regarding amnesty will be made by the Executive Director of Student Affairs, Title IX Coordinator, or designee.

13. Withdrawal

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

A Responding Student facing an alleged violation of the *Code Student of Conduct* may have a hold placed on their transcript requiring them to contact the Executive Director of Student Affairs, the Title IX Coordinator, or designee to request permission to withdraw from the University. While a student may be permitted to withdraw from the University, the hold will remain on the student's transcript until all allegations are resolved. The investigation into alleged conduct violations may continue regardless of the student's withdrawal or choice to participate in the investigation. The institution shall expedite the disciplinary process as necessary to accommodate both the Complainant and Respondent's interest in a speedy resolution.

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

Upon notice of an alleged violation of the *Code of Student Conduct*, the Executive Director of Student Affairs or designee will appoint a Student Conduct Officer/Investigator to review allegations of misconduct. The Student Conduct Officer/Investigator will inquire, gather, and review information about the reported student misconduct and will evaluate the accuracy, credibility, and sufficiency of the information.

Incident reports will be forwarded for investigation when there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or the Complainant's statement. If it is determined that the information reported does not warrant an allegation, a Policy Clarification may be issued to the involved parties to clarify the policy that was in question.

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

When a Complainant is identified but is reluctant to participate in the investigative process and/or the student conduct process entirely, the University will make every attempt to follow the wishes of the Complainant while weighing the interests of the campus community and the possibility of a continuing threat. If the Complainant does not want to participate in the investigative process but has no aversion to the University pursuing conduct action with respect to the named Respondent, the University will proceed with the student conduct process to the extent of the information available. If the Complainant does not want the University to pursue the report in any respect, the University will investigate further only if there is reason to believe that a significant continuing threat to the campus community exists.

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

1. Misconduct addressed by the Office of Student Conduct

a. Academic Misconduct

Academic misconduct includes cheating, plagiarism, collusion, falsifying academic records, misrepresenting facts, violations of published professional ethics/standards, and any act or attempted act designed to give unfair academic advantage to oneself or another student.

Additional information about academic misconduct is available in the Angelo State University Part II: Community Policies section.

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

- g. Transmitting or receiving information about the content of academic work, test, quiz, or other assignment with another individual who has completed or will complete the academic work, test, quiz, or other assignment without authority.
- h. Substituting for another person, or permitting another person to substitute for oneself in order to take a course, take a test, quiz, or other assignment or sign in/register attendance.
- i. Taking, keeping, misplacing, damaging, or altering the property of the University or of another, if the student knows or reasonably should know that an unfair academic advantage would be gained by such conduct.
- j. Falsifying research data, laboratory reports, and/or other academic work offered for credit.
- k. Failing to comply with instructions given by the person administering the academic work, test, quiz, or other assignment.
- 2. Plagiarism
 - a. The representation of words, ideas, illustrations, structure, computer code, other expression, or media of another as one's own and/or failing to properly cite direct, paraphrased, or summarized materials.
 - b. Self-plagiarism which involves <u>T</u>the submission of the same academic work more than once without the prior permission of the instructor and/or failure to correctly cite previous work written by the same student.
- 3. Collusion

The Any unauthorized collaboration <u>or attempted collaboration</u> with another individual to complete academic work, test, quiz, or other assignment <u>that results</u> <u>in similarities in the work, including but not limited to</u>, providing unauthorized assistance to another student <u>and/or</u>, allowing another student access to completed academic work, and/or conspiring with another person to commit a violation of academic dishonesty.

- 4. Falsifying Academic Records
 - a. Altering or assisting in the altering of any official record of the University and/or submitting false information.
 - b. Omitting requested information that is required for, or related to, any official record of the University.
- 5. Misrepresenting Facts
 - a. Providing false grades, falsifying information on a resume, or falsifying other academic information.
 - b. Providing false or misleading information in an effort to injure another student academically or financially.
 - c. Providing false or misleading information or official documentation in an effort to receive a postponement or an extension on academic work, test, quiz, other assignment, credit for attendance, and/or obtain an academic or financial benefit for oneself or another individual.

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

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

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

7. Unfair Academic Advantage

Any other action or attempted action that may result in creating an unfair academic advantage for oneself or may result in creating an unfair academic advantage or disadvantage for another student that is not enumerated in items 1-6 above.

b. Actions against Members of the University Community and Others Any act, or attempted act, perpetrated against another person or persons including, but not limited to:

1. Disruptive and/or Obstructive Conduct

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

- 2. Harmful, Threatening, or Endangering Conduct Intentional or reckless behavior that harms, threatens, or endangers the health or safety of others, including but not limited to:
- 3. Assault
 - a. Intentionally, recklessly, or knowingly causing physical harm to another individual.
 - b. Intentionally, recklessly, or knowingly causing physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative<u>harmful</u>.
- 4. Threats

<u>Any act or communication (written, oral, or otherwise)</u> Written or verbal conduct that causes a reasonable person would interpret as a serious expression of intent to injure expectation of injury to the health, or safety, or property of a person(s) and/or inflict bodily harm upon a person(s) of any person or damage to any property.

5. Intimidation

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

6. Bullying/Cyber Bullying

Repeated or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally. Activities protected by freedom of speech will not be considered violations of the *Code of Student Conduct*.

7. Mutual Combat

Any incident between two or more individuals in which violence or the threat of violence is mutual. <u>NOTE: Claims of self-defense will be evaluated as a mitigating factor on a case-by-case basis and may still be investigated by the Office of Student Affairs.</u>

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

8. Hazing

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

- a. Any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity.
- b. Any type of physical activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health of safety of a student, such as humiliation, sleep deprivation, exposure to the elements, confinement in a small space, personal servitude, calisthenics, or other similar activity.
- c. Any activity that involves consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, other than as described by item 4 below, which subjects a student to an unreasonable risk of harm or which adversely affects the mental or physical health or safety of a student.
- d. Any activity that induces, causes, or requires the student to perform a duty or task that involves coercing a student to consume a drug, an alcoholic beverage, or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated.
- e. Any activity in which a person solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing; intentionally, knowingly, or recklessly permits hazing to occur; has firsthand knowledge of the planning of a specific hazing incident which has occurred or may occur;

witnesses or participates in a specific hazing incident, and knowingly fails to report the incident in writing to the Office of Student Affairs.

- f. Any activity in which hazing is either condoned or encouraged or any action by an officer or combination of members, pledges, associates, or alumni of the organization of committing or assisting in the commission of hazing.
- g. Any activity that involves coercing a student to consume an alcoholic beverage, liquor, or drug, or creates an environment in which the student reasonably feels coerced to consume any of those substances.

NOTE: See <u>Texas Education Code</u>, Sections 37.151-37.155 and Section 51.936.

9. Discriminatory Harassment

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

10. Retaliatory Discrimination or Harassment

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

11. Complicity or Knowingly Present

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

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

c. Alcoholic Beverages

- 1. Use, possession, sale, delivery, manufacture, or distribution of alcoholic beverages that would constitute a violation of any federal, state, local law, and/or Angelo State University policy.
- 2. Being under the influence of alcohol and/or intoxication as defined by federal, state, local law, and/or Angelo State University policy.

d. Narcotics or Drugs

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

e. Smoking/Vaping/Tobacco

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

f. Firearms, Weapons, and Explosives

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

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

g. Flammable Materials/Arson

- 1. Use of items or materials to ignite, spread, or intensify flames for fire, or the attempt to ignite, spread, or intensify flames for fire, except as expressly permitted by University officials.
- 2. Attempting to ignite and/or the action of igniting University and/or personal property on fire either by intent or through reckless behavior that results, or could result, in personal injury or property damage of University premises.

h. Theft, Damage, Littering, or Unauthorized Use

- 1. Attempted or actual theft of property or services of the University or of another.
- 2. Possession of property known to be stolen or belonging to another person without the owner's permission.
- 3. Attempted or actual damage to property owned or leased by the University, by other University students, other members of the University community, or campus visitors.

- 4. Littering (as defined by the State of Texas Health and Safety Code, Section 365.011.6) on grounds owned or leased by the University, by other University students, other members of the University community, or campus visitors.
- 5. Attempted or actual unauthorized use of a credit card, debit card, student identification card, cell phone, personal identification number, test number, OneCard account information and/or personal check, or other unauthorized use of personal property or information of another.
- 6. Alteration, forgery, or misrepresentation of any form of identification.
- 7. Possession or use of any form of false identification<u>, not belonging to the student or</u> <u>used for the purpose originally issued</u>.
- 8. Failure to meet financial obligations owed to the University, or components owned or operated by the University, including, but not limited to, <u>issuing payment to the</u> <u>student's financial account from accounts with insufficient funds</u>the writing of <u>checks from accounts with insufficient funds</u>.
- 9. Selling items including but not limited to: stolen items, student identification cards, and/or any item which may be used as a form of false identification.

i. Gambling, Wagering, Gaming, and/or Bookmaking

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

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

- 1. Intentional sounding of a false fire alarm, falsely reporting an emergency in any form, and/or filing false police reports.
- 2. Destruction or activation of fire sprinklers or improperly possessing, tampering with, or destroying fire equipment or emergency signs on University premises.
- 3. Threats to commit any offense involving violence to any person or property with intent to:
 - Cause a reaction of any type to the threat by an official or volunteer agency organized to deal with emergencies;
 - Place any person in fear of imminent serious bodily injury;
 - Prevent or interrupt the occupation or use of a building, room, place of assembly, place to which the University Community has access, place of employment or occupation, University automobile, or other place of use to the University Community;
 - Cause impairment or interruption of University communications, University transportation, or other University service; or
 - Place the University in fear of serious bodily injury.

k. Unauthorized Entry, Possession, or Use

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

- 2. Unauthorized possession, use, duplication, production, or manufacture of any key or unlocking device, University identification card or access code for use on University premises or equipment.
- 3. Unauthorized use of the University name, logo, registered marks, or symbols; however, registered student organizations are permitted to use the complete statement "a registered student organization at Angelo State University."
- 4. Unauthorized use of the University name to advertise or promote events or activities in a manner that suggests sponsorship and/or recognition by the University.

I. Failure to Comply

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

m. Abuse, Misuse, or Theft of University Information Systems

Unauthorized use of University information systems is prohibited and may be subject to criminal prosecution in addition to disciplinary sanctions pursuant to the *Code of Student Conduct*. Use of Angelo State University information systems may be subject to security testing and monitoring, and users have no expectation of privacy except as otherwise provided by applicable privacy laws. Use of information systems is also subject to Information Technology policies (<u>OP Section 44</u>), University Operating Policies, and other applicable laws. Abuse, misuse, or theft of University information systems includes, but is not limited to, the following:

- 1. Unauthorized use of University information systems including, but not limited to, private information and passwords, including the unauthorized sharing of private information or passwords of individuals who otherwise have no authority to access University information systems.
- 2. Use of University information systems for unauthorized or nonacademic purposes including, but not limited to, illegal access, attempted or actual unauthorized accessing, copying, transporting or installing programs, records, data, or software belonging to the University, another user, or another entity, and/or illegal activity (e.g., sharing copyrighted materials or media).
- *3.* Using University information systems to violate Part I, Section B.2. (Actions Against Members of the University Community and Others).
- 4. Attempted or actual breach of the security of another user's account and/or computing system, depriving another user of access to Angelo State University information systems, compromising the privacy of another user or disrupting the intended use of Angelo State University information systems.
- *5.* Attempted or actual use of the Angelo State University information systems for unauthorized political or commercials purposes, or for personal gain.

- 6. Access, creation, storage, or transmission of material deemed obscene (as defined by <u>Chapter 43 of the State of Texas Penal Code</u> on Public Indecency or other applicable laws). Exceptions may be made for academic research where this aspect of the research has the written consent of the Department Chair. Discovery of obscene material, including child pornography, on any Angelo State University information resource must be reported to the Chief Information Officer immediately.
- 7. Attempted or actual destruction, disruption or modification of programs, records or data belonging to or licensed by the University or another user or destruction of the integrity of computer-based information using Angelo State University information systems.
- *8.* Attempted or actual use of Angelo State University information systems to interfere with the normal operation of the University.
- 9. Intentional "spamming" of students, faculty or staff (defined as the sending of unsolicited and unwanted electronic communications including, but not limited to, e-mails and text messages to parties with whom the sender has no existing business, professional or personal acquaintance) using Angelo State University information systems.

n. Providing False Information or Misuse of Records

Knowingly furnishing false information to the University, to a University official in the performance of his or her duties, or to an affiliate of the University, either verbally or through forgery, alteration, or misuse of any document, record, or instrument of identification.

o. Skateboards, Rollerblades, Scooters, Bicycles, or Similar Modes of Transportation Use of skateboards, rollerblades, scooters, bicycles, or other similar modes of transportation in University buildings or on University premises in such a manner as to constitute a safety hazard or cause damage to University or personal property.

NOTE: Refer to University Parking Services regulations at: <u>http://www.angelo.edu/services/parking_services/</u>

p. Interference with Expressive Activities

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

q. Violation of Published University Policies, Rules, or Regulations

Violation of any published University policies, rules, or regulations that govern student or student organization behavior, including, but not limited to, violations of the following:

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

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

Misconduct which may constitute a violation of federal, state, and/or local laws will <u>may</u> be considered a violation of <u>Universitythis</u> policy and <u>will-may</u> 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 <u>or resolve</u> a University conduct proceeding.

s. Abuse of the Discipline System

- 1. Failure of a student to respond to a notification to appear before a Student Conduct Officer/Investigator during any stage of the conduct process.
- 2. Falsification, distortion, or misrepresentation of information in disciplinary proceedings.
- 3. Disruption or interference with the orderly conduct of a disciplinary proceeding.
- 4. Filing an allegation known to be without merit or cause.
- 5. Discouraging or attempting to discourage an individual's proper participation in or use of the disciplinary system.
- 6. Influencing or attempting to influence the impartiality of a member of a disciplinary body prior to and/or during and/or after the disciplinary proceeding.
- 7. Influencing or attempting to influence another person to commit an abuse of the discipline system.

3. Remedies and Resources

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

a. Resources

Angelo State University has a variety of resources to assist students involved in conduct processes or experiencing concerns related to other student conduct. Resources include, but are not limited to, assistance in reporting criminal behavior to the University Police Department or the San Angelo Police Department, counseling services, medical assistance, academic support referrals, and other support services including the Office of Title IX Compliance. The Executive Director of Student Affairs or designee are also available to help students understand the student conduct process and identify resources.

b. Interim Actions

Under the Code of Student Conduct, the Executive Director of Student Affairs or designee may impose restrictions and/or separate a student from the community pending the completion of the conduct process on alleged violation(s) of the *Code of* Student Conduct when a student represents a threat of serious harm to others, that is deemed a continuous threat, is facing allegations of serious criminal activity, to preserve the integrity of an investigation, to preserve University property, and/or to prevent disruption of, or interference with, the normal operations of the University. Interim actions can include separation from the institution or restrictions on participation in the community pending the completion of the conduct process on alleged violation(s) of the *Code of Student Conduct*. A student who receives an interim suspension may request a meeting with the Executive Director of Student Affairs or designee to demonstrate why an interim suspension is not merited. Regardless of the outcome of this meeting, the University may still proceed with the scheduling of a campus Hearing. During an interim suspension, a student may be denied access to Housing and Residential Programs and/or the University campus/facilities/events. As determined appropriate by the Executive Director of Student Affairs or designee, this restriction may include classes and/or all the other University activities or privileges for which the student might otherwise be eligible. At the discretion of the Executive Director of Student Affairs designee and with the approval of, and in collaboration with, the appropriate Instructor(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the Respondent. Students are informed of interim actions by the official notice procedures outline in Part I, Section A.3. in the Code of Student Conduct. Interim action is not a sanction. It is taken in an effort to protect the safety and well-being of the Complainant, Respondent, and/or other members of the University Community. Interim action is preliminary in nature; it is in effect only until the conduct process has been completed. However, violations of interim administrative action may result in additional allegations of the Code of Student Conduct.

1. No Contact Order

When initial inquiry indicates persistent and potentially escalating conflict between two members of the University community, a No Contact Order may be issued as a remedial, non-punitive deterrent to further conflict or situational complication. A No Contact Order will be issued by the Executive Director of Student Affairs or designee via the student's official Angelo State University 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, e-mail, text message, or other electronic means of communication, or through a third party (other than an attorney). Should contact need to occur, the student should coordinate with the Executive Director of Student Affairs or designee. This notice may also come with other information related to changes in class schedule or other restrictions to facilitate the no contact order. Failure to comply with the no contact order may result in disciplinary action, including possible suspension or expulsion. Violations of no contact orders may also result in immediate temporary suspension pending the completion of the conduct process. The term of a No Contact Order is indefinite, unless otherwise stated in the Order.

2. Immediate Temporary Suspension – Students

A student may be temporarily suspended pending completion of conduct procedures if, in the judgment of the Executive Director of Student Affairs designee, or on recommendation of a Student Conduct Officer/Investigator, the physical or emotional well-being of a student or other students or members of the University community could be endangered or if the presence of the student could significantly disrupt the normal operations of the University. The Executive Director of Student Affairs or designee will initiate appropriate conduct procedures to address the disruptive behavior within five (5) University business days from the date of Temporary Suspension.

Upon Immediate Temporary Suspension, the student may no longer attend classes, use University services and/or resources, and is not allowed to be on campus until the conduct proceedings have been concluded. Any instances whereby the student should need to return to campus must be coordinated through the Executive Director of Student Affairs or designee and the University Police Department. Conduct, on or off-campus, that typically results in immediate temporary suspension:

- A significant and articulable threat to the health or safety of a student or other member(s) of the University community that is deemed a continuous threat;
- Sexual assault, other forms of Sexual Misconduct, stalking, and relationship violence that are creating a hostile environment for the victim and the remedy for the harassment requires temporary separation;
- Criminal felony charges related to weapons, drugs, aggravated assault, and /or terroristic threats;
- Severe disruption in the academic community related to erratic behavior, threats, property damage, and/or verbal aggression with another student, where the offending student is uncooperative with staff requests;
- Violation of a No Contact Order;

- Retaliatory harm, discrimination, or harassment.
- 3. Other Interim Actions

In the event that the physical or emotional well-being of a student, other students, or members of the University community could be endangered, or if the presence of the student could significantly disrupt the normal operations of the University, other interim actions may be taken to protect the educational environment. These actions include, but are not limited to, temporary removal from University student housing, temporary changes in a student's academic schedule, and temporary restrictions from University activities, services and/or buildings.

4. Non-Student Interim Actions

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

5. Withdrawal of Consent

1. Grounds for Removal

The Student Conduct Officer/Investigator or another University agent acting in accordance with his/her duties may recommend to the Executive Director of Student Affairs or designee that, in accordance with the <u>Texas Education</u> <u>Code</u>, the student have his/her consent to remain on the campus withdrawn if, in the judgment of the Executive Director of Student Affairs or designee, it is determined that:

- The student has willfully disrupted the orderly operation of the premises, and;
- The student's presence on the campus or facility constitutes a substantial and material threat to the orderly operation of the premises.

If the Executive Director of Student Affairs or designee concurs with the Student Conduct Officer/Investigator's recommendation, permission for the student to be on University premises will be withdrawn. This Withdrawal of Consent will not be longer than fourteen (14) calendar days and a Hearing must be held within these fourteen (14) calendar days to determine the student's status at the University. Permission to be on University premises must be coordinated through the Executive Director of Student Affairs or designee and the University Police Department. The Executive Director of Student Affairs or designee will notify all parties of the final decision using the written notification procedures outlined in Part I, Section A.3. within five

(5) University business days.

6. Registration Hold Following Withdrawal of Consent When a student is withdrawn under this section, an administrative hold will be placed on the student's readmission to the University. This administrative hold will remain on the student's record until the student is readmitted.

NOTE: See Texas Education Code, Sections 51.233-51.244

c. Referral Meeting

A University official may request a meeting with a student in order to discuss a referral made to the Office of Student Conduct or other administrative department when the referral may not be deemed a violation of the *Code of Student Conduct*, but when the Investigator or designee determines the referral warrants a discussion. The purpose of the discussion is to clarify concerns of the involved parties, to offer assistance to all involved parties, and to explain to the student that repeated referrals may warrant an Investigation which may warrant adjudication.

d. Voluntary Resolution

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

e. The Conduct Process

- 1. Notice of Investigation/Notice of Involvement/Notice to Appear
 - A student will be given notice of his or her investigation in an alleged violation of the *Code of Student Conduct* by the receipt of a "Notice of Investigation/Notice of Involvement" Letter. [{*Note: *In cases involving Part I, Section B.1.a. (Academic Misconduct), the instructor of record will notify the student of the allegations*]}. When preliminary information indicates that certain, identifiable student(s) are associated with the reported incident, those student(s) will be asked to meet with a Student Conduct Officer/Investigator or the instructor of record for allegations of Academic

Misconduct. In the event a student fails to respond to written notification, an administrative hold may be placed on the student's record to prevent further registration and transcript receipt. The administrative hold will remain until such time as the Student Conduct Officer/Investigator receives an appropriate response. Failure to comply with or respond to a notice issued as part of this conduct procedure and/or failure to appear will not prevent a Student Conduct Qofficer/Investigator from proceeding with the conduct process. Likewise, failure of a student to respond may result in additional alleged violation and result in a charge of Failure to Comply.

2. Rights and Responsibilities

Prior to the formal investigative process, a student will be provided a Student Rights and Responsibilities document. This document will be reviewed and signed by the student prior to an interview with the Student Conduct Officer/Investigator. The Students Rights and Responsibilities document informs the student of his or her rights to be exercised before and during the investigative process. Information gathered during the course of the investigation and student conduct process may be shared only with faculty, staff, students, and/or advisors who are directly involved in the incident or necessary to the student conduct process. Information gathered may also be disclosed in compliance with a judicial order or lawfully issued subpoena.

A student has the right to:

- a. A prompt, fair, and equitable process.
- b. Be accompanied by an advisor at any meeting or Hearing. An advisor can be any one of the following: a member of the Angelo State University Community (faculty, staff, or student not otherwise involved in the case), a parent or legal guardian, a relative, or an attorney. An advisor's role is that of support – he or she may not speak on behalf of the student and does not have an active, participatory role in the conduct process. If an advisor for the student is an attorney, an attorney from the Texas Tech University System Office of General Counsel and/or General Counsel for Angelo State University may attend the Hearing on behalf of the University. Students are responsible for presenting their own information; therefore, advisors are not permitted to speak or participate directly in any Hearing unless authorized by a Student Conduct Officer/Investigator. The Student Conduct Officer/Investigator will not accept investigative materials, statements, evidence, etc. directly from an advisor and will not communicate with the advisor on behalf of the student. The Executive Director of Student Affairs or designee has the discretion to remove an advisor at any point during the conduct process. A witness, anyone who may have a conflict of interest, or anyone who may have any participatory role in the process may not be allowed to serve as an Advisor. Students who have been suspended may not serve as an Advisor during their suspension, and students who have been expelled may not serve as an advisor. Students should select an advisor whose schedule allows attendance at

the scheduled date and time for the Hearing, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of Conduct Officer/Investigator.

c. Refrain from making any statement relevant to the investigation. If a student chooses not to provide information or provides only limited information during the investigation, they will not be allowed to provide new information during the Hearing. The student will only be permitted to speak to the information that they provided with no additional commentary. The rationale for this policy is to prevent either party from presenting new evidence at the Hearing that was available during the investigation process which could disadvantage the other party. *A student's choice not to participate in the investigation process will not stop the investigation or hearing process.*

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

- d. The opportunity to provide information and evidence in support of their case.
- e. Know if they have been issued any allegations of misconduct.
- f. Know the range of sanctions that may be imposed for a conduct violation, if one is alleged and found to have occurred.
- g. Know the Angelo State University conduct policies and procedures and where to find them.
- h. Know that any information provided by the student may be used in a conduct proceeding.
- i. Know that if a student makes any false or misleading statements during the student conduct process, that student could be subject to further disciplinary action.

It is the student's responsibility to:

- a. Be responsive to all correspondence from the University.
- b. Provide information relevant to the incident or situation.
- c. Be honest and provide true and accurate information during the investigation.
- d. Review the *Code of Student Conduct* in order to fully understand all aspects of the student conduct process.
- 3. Investigation

The Executive Director of Student Affairs or designee will appoint a Student Conduct Officer/Investigator who will conduct a thorough, reliable, and impartial investigation of the reported allegation. In cases involving Part I, Section B.1.a. (Academic Misconduct), the instructor of record will conduct the initial inquiry/investigation. Reported allegations of misconduct under the *Code of Student Conduct* have varying degrees of complexity and severity. Therefore, the investigation procedures described below may vary.

When an initial inquiry indicates a concurrent police investigation is occurring, the Student Conduct Officer/Investigator will, where possible, collaborate with the University Police Department during the investigation. Elements of this collaborative investigation may include the Student Conduct Officer/Investigator coordinating with responding officers at the scene of the incident, joint interviews with police detectives, and evidence sharing. The Student Conduct Officer/Investigator will never take physical custody of any physical or electronic evidence but will work closely with the University Police Department to inspect, analyze, and incorporate physical or electronic evidence into the Investigative Report and/or investigative materials.

During the investigative process, Complainant Parties and Responding Parties are responsible for providing all information or evidence that they believe should be considered.

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

Charges of potential violations of the *Code of Student Conduct*, if appropriate, are assigned at the conclusion of the investigative process at which point the Student Conduct Officer/Investigator explains the options for resolution to the involved parties. Should students not participate in the investigative process, the conduct process may continue without their participation, including the assignment of charges, along with decisions regarding the finding(s) and sanction(s).

4. Informal Conference

If after the Initial Inquiry/Investigation, the responding student accepts responsibility for the allegations of the *Code of Student Conduct* which may be outlined in an Investigation Report, the student can choose to resolve the issue informally. Should the student wish to participate in the Informal Conference

Process, the Student Conduct Officer/Investigator conducting the initial inquiry/investigation will inform the student of the appropriate sanctions for the misconduct. To participate in the Informal Conference process, a student must accept both the finding and the sanctions. If accepted, the process ends, the finding is final, and there is no appeal. In cases involving Part I, Section B.1.a. (Academic Misconduct), the instructor of record can assign sanctions in Part I, Section B.3.<u>e.7.hg.8.a-k</u>. Additional sanctions in Part I, Section B.3.<u>eg</u>. can also be assigned on a case-by-case basis by the Executive Director of Student Affairs or designee.

In cases involving another student (a Complainant) and/or a violation of Part I, Section B.1.b. (Actions Against Members of the University Community and Others) of the *Code of Student Conduct*, both the Complainant and the Respondent must agree to both the finding and the sanctions as recommended by the Student Conduct Officer/Investigator. The case will only be reopened if new material, previously unavailable, is presented.

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

5. Pre-Hearing Process

In cases involving an Administrative Hearing, the Pre-Hearing Process will be followed. Once the investigative process is complete, the Complainant and Respondent will be given notice of a Pre-Hearing Meeting scheduled outside of the student's academic schedule. Should students not participate in the Pre-Hearing, the conduct process may continue without their participation, including the assignment of charges and the completion of an Administrative or Panel Hearing. During this meeting, students will be given the opportunity to review the Investigation Report, relevant evidence, and/or other documents/materials to be used in the Administrative or Panel Hearing. Other documents/materials reviewed may include notification of the Respondent's allegations, Panel composition, and Hearing Script. Following the Pre-Hearing, student(s) will be notified, via the notification procedures, outlined in Part I, Section A.3., of a date, time, and location of the Hearing.

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

Conduct Officer/Investigator will determine whether the new information should be included in the Investigation Report or presented verbally during the Administrative or Panel Hearing. If there is new evidence introduced, other involved parties would also be given the opportunity to provide a response to any new evidence that will be presented in the Administrative Hearing or Hearing Panel.

The student conduct process is designed to be non-adversarial. Students will be permitted to question the statements and evidence presented by the other involved parties but may not do so directly. After reviewing the investigation report, during the Pre-Hearing, Complainant Parties and Responding Parties will have the opportunity to question the statements and evidence presented by the other involved parties, via the Student Conduct Officer/Investigator, who will pose the questions and supplement the Investigation Report.

NOTE: Questions that are deemed objectionable, inappropriate, and/or irrelevant by the Student Conduct Officer/Investigator may be rejected.

Students may indicate whether an Administrative Hearing, Hearing Panel or Sanction Only Hearing is preferred. However, the Student Conduct Officer/Investigator has the sole discretion in all cases to designate whether an Administrative Hearing, Hearing Panel or Sanction Only Hearing will be held notwithstanding the student's preference.

In cases requiring a Hearing Panel, the Student Conduct Officer/Investigator will share the list of Panel members which consists of faculty, staff, and students trained for Hearing Panels. Students will be given the opportunity to request to strike any member of the Hearing Panel whose impartiality may be in question. In order to strike a member of the Hearing Panel, the student must provide the Student Conduct Officer/Investigator with a reasonable and substantiated rationale for the request. Once the composition of the Hearing Panel is set, the Executive Director of Student Affairs or designee will schedule the Panel Hearing.

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

6... Hearings

Upon completion of the initial inquiry/investigation, after the allegation(s) have been assigned, and proper notice has been given to the student, the University may proceed to conduct either an Administrative Hearing or a Hearing Panel and issue a finding and accompanying sanctions, if applicable. The Administrative Hearing or Hearing Panel may be held and a decision made, regardless of whether the student responds, fails to respond, attends the Hearing, or fails to attend the Hearing. Should the student fail to attend the Administrative or Panel Hearing, the Student Conduct Officer/Investigator or the Hearing Panel may consider the information contained in the Investigation Report,

relevant evidence, and/or other documents/materials and render a decision. If the student accepts responsibility for the allegations issued in the Investigation Report, the student may request a Sanction Only Hearing.

Hearings are closed to the public. In cases involving another student (a Complainant) and/or a violation of Part I, Section B.1.b. (Actions against Members of the University Community and Others) of the *Code of Student Conduct*, both the Complainant and the Respondent have the right to be present at the Hearing; however, they do not have the right to be present during deliberations. Arrangements can be made so that Complainant and Responding Parties do not have to physically be in the Hearing room at the same time. To request changes in the scheduled Hearing time, students should contact the Office of Student Affairs prior to the scheduled Hearing.

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

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

a. Administrative Hearing

An Administrative Hearing is the process of adjudicating allegations of violations of the *Code of Student Conduct* by an Administrative Hearing Officer. The Administrative Hearing Officer in an Administrative Hearing may be the Student Conduct Officer/Investigator that completed the Investigation Report or Administrative Hearing Officer assigned by the Executive Director of Student Affairs, or designee. In cases involving Part I, Section B.1.a. (Academic Misconduct), the Administrative Hearing Officer will be the Academic Dean of the college housing the course where the violation occurred or designee with assistance from the Executive Director of Student Affairs or designee. The Administrative Hearing Officer makes the decision of responsibility and assigns sanctions, as appropriate.

Written notification of the outcomes of the Administrative Hearing will be provided to the student within five (5) University business days of the conclusion of the Administrative Hearing. Decisions made through the Administrative Hearing may be appealed by students by utilizing the Disciplinary Appeal Procedures outlined in Part I, Section B.3.<u>e.8</u>h.

b. Hearing Panel

For each Hearing Panel three (3) Hearing Panel members will be chosen from the available pool by the Executive Director of Student Affairs or designee. Typically, the Hearing Panel will be comprised of one student, one faculty member, and one staff member. Availability may determine a different composition for the Panel. For allegations involving Part I, Section B.1.a. (Academic Misconduct), the Hearing Panel will be comprised of only students and faculty members. All Hearing proceedings, excluding deliberations of the Hearing Panel, will be recorded by the University.

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

The Executive Director of Student Affairs or designee will appoint a Panel Resource Person to serve as a non-voting participant in the Panel Hearing. The Panel Resource Person will be a trained University staff member who may:

- Prepare the Panel Hearing materials;
- Record the Panel Hearing proceedings;
- Escort participants into the Hearing room, grant breaks for participants, and distribute evidentiary materials;
- Ensure proper decorum throughout the Panel Hearing;
- Ensure the procedural soundness of the Panel Hearing;
- Provide student conduct history as well as any documented Policy Clarifications issued to the Respondent, during the sanctioning phase, if necessary;
- Transcribe the findings of the Hearing Panel;
- Compile the post-Hearing documentation;
- Deliver notification to student parties.

The Student Conduct Officer/Investigator presents the Investigation Report, evidence, witnesses, allegation(s), and questions for deliberation. Both the Complainant and Respondent have the right to add or make additional comments about the facts of the case. The Hearing Panel may question the Student Conduct Officer/Investigator, Complainant, Respondent, and any witnesses. The Complainant and Respondent may not question each other or witnesses directly, but may pose questions through the Student Conduct Officer/Investigator. Should new evidence be presented without prior discussion with the Student Conduct Officer/Investigator, the Hearing may be halted to consider the inclusion of this information. Impact statements will also be halted if they are shared prior to the sanctioning phase of the Hearing. In the event the Resource Person removes a student due to misconduct (Complainant, Respondent, or witnesses), the alleged misconduct will be forwarded to the Executive Director of Student Affairs or designee.

Following the Hearing, the Hearing Panel will deliberate and will render a decision in regard to the alleged misconduct as well as decide any sanctions, if applicable. Should the Hearing Panel have any questions for the Student Conduct Officer/Investigator, the Complainant, and/or the Respondent, the Hearing Panel will reconvene so that all parties have the opportunity to respond and be present for other parties' responses.

Outcomes of the Hearing Panel will be provided simultaneously to the student(s) in writing within five (5) University business days of the conclusion of the Panel

Hearing. Decisions made through the Hearing Panel may be appealed by students by utilizing the Disciplinary Appeal Procedures outlined in Part I, Section B.3.<u>e.8</u>h.

c. Sanction Only Hearing

If the student accepts responsibility for the allegations issued in the Investigation Report, the student may request a Sanction Only Hearing, by either a Hearing officer or a Hearing Panel. During a Sanction Only Hearing, the Investigation Report and finding are presented to the Hearing Panel by the Investigator. During presentation of the Investigation Report and finding, the Complainant and Respondent are not allowed to dispute the facts or details of the case. Both the Complainant and Respondent may be present and both the Complainant and Respondent may provide impact statements prior to sanctioning. Mitigating factors as well as a character statement may also be presented by the Respondent and may be considered by the Hearing Panel. Written notification of the outcome of the Sanction Only Hearing will be provided to the student(s) within five (5) University working days of the conclusion of the Sanction Only Hearing. Decisions made through the Sanction Only Hearing may be appealed by the students by utilizing the Disciplinary Appeal Procedures outlined in Part I, Section B.3.e.8h. In Sanction Only Hearings, students may appeal the sanction(s), and can only appeal on the following grounds, "the sanction imposed substantially varies from the range of sanctions normally imposed for similar infractions." A student may only choose a Hearing Panel for Sanction Only Hearings for potentially separable offenses.

7. Sanctions

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

Implementation of the disciplinary sanction(s) will not begin and are not deemed final until either the time for a disciplinary appeal has expired or until the disciplinary appeal process is exhausted. Sanctions agreed upon through the Informal Conference Process are final upon effectuation of the Informal Conference. When sanctions are final, appropriate University Administrators may be notified of the student's sanctions. Upon the judgment of the Executive Director of Student Affairs or designee, some cases resulting in sanctioning of suspension and expulsion may begin prior to the completion of the disciplinary appeal process. Findings and sanctions agreed upon through the Informal Conference Process are final and cannot be appealed.

All records related to the disciplinary process will remain on file in Room 112 of the Houston Harte University Center for a minimum of seven (7) years from the date the

case is completed through an Informal Conference, Administrative Hearing, Hearing Panel, Sanction Only Hearing, and/or Disciplinary Appeal Procedures in Part I, Section B.3.<u>e.8</u>h. All records related to the disciplinary process resulting in suspension and/or expulsion will remain on file indefinitely.

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

a. Disciplinary Reprimand

The Disciplinary Reprimand is an official written notification using the notice procedures outlined in Part I, Section A.3. (Notice) to the student that the action in question was misconduct.

b. Disciplinary Probation

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

c. Deferred Disciplinary Suspension

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

d. Time-Limited Disciplinary Suspension

Time-Limited Disciplinary Suspension is a specific period of time in which a student is not allowed to participate in class, University related activities, or be present on campus property. The status of disciplinary suspension will be shown on the student's academic record, including the transcript. Time-Limited Disciplinary Suspension is noted on the student's transcript by the phrase "Disciplinary" Suspension" and will include the period of time in which the student is/was suspended from the University. In most cases, the notation of disciplinary suspension will remain on the transcript permanently. A student has the ability to petition to remove a Disciplinary Suspension notation in the following instances: (1) the student is eligible to reenroll in the institution or (2) the Executive Director of Student Affairs or designee determines that a good cause exists to remove the notation. A Disciplinary Suspension of a student will indicate the date on which the suspension period begins and the earliest date the application for student readmission will be considered. The Student Conduct Officer/Investigator may deny a student's readmission, if the student's misconduct during the suspension would have warranted additional disciplinary action. If the student has failed to satisfy any sanction that was imposed prior to application for readmission, the Executive

Director of Student Affairs, or designee may deny readmission of a student. On denial of a student's readmission, the Executive Director of Student Affairs or designee will set a date when another application for readmission may again be made. An administrative hold will be placed on the student's record to prevent registration during the Disciplinary Suspension.

e. Disciplinary Expulsion

Disciplinary Expulsion occurs when the student is permanently withdrawn and separated from the University. The status of Disciplinary Expulsion will be shown permanently on the student's academic record, including the transcript. Disciplinary Expulsion is noted on the student's transcript by the phrase "Disciplinary Expulsion" and the date in which the student's expulsion was effective. In most instances, the notation of Disciplinary Expulsion will remain on the transcript permanently. A student may petition in writing to remove a Disciplinary Expulsion notation in the following instances: (1) the student is eligible to reenroll in the institution or (2) the Executive Director of Student Affairs or designee determines that good causes exists to remove the notation. An administrative hold will be placed on the student record by the Executive Director of Student Affairs or designee to prevent future registration.

f. Conditions

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

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

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

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

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

- Assignment of a grade for the relevant assignment, exam, or course;
- Relevant make-up assignments;
- No credit for the original assignment;
- Reduction in grade for the assignment and/or course;
- Failing grade on the assignment;
- Failing grade for the course;
- Dismissal from a departmental program;
- Denial of access to internships or research programs;
- Loss of appointment to academically-based positions;
- Loss of departmental/graduate program endorsements for internal and external fellowship support and employment opportunities; and/or
- Removal of fellowship or assistantship support.
- i. Parental Notification

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

8. Disciplinary Appeal Procedures

A student may appeal the finding or the sanction(s) imposed in an Administrative Hearing or Hearing Panel by submitting a written petition to the designated appeal officer within five (5) University business days of the delivery of the written decision. An appeal may not be filed on behalf of the student by a third party.

The Vice President for Student Affairs and Enrollment Management or designee will be the designated appeal officer in each conduct case. The Provost and Vice President for Academic Affairs or designee will be the designated appeal officer for cases involving Academic Misconduct. The designated appeal officer will be a trained University staff or faculty member who did not serve as the Student Conduct Officer/Investigator or the Administrative Hearing Officer in the original Conduct Process and will render a neutral, impartial, and unbiased decision. The petition must clearly set forth the grounds for the appeal, together with the evidence upon which the appeal is based. A disagreement with the decision alone shall not constitute grounds for appeal. The only proper grounds for appeal, and the only issues that may be considered on appeal are as follows:

- a. _A procedural or substantive error that significantly impacted the outcome of the Hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
- b. _The discovery of new evidence, unavailable during the original Hearing or review of the case, which could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; or
- c. _The sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions.

In cases involving alleged misconduct involving Part I, Section B.1.b. (Actions against Members of the University Community and Others), either the Complainant or Respondent may appeal the decision of the Hearing Panel.

The designated appeal officer will first review the appeal to determine if the appeal is timely and properly sets forth the appropriate grounds for appeal, with adequate accompanying evidence. If any of these requirements are not met, the appeal will be dismissed, and the decision will be final. The Hearing Body may provide a response to the appeal upon request of the appellate officer.

If the designated appeal officer determines that the sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions, the appeal identifies a procedural/substantive error, or new evidence that was unavailable at the original Hearing, the appeal officer will then determine whether the error or new evidence would have substantially impacted the decision of the Administrative Hearing Officer or Hearing Panel. If the designated appeal officer determines that the error or new evidence would have substantially impacted the decision, he or she may:

- Modify the finding and/or increase, decrease, or otherwise modify the sanctions;
- Remand the case to the original Hearing Panel;
- Remand the case to a new Hearing Panel.

The Office of the Vice President for Student Affairs and Enrollment Management, Academic Dean, or designee shall make all reasonable efforts to notify the student(s) of the status of the appeal throughout the appellate process and shall make all reasonable efforts to notify the student(s) of the result of their appeal using the written notification procedures outlined in Part I, Section A.3. (Notice) within ten (10) University business days. If necessary, the designated appeal officer will notify the student should they need additional time to determine the outcome of the appeal. The decision of the designated appeal officer is final and cannot be appealed. If the designated appeal officer remands the decision to a new Hearing Panel, the decision of that Hearing Panel is final and may not be appealed.

9. Former Student Conduct & Readmission

A former student who engages in conduct that is a violation of the *Code of Student Conduct* may be subject to conduct procedures prior to reenrollment, a bar against readmission, revocation of a degree, and withdrawal of a diploma.

A student who has had an administrative hold placed on his or her records under this section must request readmission from the Vice President for Student Affairs and Enrollment Management or designee at least three (3) weeks prior to any Angelo State University Office of Admissions application deadlines for the semester or summer session in which the student wishes to re-enroll. The student may be required by the Vice President for Student Affairs and Enrollment Management or designee to submit evidence in writing supportive of his or her present ability to function properly and effectively in the University community. The University will evaluate the student's request and supporting documentation with primary consideration given to satisfying all conditions specified at the time of suspension or withdrawal. If approval is granted by the Vice President for Student Affairs and Enrollment Management or designee for the removal of the administrative hold, the student must then complete the regular University readmission procedures.

SECTION C: PROCEDURES FROM THE OFFICE OF STUDENT CONDUCT FOR STUDENT ORGANIZATIONS

Upon notice of an alleged violation of the *Code of Student Conduct* by a student organization, the Executive Director of Student Affairs or designee will appoint a Student Conduct Officer/Investigator to review allegations of misconduct. The Student Conduct Officer/Investigator will inquire, gather and review information about the reported student organization misconduct and will evaluate the accuracy, credibility, and sufficiency of the information.

Incidents will be forwarded for investigation when there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or Complainant's statement. If it is determined that the information reported does not warrant an allegation, a Policy Clarification letter may be issued to clarify the policy in question.

1. Initial Inquiry

An initial inquiry would occur to review information about the alleged misconduct and to evaluate the accuracy, credibility, and sufficiency of the information. When an initial report does not identify victims of misconduct or victims are not available, it can limit the ability to investigate the incident. When the Complainant is identified but is reluctant to participate in the investigation process or student conduct process, the University will make every attempt to follow the wishes of the Complainant while

weighing the interests of the campus community and the possibility of continuing inappropriate behavior and threat to the community. If the Complainant does not want to participate in the investigative process but has no aversion to the University pursuing the conduct process, the University will proceed to the extent of the information available.

2. Decision to Document the Incident without Further Investigation

If it is determined that the information reported and available does not warrant an allegation of a conduct violation, a Policy Clarification letter may be issued to clarify the policy in question. This may happen in situations where reports received are from anonymous sources with no ability to validate the credibility of the concern and the initial inquiry identifies little to no other information to support the report.

3. Remedies & Resources to Complainant Parties/Responding Parties

- a. The University will take immediate action to eliminate hostile environments, prevent recurrence and address any effects on the Complainant and community prior to the initiation of formal investigation and/or formal conduct processes. These immediate steps will be taken to minimize the burden on the Complainant while respecting due process rights of the Respondent. Remedies for students may include, but are not limited to, counseling services, modifications to on-campus housing, modifications to parking permission, and modification to academic schedule. Remedies will be evaluated on a case-by-case basis.
- b. Assistance and resources are provided to the Complainant in order to help them understand the options available to them when making a report, to determine what resolution the Complainant is seeking, to identify university and community resources to support the Complainant, and to stop any current inappropriate behavior. Resources include, but are not limited to, assistance in reporting criminal behavior to the University Police Department or San Angelo Police Department, counseling services, medical assistance, academic support referrals, and other support services. This is handled by the Executive Director of Student Affairs or designee taking the initial report. This staff member may or may not be the person to investigate the complaint.

4. Interim Actions

Under the *Code of Student Conduct*, the Executive Director of Student Affairs or designee may impose restrictions and/or temporarily suspend the registration of a student organization pending the scheduling of a campus Hearing on alleged violation(s) of the *Code of Student Conduct* when the student organization represents a threat of serious harm to others, that is deemed a continuous threat, is facing allegations of serious criminal activity, to preserve the integrity of an investigation, to preserve University property and/or to prevent disruption of, or interference with, the normal operations of the University. Examples of conduct or incidents that may result in interim suspension are hazing; conduct or incidents at organization events and activities resulting in allegations of Sexual Misconduct; behavior that results in criminal felony charges, severe disruption, and/or retaliatory harassment; alcohol/drug policy violations occurring during recruitment or social events; and cease and desists directives from inter/national or regional organizations. A student organization who receives an interim suspension may request a meeting with the Executive Director of Student Affairs or designee to demonstrate why an interim suspension is not merited. Regardless of the outcome of the meetings, the University may still proceed with the scheduling of a campus Hearing. During an interim suspension, the student organization is not able to access the benefits of being a registered student organization during this time period, and organization activities should cease in order to prevent additional misconduct. Student organizations are informed of interim actions by the official notice procedures outlined in Part I, Section A.3. of the *Code of Student Conduct*. Interim action is not a sanction. It is taken in an effort to protect the safety and wellbeing of the Complainant, Respondent, and other members of the University Community, the University, and/or property. Interim action is preliminary in nature; it is in effect only until the conduct process has been completed. However, violations of interim actions may result in additional allegations of violations of the *Code of Student Conduct*.

5. Notice of Investigation/Notice of Involvement

A student organization will be given notice of the organization's investigation in an alleged violation of the *Code of Student Conduct* by receipt of a "Notice of Investigation/Notice of Involvement" letter or direct contact by the Executive Director of Student Affairs or designee.

6. Initial Contact to the Student Organization Leadership and Advisor

In most cases, the appropriate Student Organization or Greek Life, Student Affairs, or staff will ask the student organization President and Faculty/Staff Advisor or Alumni Advisor for an initial response to the information received within a prompt timeframe. At this time, student organization officers and members accused of conduct violations will also receive information about resources that can assist them during the investigation process. Organization leaders are expected to be prompt, cooperative, and forthcoming with information for review by the Executive Director of Student Affairs or designee. Organizations should be aware that information gathered during this initial contact is documented for use during the investigation process. Organizations that fail to comply with or respond to a notice issued as part of investigation process and/or fail to appear at a Hearing will not prevent the continuation of the conduct process. Likewise, a student organization that ignores requests for information, misrepresents information, or conceals information can face additional allegations of misconduct and increased sanctions.

7. Notification of the International or Regional Headquarters (if relevant)

In most cases (with the exception of low-level concerns), Greek Life staff will notify representatives of the international or regional headquarters of the complaint received and of the process for reviewing the complaint. Angelo State University believes in an active partnership with international and regional organization staff to resolve concerns. These international and regional staff and volunteers are often better able to identify opportunities to address concerns and may be conducting their own investigation and conduct process. Angelo State University staff will specifically contact

international and regional organizations when recurring concern indicates a climate issue for the organization, when the response of the organization is not compliant or timely, when there is an immediate threat to member or other's safety, or when the organization has already participated in conduct processes for concerns.

8. Rights & Responsibilities

Prior to the formal investigation process, a student organization will be provided a Students Rights & Responsibilities document to review and sign prior to an interview with the appointed Student Conduct Officer/Investigator. The Rights & Responsibilities document informs the student organization of rights to be exercised before and during the conduct process. Those rights include the right to:

- a. A prompt, fair, and equitable process;
- b. Be accompanied by an advisor at any meeting or Hearing. An advisor can be any one of the following: a member of the Angelo State University Community (faculty, staff, or student not otherwise involved in the case), a parent or legal guardian, a relative, or an attorney. An advisor's role is that of support – he or she may not speak on behalf of the student organization and does not have an active, participatory role in the conduct process. If an advisor for the student organization is an attorney, an attorney from the Texas Tech University System Office of General Counsel and/or General Counsel for Angelo State University may attend any meeting or Hearing on behalf of the University. Student organizations are responsible for presenting their own information; therefore, advisors are not permitted to speak or participate directly in any meeting or Hearing unless authorized by a Student Conduct Officer/Investigator. The Student Conduct Officer/Investigator will not accept investigative materials, statements, evidence, etc. directly from an advisor and will not communicate with the advisor on behalf of the student organization. The Executive Director of Student Affairs or designee has the discretion to remove an advisor at any point during the conduct process. A witness, anyone who may have a conflict of interest, or anyone who may have any participatory role in the process may not be allowed to serve as an Advisor. Students who have been suspended may not serve as an Advisor during their suspension and students who have been expelled may not serve as an advisor. Student organizations should select an advisor whose schedule allows attendance at the scheduled date and time for meetings and the Hearing, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of a Student Conduct Officer/Investigator.
- c. Refrain from making any statement relevant to the investigation. If a student organization chooses not to provide information or provides only limited information during the investigation, they will not be allowed to provide new information during the Hearing. The student organization will only be permitted to speak to the information that they provided with no additional commentary. The rationale for this policy is to prevent either party from presenting new evidence at the Hearing that was available during the investigation process

which could disadvantage the other party. *A student's choice not to participate in the investigation process will not stop the investigation or hearing process.*

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

- d. The opportunity to provide information and evidence in support of the case;
- e. Know if they have been issued any allegations of misconduct;
- f. Know the range of sanctions that may be imposed for a conduct violation, if one is alleged and found to have occurred;
- g. Know the Angelo State University conduct policies and procedures and where to find them;
- h. Know that any information provided by the student organization may be used in a conduct proceeding:
 - Any information provided by a student during an investigation may be used in formal conduct processes related to allegations against the student organization, the student, or other students.
 - Student and student organization records are subject to the Federal Education Rights & Privacy Act (FERPA). Information collected during an investigation will be compiled into an investigation report and is considered student or student organization records. The investigation report may be shared with the assigned student conduct hearing panel members or administrative officers assigned to adjudicate concerns as officials with legitimate educational interest and without written consent for release. Student and student organization records can be subpoenaed in accordance with criminal processes which could include the release of the investigation report to law enforcement officials. The investigation report may also be shared with the international or regional organization headquarters staff to assist with collaborative investigations.
- i. Know that if a student makes any false or misleading statements during the student conduct process, that student could be subject to further disciplinary action.

Student organization responsibilities include:

- a. Be responsive to all communications from the University;
- b. Provide information relevant to the incident or situation;
- c. Be honest and provide true and accurate information during the investigation;

- d. If a student or student organization needs additional time to gather information, please inform your Student Conduct Officer/Investigator;
- e. Review the *Code of Student Conduct* in order to fully understand all aspects of the student conduct process.

9. Investigation

- a. The Executive Director of Student Affairs or designee will appoint a Student Conduct Officer/Investigator to conduct a prompt, thorough, reliable, and impartial investigation of the reported allegation.
- b. Reported allegations of misconduct under the *Code of Student Conduct* have varying degrees of complexity and severity. Therefore, the investigation procedures described below may vary. In student organization incidents there is potential for three or more separate investigations to be occurring in a similar time frame:
 - Angelo State University Student Organization Conduct Investigation.
 - Angelo State University Sexual Misconduct and Title IX Office Investigation
 - Criminal Investigation by the University, San Angelo, or Other Police Departments.
 - International or Regional Headquarter Investigation.
 - Local Student Organization Advisory Board Investigation.
- c. When initial inquiry indicates that another concurrent investigation is occurring alongside the Angelo State University student conduct investigation, the appointed investigator(s) will, where possible, collaborate with the other entities conducting investigations. Elements of a collaborative investigation may include coordinated or joint interviews, evidence sharing, and investigation report sharing within the limits of student records policies.
- d. Investigations of student organization conduct may include the requirement for student organization members to attend an investigation meeting as a group or as individuals. Students may be asked to complete written questionnaires related to the investigation. Regardless of the nature of the investigation, students and student organizations should be aware of their rights and responsibilities in the conduct process and recognize that any information shared during the course of the student organization or the individual student. Students can always decline to participate in a collaborative investigation meeting and meet only with the student conduct investigator instead of meeting together with other investigators.
- e. During the investigation process, student organization representatives are responsible for providing all information or evidence that they believe should be considered. Once the investigative process is complete, the Student Conduct Officer/Investigator may compile the relevant information and evidence into an Investigation Report, which will include the allegations of the *Code of Student Conduct* and may include a timeline of the event(s), statements from the interviews, physical and electronic evidence, a breakdown of the discrepancies in the various interviews, and credibility considerations. The Investigator will document any

physical or electronic evidence in a manner that is conducive and unobstructed to concurrent or forthcoming police investigations.

- f. Student organizations will be asked to provide information about any actions occurring voluntarily by the organization and/or to address concerns or actions occurring related to other conduct processes (international or regional actions, local alumni board actions). This information is used to afford the opportunity for an organization to be eligible for Informal Conference processes or the sanctioning portion of a formal hearing if an organization is found responsible for a policy violation.
- g. A student organization will have access to a completed Investigation Report and/or investigative materials relevant to the allegation(s) after the investigative process has concluded.

10. Investigation Report is Completed by Conduct Officer/Investigator and Pre-Hearing Scheduled

- a. Once the investigation report is completed, the President and his/her advisors for the student organization will be given notice of a Pre-Hearing Meeting. During this meeting, the representatives will be given an opportunity to review the Investigation Report and other documents or evidence that would be used in a formal hearing. If new or previously unavailable information is now available, the Investigator will make a determination about the inclusion of the information in the report.
 - If there is not sufficient evidence to proceed to a hearing, a Policy Clarification will be issued to the organization and the file will be closed.
 - If there is sufficient evidence to proceed to a hearing, the investigation report will outline the formal allegations against the student organization.
 - A discussion will occur around the opportunity for an Informal Conference or a formal Hearing.
- b. In cases proceeding to a formal hearing, the President and his/her Advisor(s) for the student organization will review the formal hearing script and the pool of faculty, staff, and students trained for the Hearing Panel.

11. Informal Conference

a. Upon review of the investigation report and the investigation process, the organization may have the opportunity to resolve the issue informally. The Conduct Officer/Investigator would provide an Informal Conference in writing to the organization representatives for their consideration. The organization would agree to the outlined findings of responsibility for misconduct and the outlined sanctions. If there is a complaint, the Reporting Party must also agree to the informal conference. To participate in the Informal Conference process, the President and his/her Advisor(s) for the student organization must accept both the finding and the sanction. There is no appeal of signed informal conferences. Once completed, the Informal Conference completes the conduct process. The case will only be reopened if new materials, previously unavailable, are presented.

12. Pre-Hearing Process

- a. In cases involving an Administrative Hearing or Hearing Panel, the Pre-Hearing Process will be followed. Once the investigative process is complete, the student organization will be given notice of a Pre-Hearing Meeting. Should student organizations not participate in the Pre-Hearing, the conduct process may continue without their participation, including the assignment of allegations and the completion of an Administrative Hearing or Hearing Panel. During this meeting, student organizations will be given the opportunity to review the Investigation Report, relevant evidence, and/or other documents/material to be used in the Administrative Hearing Panel. Other documents may include notification of Respondent's allegations, Panel composition, and Hearing Script. Following the Pre-Hearing, the President and his/her Advisor for the student organization will be notified, via the notification procedures outlined in Part I, Section A.3. (Notice) of a date, time, and location for the Hearing.
- b. While students may identify errors in their own statements during the Pre-Hearing, they are not able to add additional information to the Investigation Report unless that information, in the judgment of the Student Conduct Officer/Investigator, was unavailable during the investigative process and is pertinent to the consideration of the case. If a student discovers new, previously unavailable information during the time after the Pre-Hearing but before the Administrative Hearing or Hearing Panel, the student should inform the Student Conduct Officer/Investigator immediately. If the new information is pertinent to the consideration of the case, the Student Conduct Officer/Investigator will determine whether the new information should be included in the Investigation Report or presented verbally during the Administrative or Panel Hearing. If there is new evidence introduced, other involved parties would also be given the opportunity to provide a response to any new evidence that will be presented in the Administrative Hearing or Hearing Panel.
- c. The conduct process is designed to be non-adversarial. Student organization representatives will be permitted to question the statements and evidence presented by the other involved parties, but may not do so directly. After reviewing the Investigation Report, during the Pre-Hearing, the Complainant and Respondent will have the opportunity to question the statements and evidence presented by the other involved parties, via the Student Conduct Officer/Investigator, who will pose the questions and supplement the Investigation Report.

NOTE: Questions that are deemed objectionable, inappropriate, and/or irrelevant by the Student Conduct Officer/Investigator may be rejected.

d. Student organizations may indicate whether an Administrative Hearing, Hearing Panel, or Sanction Only Hearing is preferred. However, the Student Conduct Officer/Investigator has the sole discretion in all cases to designate whether an Administrative Hearing, Panel Hearing, or Sanction Only Hearing will be held notwithstanding the student's preference.

- e. In cases requiring a Hearing Panel, the Student Conduct Officer/Investigator will share the list of faculty, staff, and students trained for Hearing Panels. Student organization representatives will be given the opportunity to request to strike any member of the Hearing Panel whose impartiality may be in question. In order to strike a member of the Hearing Panel, the student organization representative must provide the Student Conduct Officer/Investigator with a reasonable and substantiated rationale for the request. Once the composition of the Hearing Panel is set, the Executive Director of Student Affairs or designee will schedule the Panel Hearing.
- f. At the discretion of the Executive Director of Student Affairs or designee, a review of the conduct case may occur at any point during the investigation or conduct process for clarification of procedural processes and may remand to investigation or adjudication if deemed necessary.

13. Hearings

Upon completion of the initial inquiry/investigation, after the allegation(s) have been assigned, and proper notice has been given to the student organization, the University may proceed to conduct either an Administrative Hearing or Hearing Panel and issue a finding and accompanying sanctions, if applicable. The Administrative Hearing or Hearing Panel may be held and a decision made, regardless of whether the student organization responds, fails to respond, attends the Hearing, or fails to attend the Hearing. Should the student organization fail to attend the Administrative Hearing or Hearing Panel, the Student Conduct Officer/Investigator or the Hearing Panel may consider the information contained in the Investigation Report, relevant evidence, and/or other documents/materials and render a decision. Student organization conduct processes are typically adjudicated by a Panel Hearing. If the student organization Report, the student organization may request a Sanction Only Hearing.

Hearings are closed to the public. In cases involving another student (a Complainant) and/or a violation of Part I, Section B.1.b. (Actions Against Members of the University Community and Others) of the *Code of Student* Conduct, both the Complainant and Respondent have the right to be present at the formal hearing; however, they do not have the right to be present during deliberations. Arrangements will be made so that the Complainant and Respondent and Respondent do not physically have to be in the Hearing room at the same time. To request changes in the scheduled Hearing time, students should contact the Office of Student Affairs.

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

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

In situations where the organization no longer has a current student representing the organization, the conduct process will continue with the information available at the time. Organizations with international regional, or local advisory staff or volunteers with a long-term interest in the organization's recognition at the University may be allowed to participate in the resolution of conduct processes when a current student is no longer able to represent the organization.

a. Administrative Hearing

An Administrative Hearing is the process of adjudicating allegations of violations of the *Code of Student Conduct* by an Administrative Hearing Officer. The Administrative Hearing Officer in an Administrative Hearing may be the Student Conduct Officer/Investigator that completed the Investigation Report, or an Administrative Hearing Officer assigned by the Executive Director of Student Affairs, Title IX Coordinator, or designee. The Administrative Hearing Officer makes the decision of responsibility and assigns a sanction, as appropriate.

Written notification of the outcomes of the Administrative Hearing should be provided to the student within five (5) University business days of the conclusion of the Administrative Hearing. Decisions made through the Administrative Hearing may be appealed by students by utilizing the Disciplinary Appeal Procedures outlined in Part I, Section C.15.

b. Panel Hearing

For each Panel Hearing a panel of three (3) Hearing Panel members will be chosen from the available pool by the Executive Director of Student Affairs, the Title IX Coordinator, or designee. Typically, the Hearing Panel will be comprised of one student, one faculty member, and one staff member. (**Note students are not utilized in a Title IX Hearing Panel*). Availability may determine a different composition for the Hearing Panel. For allegations involving Part I, Section B.1.a. (Academic Misconduct), the Panel will be comprised of only students and faculty members. For cases involving Part I, Section B.1.b. (Actions Against Members of the University Community and Others) or other sensitive issues, the Title IX Coordinator or designee will appoint three (3) Administrative Hearing Officers from the pool of available members for the Hearing Panel.

Administrative Hearing Officers who served as Investigators for the case being heard by a Hearing Panel may not serve as either a voting members of the Hearing Panel or as the non-voting Resource Person and will only participate as the Investigator in the Panel Hearing.

All Hearing proceedings, excluding deliberations of the Hearing Panel, will be recorded by the University.

During the Panel Hearing, a designated Resource Person will facilitate the Hearing process.

The Executive Director of Student Affairs, Title IX Coordinator, or designee will appoint a Panel Resource Person to serve as non-voting participant in the Panel Hearing. The Panel Resource Person will be a trained University staff member who may:

- Prepare the Panel Hearing materials.
- Record the Panel Hearing proceedings.
- Escort participants into the Hearing room, grant breaks for participants, and distribute evidentiary materials.
- Ensure proper decorum throughout the Panel Hearing.
- Ensure the procedural soundness of the Panel Hearing.
- Provide student conduct history as well as any documented Policy Clarifications issued to the Respondent, during the sanctioning phase, if necessary.
- Transcribe the findings of the Hearing Panel.
- Compile the post-Hearing documentation.
- Deliver notification to student parties.

The Student Conduct Officer/Investigator presents the Investigation Report, evidence, witnesses, allegation(s), and questions for deliberation. Both the Complainant and Respondent have the right to add or make additional comments about the facts of the case. The Hearing Panel may question the Student Conduct Officer/Investigator, Complainant, Respondent, and any witnesses. The Complainant and Respondent may not question each other or witnesses directly, but may pose questions through the Student Conduct Officer/Investigator. Should new evidence be presented without prior discussion with the Student Conduct Officer/Investigator, the Hearing may be halted to consider the inclusion of this information. Impact statements will also be halted if they are shared prior to the sanctioning phase of the Hearing. In the event the Resource Person of the Hearing Panel removes a student due to misconduct (Complainant, Respondent, or witnesses), the alleged misconduct will be forwarded to the Executive Director of Student Affairs or designee for additional processing as appropriate.

Following the Hearing, the Hearing Panel will deliberate and will render a decision in regard to the alleged misconduct as well as decide any sanctions, if applicable. The Investigator will provide information during sanctioning related to any previous conduct history, self-sanctioning occurring with the organization, and general information about the organization's activities and participation at Angelo State University to help the panel determine appropriate sanctioning.

Should the Hearing Panel have any questions for the Student Conduct Officer/Investigator, the Complainant, and/or the Respondent, the Hearing Panel will reconvene so that all parties have the opportunity to respond and be present for other parties' responses.

Outcomes of the Hearing Panel will be provided simultaneously to the student(s) in writing within five (5) University business days of the conclusion of the Panel Hearing. Decisions made through the Hearing Panel may be appealed by students by utilizing the Disciplinary Appeal Procedures outlined in Part I, Section C.15.

c. Sanction Only Hearing

If the student organization accepts responsibility for the allegations issued in the Investigation Report, the student organization may request a Sanction Only Hearing, by either a Hearing Officer or a Hearing Panel. During a Sanction Only Hearing, the Investigation Report and finding are presented to the Hearing body by the Student Conduct Officer/Investigator. During presentation of the Investigation Report and finding, the Complainant and Respondent are not allowed to dispute the facts or details of the case. Both the Complainant and Respondent may provide impact statements prior to sanctioning. Mitigating factors as well as character statements may be presented by the student organization spokesperson and may be considered by the Hearing body. Written notification of the Sanction Only Hearing will be provided to the student organization within five (5) University working days of the conclusion of the Sanction Only Hearing. Decisions made through the Sanction Only Hearing may be appealed by the student organizations by utilizing the Disciplinary Appeal Procedures outlined in Part II, Section C.15. In Sanction Only Hearings, students may appeal the sanction(s), and can only appeal on the following grounds, "the sanction imposed substantially varies from the range of sanctions normally imposed for similar infractions." A student organization may choose a Hearing Panel for Sanction Only Hearing for potentially separable offenses.

14. Sanctions

A Student Conduct Officer/Investigator, Administrative Hearing Officer, or a Hearing Panel may impose sanctions as a result of an Informal Conference, Administrative Hearing, or Panel Hearing, when a student organization is found responsible. The potential sanctions are listed in the <u>Student Organization-Sanctioning Grid</u> in the Student Handbook, Appendix <u>BC</u>. The grid is provided only as a guideline for administering sanctions by the Student Conduct Officer/Investigator, Administrative Hearing Officer, or the Hearing Panel. The Student Conduct Officer/Investigator, Administrative Hearing Officer, and/or the Hearing Panel may deviate from the grid for sufficient reason.

The cooperation of an organization during the investigation and conduct process as well as any self-sanctioning or other required sanctioning will also be considered in the determination of sanctions.

Implementation of the disciplinary sanction(s) will not begin and are not deemed final until either the time for a disciplinary appeal has expired or until the disciplinary appeal process is exhausted. Sanctions agreed upon through the Informal Conference Process are final upon effectuation of the Informal Conference. When sanctions are final, appropriate University Administrators may be notified of the student organization's sanctions. Upon the judgment of the Executive Director of Student Affairs or designee some cases resulting in sanctioning of suspension and expulsion may begin prior to the completion of the disciplinary appeal process. Findings and sanctions agreed upon through the Informal Conference Process are final and cannot be appealed.

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

a. Disciplinary Reprimand

The Disciplinary Reprimand is an official written notification that the action in question was misconduct. The disciplinary status of the organization is still good-standing.

b. Disciplinary Probation

Disciplinary Probation is a period of time during which the organization's conduct will be observed and reviewed. The organization must demonstrate the ability to comply with University policies and any other conditions/requirements stipulated for the period of probation. Further instance of misconduct during this time period may result in additional sanctions, conditions, and/or restrictions.

c. Deferred Disciplinary Suspension

Deferred Disciplinary Suspension is a period of time where a Disciplinary Suspension may be deferred for a period of observation and review, but in no case will the Deferred Disciplinary Suspension be less than the remainder of the semester. Further instances of misconduct under the *Code of Student Conduct* during this time period may result in immediate temporary suspension of organization activities and often result in suspension or expulsion. Deferred suspension often includes multiple conditions and restrictions for the organization to continue recognition with the University.

d. Time-Limited Disciplinary Suspension

Time-Limited Disciplinary Suspension is a specific period of time in which a student organization's registration with the University is suspended as well as privileges and benefits of registration. Suspended student organizations may not hold events or activities on campus, may not solicit or utilize University grounds or services to promote organizations or events or to recruit members, and may not utilize any other benefits or services provided to registered student organizations. If an international or regional organization suspends the charter of an organization, this results in a sanction no less than time-limited suspension for the time period of the suspended charter. Notification of disciplinary suspension of a student organization will indicate the date on which it begins and the earliest date the student organization's application for registration will be considered. The Student Conduct Officer/Investigator may deny an application for registration if the organization's misconduct during suspension would have warranted additional disciplinary action. If the student organization has failed to satisfy any sanction that was imposed prior to application for registration, the Student Conduct Officer/Investigator may deny registration to the student organization. On a denial of student organization registration, the Student Conduct Officer/Investigator, Executive Director of Student Affairs will set a date when another application for registration may again be made.

e. Disciplinary Expulsion

Disciplinary Expulsion occurs when the student organization is permanently separated from the University with no opportunity for future registration as a student organization

f. Conditions

A condition is an additional component of a disciplinary sanction, usually an educational element assigned to occur in conjunction with a period of probation or deferred suspension or assigned to occur prior to returning from time-limited suspension. Examples include, but are not limited to:

- Hosting educational programs or initiatives for the organization or community related to the misconduct.
- Requirements for additional training or advisement from Angelo State University staff, advisory boards, or other appropriate parties.
- Requirements for community service or other activities beneficial to the membership and associated with remedying the impact of behavior on the community.
- Restitution or compensation for loss, damage or injury, which may take the form of appropriate service and/or monetary or material replacement.
- Requirements for completion of membership reviews and providing updated rosters.
- Requirements to submit information about updated and improved organizational processes such as new member education plans or social event plans.

g. Restrictions

A restriction is an additional component of a disciplinary sanction, usually an educational restriction on organization activities that occurs during a time period of probations or deferred suspension or upon return from time-limited suspension. Examples include, but are not limited to:

- Revocation of organization benefits such as eligibility for funding, eligibility to reserve rooms, and eligibility to solicit or hold events on campus; or
- Denial of participation or restrictions associated with participation in University activities as a student organization such as homecoming, recreational activities, and recruitment activities.

h. Required Notifications

Some organization misconduct requires additional notifications. <u>Texas Education</u> <u>Code, Chapter 51.936</u> indicates that institutions of higher education shall distribute to each student enrolled at the institution, no later than the 14th day before the first class day of each fall or spring semester, a copy of, or an electronic link to a copy of, a report on hazing committed on or off campus by an organization registered with or recognized by the institution.

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

- i. Information regarding each disciplinary action taken by the institution against an organization for hazing, and each finding of responsible of hazing by an organization, during the three years preceding the date on which the report is issued or updated, including:
 - A. The name of the organization disciplined or found responsible;
 - B. The date on which the incident occurred or the citation was issued, if applicable;
 - C. The date on which the institution's investigation into the incident, if any, was initiated;
 - D. A general description of:
 - The incident;
 - The violations of the institution's Code of Student Conduct;
 - The findings of the institution;
 - Any sanctions imposed by the institution on the organization;
 - E. The date on which the institution's disciplinary process was resolved;
- The report must be updated to include information regarding each disciplinary process not later than the 30th day after the date on which the disciplinary process is resolved; and
- The report may not include personally identifiable student information and must comply with the Family Educational Rights and Privacy Act of 1974 (FERPA).

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

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

15. Disciplinary Appeals Procedures

A student organization may appeal the decision of a hearing or the sanction(s), condition(s), and restriction(s) imposed following a formal hearing by submitting a written petition for appeal to the designated appeal officers within five (5) University business days of receiving the written decision.

- b. The Vice President for Student Affairs and Enrollment Management or designee will select an appeal officer in each case. The designated officer will be a trained University staff or faculty member who was wholly uninvolved in the original Conduct Process and will render a neutral, impartial, and unbiased decision.
- c. Petitions for appeal must clearly identify the grounds for the appeal, together with the evidence upon which the appeal is based. A disagreement with the decision alone shall not constitute grounds for appeal.
- d. The only proper grounds for appeal are as follows:
 - i. A procedural [or substantive] error occurred that significantly impacted the outcome of the Hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
 - ii. The discovery of new evidence, unavailable during the original Hearing or review of the case, which could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; or
 - iii. The sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions.
- e. In cases involving alleged misconduct involving Part I, Section B.1.b. (Actions Against Members of the University Community and Others), either the Complainant or Respondent may appeal the decision of the Hearing Panel. In such cases, the Office of the Vice President for Student Affairs and Enrollment Management or designee will provide the request for appeal to the other party and provide opportunity for response.
- f. The designated appeal officer will first review the appeal to determine if the appeal is timely and properly sets forth the appropriate grounds for appeal, with adequate accompanying evidence. If any of these requirements are not met, the appeal will be dismissed, and the decision will be final.
- g. If the designated appeal officer determines that the sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions, the appeal identifies a procedural/substantive error or new evidence that was unavailable at the original Hearing, the appeal officer will then determine whether the error or new evidence would have substantially impacted the decision of the Administrative Hearing Officer or Panel Hearing. If the designated appeal officer determines that the error or new evidence would have substantially impacted the decision, they may:
 - i. Modify the finding and/or increase, decrease, or otherwise modify the sanctions;
 - ii. Remand the case to the original Hearing Panel;
 - iii. Remand the case to a new Hearing Panel.

- h. The Vice President for Student Affairs and Enrollment Management or designee shall make all reasonable efforts to notify the student organization of the status of the appeal throughout the appellate process and shall make all reasonable efforts to notify the student organization of the result of their appeal using written notification procedures outlined in Part I, Section A.3. within ten (10) University business days. If necessary, the designated appeal officer will notify the student organization should they need additional time to determine the outcome of the appeal. The decision of the designated appeal officer is final and cannot be appealed.
- i. If the designated appeal officer remands the decision to a new Hearing Panel, the decision of that Hearing Panel is final and may not be appealed.

16. Student Organization Records

- a. All records concerning a student organization related to conduct processes will remain on file with the University for a minimum of seven (7) years from the date of the completion of the case via informal conference, formal hearing, and/or conduct appeal processes.
- b. Student organization records do not impact the content of individual student records for student organization members. A finding of responsibility of misconduct for student organizations does not indicate a finding of responsibility for individual students. Individual students are subject to their own conduct processes separate from the student organization process.
- c. Student organization conduct decisions and findings are shared with the international or regional headquarters or organizations as appropriate.

SECTION D: PROCEDURES FROM THE OFFICE OF TITLE IX COMPLIANCE

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

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

The University is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from sex discrimination of any kind. The University prohibits discrimination based on sex, which includes pregnancy, sexual orientation and gender identity, gender expression, and other types of Sexual Misconduct. Sexual Misconduct is a broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, interpersonal (dating, domestic, or family) violence, sexual violence, and any other misconduct based on sex. Any acts that fall within the scope of this policy hereinafter are referred to as Sexual Misconduct. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, or electronically displayed or conveyed.

Polices outlined in this section may be found in Angelo State's **Operating Policy 16.03 Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure** and in <u>TTU System Regulation 07.06</u> *Sexual Misconduct.*

These policies apply to all University students and University employees, visitors, applicants for admission to or employment within the University, as well as University affiliates and others conducting business on the University campus. The University will take all reasonable steps to respond to complaints of Sexual Misconduct and restore or preserve equal access to the University's Education Programs or Activities, as appropriate.

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

For complaints relating to discrimination, other than gender discrimination or discrimination based on sex, see Angelo State <u>Operating Policy 16.02 Non-</u> <u>Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations</u> <u>of Employment and Other Laws</u> or Part II, Section C.

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

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

a. The Office of Title IX Compliance

The University has an Office of Title IX Compliance which includes the Title IX Coordinator who oversees the University's compliance with Title IX and other state and federal laws related to Sexual Misconduct with the help of the Title IX Officer. The University has also designated Title IX Deputy Coordinators and a Title IX and Sexual Misconduct Response Team that works alongside the Title IX Coordinator

CONTACT	PHONE	ADDRESS	EMAIL
ASU Title IX Coordinator Michelle Miller	325-486-6357	Mayer Administration Building, 210 Office of Title IX Compliance ASU Station #11044 San Angelo, TX 76909	michelle.miller@angleo.ed u
ASU Title IX Deputy Coordinator for Employees Kurtis Neal Director of Human Resources	325-942-2168	Hardeman Student Services Center, Room 202 ASU Station #11009 San Angelo, TX 76909	kurtis.neal@angelo.edu
Texas Tech University System Title IX Deputy Coordinator for Employees Charlotte Bingham Assistant Vice Chancellor of Administration, Office of Equal Opportunity	806 <u>-</u> .742 <u>-</u> .3627	Office of Equal Opportunity (OEO) TTUS Administration Building, 1508 Knoxville Ave., Suite 309 Box 41073 Lubbock, TX 79409	<u>eeo@ttu.edu</u>

ASU Title IX Deputy Coordinator, Athletic Equity Scottie Moler Assistant Athletic Director of	325-486-6072	Junell Center/Stephens Arena, Room 250 Angelo State University 2235 S. Jackson Street	scottie.moler@angelo.edu
Compliance		San Angelo, TX 76904	

b. The Title IX and Sexual Misconduct Response Team

The Title IX and Sexual Misconduct Response Team are ASU faculty and staff members specifically trained about Title IX and Sexual Misconduct policies, offenses, investigation procedures, due process requirements, impartiality, conflicts of interest, informal resolution processes, and other state and federal laws that relate to Title IX and Sexual Misconduct . Members of the team may serve as Investigators or Hearing Panel Members in cases related to Title IX or Sexual Misconduct.

- 1. *Sexual Misconduct and Title IX Investigators (Investigators)*: Two members of the Title IX and Sexual Misconduct Response Team may be designated to conduct a thorough, reliable, and equitable investigation of the reported Sexual Misconduct or Title IX allegation and compile the information gathered into an Investigative Report.
- 2. Sexual Misconduct and Title IX Hearing Panel Members (Hearing Panel Members): Three members of the Title IX and Sexual Misconduct Response Team (who did not serve as Investigators on the case) may be designated to serve as Hearing Panel Members during Hearings involving charges of Sexual Misconduct or Title IX violations. Hearing Panel Members are responsible for objectively evaluating all relevant evidence and rendering a determination regarding responsibility after a hearing is held. The Hearing Panel has the right and responsibility to ask questions and elicit information from parties and witnesses to aid in obtaining relative evidence both inculpatory and exculpatory. If a responsible finding is rendered, the Hearing Panel will determine sanctions.

2. Definitions

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

- a. Common Terms Related to Title IX and Sexual Misconduct
- 1. *Actual Knowledge:* Notice of Title IX Sexual Misconduct or allegations thereof to the University's Title IX Coordinator or Deputy Coordinator.
- 2. *Advisor:* An advisor is a person who may provide support and advice throughout the Sexual Misconduct and Title IX process. An advisor does not take an active role in the process and may not speak on behalf of the student.

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

- 3. *Complainant* A person who is the subject of an alleged violation to these policies.
- 4. *Consent* Mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly conveys permission for a specific activity.
- 5. Consent is not effective if it results from: (a) the use of physical force, (b) a threat of physical force, (c) intimidation, (d) coercion, (e) incapacitation, or (f) any other factor that would eliminate an individual's ability to exercise their own free will to choose whether or not to engage in sexual activity. *See Appendix B for a more expansive definition of consent.*
- 6. *Education Program or Activity* Includes locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the Title IX Sexual Misconduct allegedly occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the University.
- 7. *Employee* Any person who receives a W-2 or 1042-S from the University, including

full and part-time faculty, staff, and students. An Employee is working in the course and scope of their employment if the Employee is performing duties in the furtherance of the University's interest.

- 8. *Formal Complaint* Document filed by a Complainant or signed by the University's Title IX Coordinator alleging Title IX Sexual Misconduct against a Respondent and requesting that the University investigate the allegation(s) of Title IX Sexual Misconduct. Provided, however, where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party under this regulation.
- 9. *Grievance Process* The process of addressing Formal Complaints of Sexual Misconduct before the imposition of any disciplinary or other actions that are not Supportive Measures against a Respondent.
- 10. *Incapacitation* A state of being that prevents an individual from having capacity to give consent. For example, incapacitation could result from the use of drugs or alcohol, a person being asleep or unconscious, or because of an intellectual or other disability.
- 11. *Informal Resolution* An alternative to the Grievance Process that may be offered and facilitated by the University following the filing of a Formal Complaint and upon the voluntary, written consent of the parties.
- 12. *Investigative Report* A report that summarizes the relevant evidence based upon the completion of a prehearing investigation conducted under the Grievance Process.
- 13. *Reporting Party* A person or entity (in the case of the University) other than the Complainant who reports an alleged violation of this policy.
- 14. *Respondent* Generally, the Respondent is the person or organization that is alleged to be responsible for the prohibited conduct alleged in a formal complaint.
- 15. *Responsible Employee* All Employees, except as provided in Section 10.e, below, are Responsible Employees who must report allegations of Sexual Misconduct, including all known information concerning the incident, to the Title IX Coordinator.
- 16. *Sexual Misconduct* A broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, interpersonal violence, sexual violence, and other misconduct based on sex.
- 17. Supportive Measures Non-disciplinary, non-punitive individualized services

offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed.

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

b. Title IX Sexual Misconduct

1. *Title IX Sexual Misconduct* – Conduct that allegedly occurred against a person in the United States, in University's Education Program or Activity, on the basis of sex, and that satisfies one or more of the following:

a. Quid Pro Quo. A University employee conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;

b. Severe, Pervasive, and Objectively Offensive Conduct. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's Education Program or Activity. The following incidents are deemed to meet the Severe, Pervasive, and Objectively Offensive standard:

- *1.* Sexual Assault- An offense classified as a forcible or nonforcible sex offense.
 - a. Forcible sex offense- Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent, including Rape, Sodomy (oral or anal sexual intercourse), Sexual Assault with an Object, and Fondling
 - b. Nonforcible sex offense- Unlawful, nonforcible sexual intercourse including incest and statutory rape.
 - c. .(For complete definitions of forcible and nonforcible sex offenses, please see <u>System Regulation 07.06.A</u>)
- 2. Dating Violence-Violence committed by a person who is or has been in a social relationship of a romantic nature with the victim, and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relations, and the frequency of interaction between the persons involved in the relationship.
- 3. Domestic Violence- Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person cohabitation with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the laws of the jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- 4. Stalking- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.

c. Non- Title IX Sexual Misconduct

- 1. *Interpersonal Violence* For the purposes of this policy, Interpersonal Violence is:
 - a. Dating Violence Physical, sexual, or verbal abuse or violence, or threat of abuse or violence committed by an individual who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship will be determined based on the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. A casual acquaintanceship or ordinary socializing between two individuals does not constitute a romantic or intimate relationship. This definition does not include acts covered under Domestic or Family Violence.
- *Domestic Violence or Family Violence* Physical, sexual, or verbal abuse, or threat of abuse or violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person with whom the Complainant is cohabiting (or has cohabited) with a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under the Domestic or Family Violence laws of the State of Texas, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Texas.

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

- a. Exposing one's genitals or private areas;
- b. Public urination;
- c. Public defecation; and/or
- d. Public sex acts.
- *3. Sexual Assault* Sexual contact or intercourse with a person without the person's consent, including sexual contact or intercourse against the person's will or in a circumstance in which the person is incapable of consenting to the contact or intercourse. Sexual assault includes:
 - a. *Non-Consensual Sexual Contact* Intentional sexual touching, however slight, with any object or part of one's body of another's private areas without consent. Sexual Contact includes:
 - Intentional contact with the breasts, buttock, groin, or genitals;

- Touching another with any of these body parts;
- Making another touch you or themselves with or on any of these body parts; or
- Any other intentional bodily contact in a sexual manner.
- b. *Non-Consensual Sexual Intercourse* Sexual penetration or intercourse, however slight, with a penis, tongue, finger, or any object, and without consent. Penetration can be oral, anal, or vaginal.

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

- *Rape* The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant.
- *Incest* Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- *Fondling* The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity
- *Statutory Rape* Sexual intercourse with a person who is under the statutory age of consent.
- 4. Sex Discrimination An act that deprives a member of the University Community of their right of access to campuses and facilities and/or of participation in education, services, programs, operations, employment, benefits or opportunities with the University on the basis of the person's sex.
- *5. Sexual Exploitation* Taking nonconsensual or abusive sexual advantage of another for the benefit of oneself or a third party. Prohibited behavior includes, but is not limited to:
 - a. Purposeful recording, distribution, or dissemination of sexual or intimate images or recordings of another person without that person's full knowledge or consent;
 - b. Sexual voyeurism;
 - c. Inducing another to expose one's genitals or private areas;
 - d. Prostituting another; or
 - e. Knowingly exposing someone to or transmitting a sexually transmitted disease without the person's full knowledge and consent.
- *6.. Sexual Harassment* Means unwelcome sex-based verbal or physical conduct that:

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

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

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

- Sexual teasing, jokes, remarks, or questions;
- Sexual looks and gestures;
- Sexual innuendoes or stories;
- Communicating in a manner with sexual overtones;
- Inappropriate comments about dress or physical appearance;
- Inappropriate discussion of private sexual behavior;
- Gifts, letters, calls, emails, online posts, or materials of a sexual nature;
- Sexually explicit visual material (calendars, posters, cards, software, internet, or other multimedia materials);
- Sexual favoritism;
- Pressure for dates or sexual favors;
- Unwelcome physical contact (touching, patting, stroking, rubbing);
- Non-consensual video or audio-taping of sexual activity;
- Exposing one's genitals or inducing another to expose his/her genitals;
- Stalking;
- Domestic or dating violence;
- Non-consensual sexual intercourse, sexual assault, or rape; or
- Other gender-based threats, discrimination, intimidation, hazing, bullying, stalking, or violence.
- 7. *Stalking* A course of conduct directed at a specific person that would cause a reasonable person to fear for the person's own safety or the safety of others or would cause that person to suffer substantial emotional distress. A "course of conduct" means two or more acts in which a person directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

3. Reporting Allegations of Sexual Misconduct or Title IX Violations to the Title IX Coordinator

a. How to Submit a Report

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

Note that while you may submit an anonymous report it will greatly limit the ability for the Office of Title IX Compliance to investigate an alleged incident, collect evidence, and/or take action or otherwise address concerns.

CONTACT	PHONE	ADDRESS	EMAIL
ASU Title IX Coordinator Michelle Miller	325-486-6357	Mayer Administration Building, 210 Office of Title IX Compliance ASU Station #11044 San Angelo, TX 76909	michelle.miller@angelo.edu

Reports may be made in person to:

b. After Submitting a Report

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

c. Employee's Obligation to Report

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

d. Separate Reporting to Law Enforcement

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

e. Victims Encouraged to seek Medical Care

An individual who experiences Sexual Misconduct is encouraged to seek medical care for treatment and preservation of evidence, if applicable, as soon as practicable after the incident. Preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Victims can undergo a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, a SANE may still collect evidence several days following a sexual assault. With the examinee's consent, the physical evidence collected during this medical exam can be used in a criminal investigation. To undergo a SAFE, go directly to the nearest emergency department that provides SAFE services.

f. Preservation of Evidence

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

g. Amnesty for Good Faith Actors

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

h. Non-Disclosure of Private Information to Medical Providers

Absent consent from the Complainant, disclosures to a healthcare provider, mental

health care provider, or other medical provider acting in the course and scope of their employment with the University shall only state the type of incident reported and may not include any information that would violate an expectation of privacy. These Employees are encouraged to provide Complainants with information and guidance regarding University reporting options and available resources. This subsection does not affect the Employee's duty to report an incident under any other law or regulation under which they maintain their licensure.

i. Deadline for Reporting

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

Note: If a Respondent has left campus, either by withdrawing or graduating, prior to a report being filed, the university's ability to investigate and/or adjudicate may be limited.

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

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

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

The following Confidential Resources are available to Angelo State Students:

CONTACT	PHONE	Website
University Counseling Center	325-942- 2371	https://www.angelo.edu/services/counseling/
University	325-942-	https://www.angelo.edu/services/health_clinic_couns
Health Clinic	2171	eling/
University Crisis	325-486-	https://www.angelo.edu/services/counseling/crisishe
Helpline	6345	lpline.php

Open Arms -		
Concho Valley	325-655-	
Rape Crisis	2000	http://openarmscv.com
Center		

5. Confidentiality

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

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

Unless waived in writing by the individual, the identity of aforementioned individuals:

- a. Is confidential and not subject to disclosure under Chapter 552, Government Code; and
- b. May be disclosed only to:
 - 1. University Employees or individuals under contract with the University to which the report is made who are necessary for an investigation of the report or other related hearings;
 - 2. a law enforcement officer as necessary to conduct a criminal investigation of the report;
 - 3. a health care provider in an emergency, as determined necessary by the University;
 - 4. the Respondent, to the extent required by other law or regulation; and
 - 5. potential witnesses to the incident as necessary to investigate of the report and to the extent required by other law or regulation.

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

Absent consent from the Complainant, disclosures to a healthcare provider, mental health care provider, or other medical provider acting in the course and scope of their employment with the University shall only state the type of incident reported and may not include any information that would violate an expectation of privacy. These Employees are encouraged to provide the Complainant, with information and guidance regarding University reporting options and available resources.

6. Student Rights and Responsibilities

Prior to a formal investigation a student will be provided a Student Rights and Responsibilities document. This document will be reviewed and signed by the student prior to an interview with the Investigator(s). The Students Rights and Responsibilities document informs the student of their rights to be exercised before and during the Grievance Process. Information gathered during the course of the investigation and hearing process may be shared only with faculty, staff, students, and/or advisors who are directly involved in the incident or necessary to the student conduct process. Information gathered may also be disclosed in compliance with a judicial order or lawfully issued subpoena.

- a. Rights and Responsibilities of a Complainant or Respondent
- b. Rights and Responsibilities of a Witness
- c. . Amnesty

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

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

1. Complainants, Reporting Parties, and/or Witnesses to misconduct who were engaging in policy violations, such as underage drinking or drug use at the time of the incident.

• In investigations into matter of Sexual Misconduct, all involved parties may fall under this amnesty provision.

2. Students who offer assistance to others by calling medical personnel or law enforcement.

3. Students who bring their own use, addiction, or dependency to alcohol, drugs, or other addictions to the attention of the University prior to any conduct incidents or reports.

The University will not take any disciplinary action against a student who, in good faith, reports experiencing or witnessing an incident of sexual harassment, sexual assault, dating violence, or stalking, for a violation of the *Code of Student Conduct* occurring at or

near the time of the incident, regardless of the location at which the incident occurred or the outcome of the Grievance Process regarding the incident.

The University reserves the right to investigate to determine whether a report related to Sexual Misconduct was made in good faith. After such investigation, the Title IX Coordinator or designee will make a determination as to whether a student is entitled to amnesty. Once a determination is made regarding amnesty for a student, such determination is final and may not be revoked.

Abuse of amnesty provisions can result in a violation of the *Code of Student Conduct.* Amnesty does not preclude students from being charged with allegations of misconduct related to Part II, section B.2. (Actions Against Members of the University Community and Others). The *Code of Student Conduct* amnesty provisions do not impact criminal proceedings or charges. Amnesty does not preclude students from being required to meet with University staff and to participate in conditions such as counseling and alcohol assessments, but the final determination regarding amnesty will be made by the Executive Director of Student Affairs, Title IX Coordinator, or designee.

d. Non- Retaliation

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

The University will take appropriate steps to ensure that a person who, in good faith, reports, complains about, participates or refuses to participate in an investigation, proceeding, hearing, or other resolution pursuant to these policies will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to report the incident to Office of Title IX Compliance.

Individuals who are found to have retaliated under this policy will be subject to disciplinary action, up to and including termination of employment, expulsion from the university, or being barred from university premises and events.

e. False Information

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

7. Interim and Supportive Actions

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

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

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

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

a. Resources and General Supportive Measures

Resources include, but are not limited to, assistance from the Office of Title IX Compliance in reporting criminal behavior to the University Police Department or the San Angelo Police Department, referrals to the University Counseling Center, medical assistance, assistance in changing or modifying work situations, accessing campus escort services, increased monitoring of certain areas on campus, and other support services based on the individual student's needs. The Office of Title IX Compliance is available to help students understand the Sexual Misconduct and Title IX process and identify resources regardless of the student's desire to share details of the misconduct. Local resources may be found by visiting <u>http://www.angelo.edu/title-ix</u>.

b. Academic Supportive Measures

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

c. No Contact Orders

When initial inquiry indicates persistent and potentially escalating conflict between two members of the University Community, a No Contact Order may be issued as a remedial, non-punitive deterrent to further conflict or situational complication. A No Contact Order will be issued by the Title IX Coordinator or designee via the student's official Angelo State University e-mail or during a face-to-face meeting. The notice serves as an official directive that the student(s) have no contact with the other listed party or parties. Contact cannot occur in person, by telephone, email, text message, or other electronic means of communication, or through a third party (other than an attorney). Should contact need to occur, the student should coordinate with the Title IX Coordinator or designee. This notice may also come with a Notice of Formal Complaint or other information related to changes in class schedule or other interim actions or restrictions to facilitate the No Contact Order. Failure to comply with the No Contact Order may result in disciplinary action, including possible suspension or expulsion. Violations of no contact orders may also result in Emergency Removal pending the completion of the investigation and resolution of the report. The term of a No Contact Order is indefinite, unless otherwise stated in the Order.

d. Interim Actions

In the event that the physical or emotional well-being of a student, other students, or members of the University Community could be endangered, or if the presence of the student could significantly disrupt the normal operations of the University, interim actions may be taken to protect the educational environment. These actions include, but are not limited to, temporary removal from Housing and Residential Programs, temporary changes in a student's academic schedule, and temporary restrictions from the University campus/facilities/events. Interim action is not a sanction and is preliminary in nature utilized in an effort to protect the University Community. Interim action is in effect only until the investigation and resolution of a complaint is complete. Students will be notified of interim actions through the official notice procedures outlined in Part I, Section A.3. in the *Code of Student Conduct*. However, a violation of an interim action may result in additional allegations of the *Code of Student Conduct*.

e. Emergency Removal

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

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

- A significant and articulable threat to the health or safety of a student or other member(s) of the University community that is deemed a continuous threat;
- Sexual assault, other forms of Sexual Misconduct, stalking, and relationship violence that are creating a hostile environment for the Complainant and the remedy for the behavior requires temporary separation;
- Criminal felony charges related to weapons, drugs, aggravated assault, and /or terroristic threats;
- Severe disruption in the academic community related to erratic behavior, threats, property damage, and/or verbal aggression with another student, where the offending student is uncooperative with staff requests;
- Violation of a No Contact Order;
- Retaliatory harm, discrimination, or harassment.

An Emergency Removal may prohibit the student from one or more of the following: attending class(es), using University services and/or resources, and/ or not being allowed on campus until the Grievance Process has concluded. At the discretion of the Title IX Coordinator or designee and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the Respondent.

f. Non-Student Supportive Measures

Any guest to the University who is alleged to have violated University policies and/or is deemed to pose a threat to the physical and/or emotional well-being of a student or other members or the University community and/or the presence of an

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

g. Withdraw

Subject to Federal Law the Complainant or Respondent who are working with the Office of Title IX Compliance to address an allegation of Sexual Misconduct will be allowed to drop a course in which they are both enrolled without any academic penalty.

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

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

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

After receiving a report, the Office of Title IX Compliance will reach out to the individual deemed the Complainant via their official Angelo State email to request that the student schedule an appointment with the Office of Title IX Compliance to further discuss the report received. This meeting will allow the Office of Title IX Compliance to discuss the student's options in addressing the report and discuss the availability and implementation of Supportive Measures. When health and safety of the student is potentially at risk, the Office of Title IX Compliance may call the student on the phone number listed in their student record. In the event that the student does not respond, the Office of Title IX Compliance will send a second email in an attempt to connect with the student.

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

If the Complainant requests only Supportive Measures, the Office of Title IX Compliance will contact the appropriate campus parties to address the student's needs. If a Complainant wishes to make a statement, file a formal complaint or otherwise utilize a

process to address Sexual Misconduct the Office of Title IX Compliance will schedule an intake meeting with the Complainant. At this time the Title IX Coordinator will evaluate the information provided by the student and determine if the report involves Title IX Sexual Misconduct or Non-Title IX Sexual Misconduct.

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

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

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

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

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

Note: The Title IX Coordinator or designee may proceed with the Grievance Process (even if the Complainant(s) chooses not to participate) on a case-by-case basis if the alleged behavior involves pattern, predation, threat, or violence (PPTV) that may significantly impact the campus community and others.

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

a. <u>Referral Meeting</u>

The Office of Title IX Compliance may request a meeting with a student in order to discuss a referral made to the Office of Title IX Compliance when the referral may not include information that indicates there is reasonable belief a violation of the *Code of Student Conduct occurred*, but when the Office of Title IX Compliance determines the referral warrants a discussion. The purpose of the discussion is to clarify concerns of the involved parties, to offer assistance to all involved parties, and to explain to the student that repeated referrals may warrant a Formal Investigation which may warrant adjudication. This meeting my also include a Policy Clarification, which is written notice provided to a student when it is determined that the information reported does not warrant an allegation but may warrant notice to the involved parties to clarify the policy in question.

b. Formal Complaint (Initiation of Grievance Process)

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

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

1. Review of Formal Complaint

When a Formal Complaint is received, Office of Title IX Compliance will evaluate jurisdiction and mandatory and discretionary dismissal described below, assess appropriate Supportive Measures for both parties, evaluate the need for Emergency Removal, and initiate the Grievance Process.

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

1. For Title IX Sexual Misconduct:

- The allegation does not describe conduct that would constitute Title IX Sexual Misconduct as defined, even if proven;
- The Title IX Sexual Misconduct did not occur in the University's

Education Program or Activity; or

- The Title IX Sexual Misconduct did not occur against a person in the United States.
- <u>2</u>b. For Non-Title IX Sexual Misconduct
- The allegation does not describe conduct that would constitute Non-Title IX Sexual Misconduct as defined, even if proven.
- The Respondent is not a member of the University Community

<u>b</u>2.-- *Permissive Dismissal* – The Title IX Coordinator may dismiss a Formal Complaint in the following situations:

The Complainant notifies the Title IX Coordinator in writing that they wish to withdraw the Formal Complaint or some allegations in the Formal Complaint;

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

<u>c</u>3. Application of other Policies Upon Dismissal – If the Title IX Coordinator dismisses a Formal Complaint or any of the allegations in the Complaint, the office must promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the Complainant and Respondent. Dismissal of a Title IX Sexual Misconduct Formal Complaint does not preclude utilizing the Grievance Process to address Non-Title IX Sexual Misconduct.

<u>d</u>4. Appeal of Dismissal Decision – Any party can appeal the dismissal decision following the criteria and procedures listed below under *Appeals*.

<u>e</u>5. Right to Consolidate Complaints – The University may consolidate Formal Complaints as to the allegations of Title IX Sexual Misconduct:

- 1. ______Against more than one Respondent;
- b. By more than one Complainant against one or more Respondents; or
- 3. c. By one party against another party where the allegations of Title IX Sexual Misconduct arise out of the same facts.
- 4. If one or more of the consolidated Formal Complaints involve allegations of Title IX Sexual Misconduct, then the consolidated Complaint must proceed under the Title IX Sexual Misconduct Grievance Process.

Formal Investigation

c. Options in Resolving Formal Complaint

1. Informal Resolution

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

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

2. Informal Conference

An Informal Conference is a form of Informal Resolution. If after the Investigation, the Respondent accepts responsibility for the allegations of the *Code of Student Conduct* which may be outlined in an Investigation Report, the student can choose to resolve the issue informally. Should the student wish to participate in the Informal Conference process, the Complainant and the Respondent must accept both the finding and the sanctions as recommended by the Office of Title IX Compliance. If accepted, the process ends, the finding is final, and there is no appeal. The case will only be reopened if new material, previously unavailable, is presented.

Written notification of the outcomes and sanctions, if applicable, of the Informal Conference will be provided simultaneously to the student(s) and appropriate University Administrators within five (5) university working days of the effectuation of the Informal Conference.

3. Hearings:

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

a. Pre-Hearing Process

In cases involving a Hearing, the Pre-Hearing Process will be followed. Once the investigation process is complete, the Complainant and Respondent will be given notice of a Pre-Hearing Meeting. Should students choose not to participate in the Pre-Hearing, the Grievance Process may continue without their participation, including the completion of a Hearing. During this meeting, students will be given equitable access to review various documents including the Hearing Panel composition, Hearing Script, Opening, Closing, and Impact Statements, and Appeal Procedures. Following the Pre-Hearing via written Notification of Hearing sent to the student's official assigned Angelo State University email address, delivered via Certified Mail to the student's last known address, or personally delivered to the students. Students are responsible for all communication delivered to their University email address.

While students may identify errors in their own statements during the Pre-Hearing, they are not able to add additional information to the Investigation Report unless that information, in the judgment of the Investigator(s), was unavailable during the investigative process and is pertinent to the consideration of the case. If a student discovers new, previously unavailable information during the time after the Pre-Hearing but before the Hearing, the student should inform the Investigator(s) immediately. If the new information is pertinent to the consideration of the case, the Investigator(s) will determine whether the new information should be included in the Investigation Report or presented verbally during the Hearing. If there is new evidence introduced, other involved parties would also be given the opportunity to provide a response to any new evidence that will be presented in the Panel Hearing.

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

In cases requiring a Hearing Panel, the Investigator(s) will share the list of Panel members from the Title IX and Sexual Misconduct Response Team. One member of a Hearing for Title IX Sexual Misconduct will be the Title IX Hearing Officer. The Title IX Hearing Officer will oversee and conduct the hearing and chair the Hearing Panel. (See <u>System Regulation 07.06.A Attachment 2</u> for more information). Students will be given the opportunity to request to strike any member of the Hearing Panel whose impartiality may be in question. In order to strike a member of the Hearing Panel, the student must provide the Investigator(s) with a reasonable and

substantiated rationale for the request. Once the composition of the Hearing Panel is set, the Title IX Coordinator or designee will schedule the Panel Hearing.

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

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

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

b.. Title IX Sexual Misconduct Hearing

System Regulation 07.06.A Attachment 2 outlines the full Title IX Sexual Misconduct Hearing Procedures.

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

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

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

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

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

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

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

Direct Examination may be conducted by the Title IX Hearing Officer or the Hearing Panel. Cross-examination must be conducted directly orally, and in real

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

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

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

c. Non-Title IX Sexual Misconduct Hearings

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

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

Members of the Sexual Misconduct and Title IX Response Team who served as Investigator(s) for the case being heard by a Hearing Panel may not serve as either a voting member of the Hearing Panel or as the non-voting Resource Person and will only participate as the Investigator in the Panel Hearing.

All Hearing proceedings, excluding deliberations of the Hearing Panel, will be recorded by the University.

During the Panel Hearing, a designated Resource Person will facilitate the Hearing process.

The Title IX Coordinator or designee will appoint a Resource Person to serve as a non-voting participant in the Panel Hearing. The Resource Person will be a trained University staff member who may:

- Prepare the Panel Hearing materials;
- Record the Panel Hearing proceedings;
- Escort participants into the Hearing room, grant breaks for participants, and distribute evidentiary materials;
- Ensure proper decorum throughout the Panel Hearing;
- Ensure the procedural soundness of the Panel Hearing;
- Provide student conduct history as well as any documented Policy Clarifications issued to the Respondent, during the sanctioning phase, if necessary;
- Transcribe the findings of the Hearing Panel;
- Compile the post-Hearing documentation;
- Deliver notification to the parties.

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

During the Hearing, the Investigator(s) presents the Investigation Report, evidence, witnesses, allegation(s), and questions for deliberation. Both the Complainant and Respondent have the right to add or make additional comments about the facts of the case. The Hearing Panel may question the Investigator, Complainant, Respondent, and any witnesses. The Complainant and Respondent may not question each other or witnesses directly, but may pose questions through the Investigator or Resource Person. Should new evidence be presented without prior discussion with the Investigator, the Hearing may be halted to consider the inclusion of this information. Impact statements will also be halted if they are shared prior to the sanctioning phase of the Hearing. In the event the Resource Person removes a student due to misconduct (Complainant, Respondent, or witnesses), the alleged misconduct will be forwarded to the Office of Student Conduct.

Following the Hearing, the Hearing Panel will deliberate and will render a decision in regard to the alleged misconduct. After a determination regarding responsibility and before a decision regarding Sanctions, the Hearing Panel may request, and the parties may provide impact statements for consideration.

Should the Hearing Panel have any questions for the Investigator, The Office of Title IX Compliance, the Complainant and/or the Respondent, the Hearing Panel will reconvene so that all parties have the opportunity to respond and be present for other parties' responses.

Outcomes of the Hearing Panel will be provided to the student(s) simultaneously in writing within five (5) University business days of the conclusion of the Panel Hearing. Decisions made through the Hearing Panel may be appealed by students by utilizing the Appeal Procedures outlined below.

d. Sanction Only Hearing

If the student accepts responsibility for the charges issued in the Investigation Report, the student may request a Sanction Only Hearing, by the Hearing Panel. During a Sanction Only Hearing, the Investigation Report and finding are presented to the Hearing Panel by the Investigator(s). During presentation of the Investigation Report and finding, the Complainant and Respondent are not allowed to dispute the facts or details of the case. Both the Complainant and Respondent be present and both the Complainant and Respondent may provide impact statements prior to sanctioning. Written notification of the outcome of the Sanction Only Hearing will be provided simultaneously to the students within five (5) University working days of the conclusion of the Sanction Only Hearing. Decisions made through the Sanction Only Hearing may be appealed by the students by utilizing the Disciplinary Appeal Procedures outlined in Part I, Section E.9. In Sanction Only Hearings, students may appeal the sanction(s), and can only appeal on the following grounds, "the sanction imposed substantially varies from the range of sanctions normally imposed for similar infractions." A student may only choose a Hearing Panel for Sanction Only *Hearings for potentially separable offenses.*

9. Sanctions

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

Implementation of the disciplinary sanction(s) will not begin and are not deemed final until either the time for a disciplinary appeal has expired or until the disciplinary appeal process is exhausted. When sanctions are final, appropriate University Administrators may be notified of the student's sanctions. Upon the judgment of the Title IX Coordinator or designee, some cases resulting in sanctioning of Suspension and Expulsion may begin prior to the completion of the disciplinary appeal process. Findings and sanctions agreed upon through the Voluntary Resolution Process are final and cannot be appealed. All records related to the disciplinary process will remain on file for a minimum of seven (7) years from the date the case is completed through an Informal Resolution, a Hearing Panel, Sanction Only Hearing, and/or Disciplinary Appeal Procedures in Part I, Section E.9. All records related to the disciplinary process resulting in Suspension and/or Expulsion will remain on file indefinitely.

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

a. Disciplinary Reprimand

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

b. Disciplinary Probation

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

c. Deferred Disciplinary Suspension

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

d. Time-Limited Disciplinary Suspension

Time-Limited Disciplinary Suspension is a specific period of time in which a student is not allowed to participate in class, University related activities, or be present on campus property. The status of Disciplinary Suspension will be shown on the student's academic record, including the transcript. Time-Limited Disciplinary Suspension is noted on the student's transcript by the phrase "Disciplinary Suspension" and will include the period of time in which the student is/was suspended from the University. In most cases, the notation of disciplinary suspension will remain on the transcript permanently. A student has the ability to petition to remove a Disciplinary Suspension notation in the following instances: 1) the student is eligible to reenroll in the institution or 2) the Title IX Coordinator, or designee determines that a good cause exists to remove the notation. A Disciplinary Suspension of a student will indicate the date on which the suspension period begins and the earliest date the application for student readmission will be considered. The Title IX Coordinator or designee may deny a student's readmission, if the student's misconduct during the suspension would have warranted additional disciplinary action or if the student has failed to satisfy any sanction that was imposed prior to application for readmission. On denial of a student's readmission, the Title IX Coordinator or designee will set a date when another application for readmission may again be made. An administrative hold will be placed on the student's record to prevent registration during the Disciplinary Suspension.

e. Disciplinary Expulsion

Disciplinary Expulsion occurs when the student is permanently withdrawn and separated from the University. The status of Disciplinary Expulsion will be shown permanently on the student's academic record, including the transcript. Disciplinary Expulsion is noted on the student's transcript by the phrase "Disciplinary Expulsion" and the date in which the student's expulsion was effective. In most instances, the notation of Disciplinary Expulsion will remain on the transcript permanently. A student may petition in writing to remove a Disciplinary Expulsion notation in the following instances: 1) the student is eligible to reenroll in the institution or 2) the Title IX Coordinator or designee determines that good causes exists to remove the notation. An administrative hold will be placed on the student record by the Title IX Coordinator or designee to prevent future registration.

f. Conditions

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

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

7. Restrictions

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

- Revocation of parking privileges.
- Denial of eligibility for holding office in registered student organizations.

- Denial of participation in extracurricular activities.
- Prohibited access to University facilities and/or prohibited direct or indirect contact with members of the University community.
- Loss of privileges on a temporary or permanent basis.

10. Appeal Procedures for Sexual Misconduct

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

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

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

The petition must clearly set forth the grounds for the appeal, together with the evidence upon which the appeal is based. A disagreement with the decision alone shall not constitute grounds for appeal. The only proper grounds for appeal, and the only issues that may be considered on appeal are as follows:

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

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

The designated Appeal Officer is a trained University staff or faculty member who did not serve as the Investigator or an Administrative Hearing Officer in the original Title IX Hearing Process and will render a neutral, impartial, and unbiased decision.

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

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

If the Appeal Officer determines that the sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions, the appeal identifies a procedural/substantive error, or new evidence that was unavailable at the original Hearing, the Appeal Officer will then determine whether the error or new evidence would have substantially impacted the decision of the Hearing Panel. If the designated appeal officer determines that the error or new evidence would have substantially impacted the decision, he or she may:

- Modify the finding and/or increase, decrease, or otherwise modify the sanctions;
- Remand the case to the original Hearing Panel;
- Remand the case to a new Hearing Panel.

The Office of Title IX Compliance shall make all reasonable efforts to notify the student(s) of the status of the appeal throughout the appellate process and shall make all reasonable efforts to notify the student(s) of the result of their appeal using the written notification procedures within five (5) University working days from receipt of all responses. If necessary, the Appeal Officer will notify the student should they need additional time to determine the outcome of the appeal. The decision of the designated appeal officer is final and cannot be appealed.

If the Appeal Officer remands the decision to a new Hearing Panel, the decision of that Hearing Panel is final and may not be appealed.

10. Interference with an Investigation

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

- Attempting to coerce, compel, influence, or prevent an individual from providing testimony or relevant information;
- Divulging confidential information;

- Removing, destroying, or altering documentation relevant to the investigation; or
- Providing false or misleading information to the investigator, or encouraging others to do so.

11. Training Requirements from the Office of Title IX Compliance

Angelo State's commitment to preventing and raising awareness of the harm resulting from conduct prohibited in these policies include providing primary prevention and awareness programs for all incoming students and new Employees, ongoing education to both Employees and students, and emailing information regarding this policy to students at the beginning of each academic semester. This policy is published on the University's website and information regarding this policy and related policies is included in orientation materials for new students, faculty, and staff.

All incoming students (including transfer students) at Angelo State University are required to attend an orientation session and take an online training module related to Sexual Assault Prevention.

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

- *AlcoholEDU* provides detailed information about alcohol and the effects it has on the mind and body. While many students choose not to drink while in college, the training assists students in developing skills to handle situations involving their peers and their use of alcohol.
- *Sexual Assault Prevention for Undergraduates* is intended to educate students about healthy relationships, affirmative consent, good communication, and empowers students to be active bystanders.

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

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

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

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

All employees must attend Equal Opportunity non- discrimination and sex/gender discrimination training including sexual assault, sexual harassment, and campus crime mandated reporter training within the first 30 days of employment and receive supplemental training every two years. Other appropriate compliance training sessions will also be conducted on an ongoing basis. Training sessions will include information on how and where to report incidents of prohibited conduct, resources available, as well as risk reduction and safe and positive options for bystander intervention.

In addition, University Employees and administrators responsible for implementing this policy, including the Title IX Coordinator, Title IX Deputy Coordinators, Investigators, Hearing Officers, and Appeal Officers receive annual training about offenses, investigatory procedures, due process requirements, impartiality, conflicts of interest, informal resolution process, and University policies related to or described in this policy.

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

12. FAQs and Additional Information

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

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

PART II: COMMUNITY POLICIES

SECTION A: ALCOHOL POLICY & INFORMATION

1. Beverage Provisions in the Code of Student Conduct Alcoholic Beverages violations are outlined in Part I, Section B.1.c. of the *Code of Student Conduct*.

SECTION B: ACADEMIC INTEGRITY

1. Angelo State University Statement of Academic Integrity

Academic integrity is taking responsibility for one's own class and/or course work, being individually accountable, and demonstrating intellectual honesty and ethical

behavior. Academic integrity is a personal choice to abide by the standards of intellectual honesty and responsibility. Because education is a shared effort to achieve learning through the exchange of ideas, students, faculty, and staff have the collective responsibility to build mutual trust and respect. Ethical behavior and independent thought are essential for the highest level of academic achievement, which then must be measured. Academic achievement includes scholarship, teaching, and learning, all of which are shared endeavors. Grades are a device used to quantify the successful accumulation of knowledge through learning. Adhering to the standards of academic integrity ensures grades are earned honestly. Academic integrity is the foundation upon which students, faculty, and staff build their educational and professional careers.

2. Academic Dishonesty Definitions

Students must understand the principles of academic integrity and abide by them in all classes and/or course work at the University. Academic Misconduct violations are outlined in Part I, Section B.1.a. of the *Code of Student Conduct*. If there are questions of interpretation of academic integrity policies or about what might constitute an academic integrity violation, students are responsible for seeking guidance from the faculty member teaching the course in question.

3. Instructor Responsibilities

Any person aware of alleged violations of academic integrity should report the allegation to the instructor of record in the course. The instructor in a course is responsible for initiating action in each case of misconduct that occurs in that class. The instructor should contact the Executive Director of Student Affairs or designee to discuss the nature of the violation and the student's record of academic misconduct violations. Instructions for reporting allegations of academic misconduct are available in the Code of Student Conduct. The instructor will notify the student of the alleged misconduct and attempt to discuss the matter with the student and receive a response from the student about the allegations. Then, the instructor may notify the student of possible academic sanctions including, but not limited to, assigning a paper or research project related to the academic integrity; assigning a make-up assignment that is different than the original assignment; issuing no credit for the original assignment; reducing the grade for the assignment and/or course; issuing a failing grade on the assignment; and/or issuing a failing grade for the course. The academic penalty will not be implemented or assigned until all disciplinary procedures are complete. All academic integrity violations should be referred to the Executive Director of Student Affairs or designee as a central clearinghouse of violations. The Executive Director of Student Affairs or designee will review the case and may impose additional sanctions if warranted as outlined in the Code of Student Conduct.

4. Withdrawal and Assignment of Grades

a. Once a student has been notified of an academic integrity allegation, the student may not drop the course until the academic integrity processes are complete. If a student drops or withdraws, the student will be reinstated to the course in

question. A student should continue attending class and participating in course work until the disciplinary process is complete. If it is determined that the student was not responsible for academic integrity violations and/or the referring faculty member allows the student to withdraw from the course, the student may file a request with the Provost and Vice President for Academic Affairs for approval to drop the course or withdraw from the University retroactively.

b. If a referring faculty member must submit a final course grade before an Academic Integrity Violation allegation is resolved, the faculty member should notify the Department Chair and the Academic Dean of the intention to assign a grade of F and/or leave the final grade blank. The involved student may be given a temporary grade of X by the Registrar's Office, which does not affect the student's GPA, until the academic integrity adjudication process is complete. When the academic integrity adjudication process is complete, the final grade will be assigned through the appropriate academic channels and the completion of a grade change form. All appeals related to academic integrity violations should follow the process outlined in Part I, Section B.3.<u>e.8</u>h. (Disciplinary Appeals Procedures).

5. Academic and Disciplinary Penalties

The academic and disciplinary penalties will not be implemented until the disciplinary procedure and appeal process has been exhausted. In cases in which a student is found not responsible for academic dishonesty, the student will be entitled to the grade he/she would have received in the absence of an academic integrity violation. In addition, the student will be allowed to continue in the particular course without prejudice.

6. Referrals to the Executive Director of Student Affairs

In addition to the assignment of academic sanctions by the instructor of record, a referral of the academic misconduct violation should also be made to the Executive Director of Student Affairs or designee for the possible assignment of additional disciplinary sanctions. Instructions for reporting academic misconduct violations are available in the *Code of Student Conduct*. A student referred to the Executive Director of Student Affairs or designee for alleged violations of academic misconduct is entitled to all substantive and procedural guarantees provided in the *Code of Student Conduct*. Instructors of record of the course where the alleged violation occurred and the Academic Dean of the college where the student is enrolled or of the college housing the course where the alleged violation occurred may participate in the adjudication of the violation and assignment of additional sanctions with the Executive Director of Student Affairs or designee as outlined in the *Code of Student Conduct*.

NOTE: Additional Academic Misconduct information is available from the Office of Student Affairs.

SECTION C: ANTI-DISCRIMINATION POLICY

The University does not tolerate discrimination or harassment based on or related to sex, including pregnancy, sexual orientation and gender identity, race, color, religion, national origin, age, disability, genetic information, status as a protected veteran, or other legally protected characteristics. It is the University's policy not to discriminate in employment, admission, or use of programs, activities, facilities, or services on this basis.

1. Discriminatory Harassment

Harassment based on a person's protected class is a form of discrimination. Unlawful harassment can be verbal, physical, or written conduct that shows hostility toward an individual based on their protected classes. For more information on the University's policy and compliant procedures regarding discriminatory harassment, see **Angelo State University Operating Policy 16.02** <u>Non-Discrimination and Anti-Harassment</u> <u>Policy and Complaint Procedure for Violations of Employment and Other Laws</u>.

2. Title IX and Sexual Misconduct

A broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, interpersonal violence, sexual violence, or other misconduct based on sex. For more information on this policy and compliant procedures see <u>TTU System Regulation 07.06</u> Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure and in Angelo State's <u>Operating Policy 16.03</u> Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure.

3. Office for Civil Rights Complaints

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

SECTION D: CLASS ABSENCES

1. Class Absences

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

<u>Performance</u> provides complete information regarding class attendance and reporting student illness and emergencies.

2. Religious Holy Day Absences

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

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

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

SECTION E: COMPLAINT PROCESSES

1. Complaints

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

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

2. Academic Status Complaints

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

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

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

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

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

The University is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from sex discrimination of any kind. In accordance with Title VII, Title IX, the Violence Against Women Act (VAWA), the Campus Sexual Violence Elimination Act (SaVE), the Texas Education Code and other federal and state laws, the University prohibits discrimination based on sex and other types of Sexual Misconduct. The University has established policies and a Grievance Process providing for prompt and equitable and impartial resolution of student complaints of discrimination and harassment, including sexual harassment, sexual violence, and other forms of Sexual Misconduct. In the event a student believes their rights under Title IX or other laws have been violated, Angelo State University Operating Policies set forth procedures for filing, investigating, and resolving complaints of harassment and discrimination. These policies and complaint procedures are available in Angelo State University Operating Policies: **OP 16.02**, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws and TTU System Regulation 07.06 Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure and in Angelo State's Operating Policy 16.03 Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint **Procedure.**

a. Faculty/Staff and Student Relationships:

Angelo State University is committed to maintaining positive work and educational environments free from abuse of authority, favoritism, and conflicts of interest. Dating, amorous, romantic, and/or sexual relationships that, although consensual, may create actual or perceived conflicts of interest or the possibility for unethical, discriminatory, and/or harassing situation disruptive to the ASU community are prohibited. For more information on ASU's policy see OP 52.64 Consensual Relationships.

6. Disability-Related Complaints

- a. Complaints related to disabilities are guided by University Operating Policy <u>10.24</u> <u>Establishing Reasonable Accommodations for Students with Disabilities</u> and Operating Policy <u>16.02</u>, <u>Non-Discrimination and Anti-Harassment Policy and</u> <u>Complaint Procedure for Violations of Employment and Other Laws</u>.
- b. Any students seeking remedy on the basis of a disability must register as an individual with a disability with Student Disability Services and must provide all required documentation of a disability. Students who are denied services or denied a specific accommodation request by Student Disability Services may appeal the decision to the Executive Director of Student Affairs or designee. The ADA Campus Coordinator for Students is the Director of Student Disability Services, located in the Office of Student Affairs, Suite 112, Houston Harte University Center, (325) 942-2047.

7. Student Record Complaints & FERPA

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

8. Disciplinary Action

The University conduct procedure for students is outlined in the Angelo State University Student Handbook Part I, Section <u>BC</u>. The University conduct procedure for student organizations is outlined in Part I, Section <u>C</u>.

9. Employment

A student wishing to pursue a grievance concerning employment with the University and who has not found satisfaction or resolution with her or her immediate supervisor or the person in charge of the department may contact the Office of Human Resources in accordance with the grievance procedures outlined in the University Operating Policy 52.17, <u>Staff Employee Complaint Procedure</u> and University Operating Policy <u>16.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for</u> <u>Violations of Employment and Other Laws.</u>

10. Grades

The assignment of a grade in a course is the responsibility of the faculty member and is based on the professional judgment of the faculty member. Except for issues of computation, discrimination, equal treatment, or reasonable accommodation when a documented student need is present in accordance with the Americans with Disabilities Act of 1990 (ADA) guidelines, the faculty member's grade determination is final. The complete student grade appeal policy and procedure is listed in University Operating Policy 10.03, <u>Grade Grievance</u>. Also, if Academic Misconduct is involved, refer to the Angelo State University Student Handbook Part I, Section B.1.<u>a.</u> (Academic Misconduct).

11. Parking Citations

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

12. Graduate School Requirements

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

13. Housing Complaints

Housing regulations and processes are outlined in University Operating Policy 60.02, <u>Housing Policy</u>. The Director of Housing and Residential Programs, Centennial Village Residence Hall office, (325)_942-2035 oversees the resolution of complaints related to student housing.

14. Online and Distance Student Complaints

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

15. University Health Clinic Complaints

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

16. Tuition, Fee, and Financial Aid Complaints

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

SECTION F: FINANCIAL RESPONSIBILITY

1. Financial Responsibility of Students

- a. Students must meet all financial responsibilities due to the University. The writing of checks on accounts with insufficient funds, issuance of stop pays, disputed credit card chargebacks, or the nonpayment or delinquent payment of outstanding loans, and failure to meet any other financial obligations to the University are considered a lack of financial responsibility. Financial irresponsibility may subject the student to additional fees, fines, suspension of check writing, denial of registration, withholding of grades and transcripts and adjudication under the *Code of Student Conduct*. A student who fails to make full payment of tuition and mandatory fees, including any incidental fees, by the due date may be prohibited from registering for classes until full payment is made. Students should understand that consequences may result from not resolving one's financial obligations to the University.
- b. Generally, failure to meet financial obligations to the University may result in:
 - Cancellation of the student's registration if tuition and registration fees are not paid by the dates provided by Student Accounts and Bursar's Office or if a returned check given in payment of tuition and fees is not redeemed by that time.
 - Possible criminal prosecution for writing insufficient fund checks.
 - A student who fails to make full payment prior to the end of the semester or term may be denied credit for the work done that semester or term.
 - A hold preventing future registration placed on a student's academic records.
 - A hold on receiving official University transcripts until the obligation is paid.
- c. The University may report individual student financial obligations to a credit reporting agency or a collection agent. A student is responsible for all collection costs charged to Angelo State University including reasonable attorney's fees.
- d. Before registering or requesting a transcript, students may check for holds by accessing their records at: <u>http://ramport.angelo.edu/cp/home/displaylogin</u> (Registration tab, then click on the Check Holds tab at the top of the page).
- e. For more information, please visit the Student Accounts/Bursar's Office website at; <u>http://www.angelo.edu/services/controller/sa_welcome.php</u>

SECTION G: FREEDOM OF EXPRESSION

1. Freedom of Expression

Information related to the freedom of expression policy is available in the Angelo State University Operating Policy 74.07, <u>Freedom of Expression Activities</u>.

SECTION H: HOUSING REQUIREMENTS

1. Housing Information

- a. The Angelo State University residence hall system includes a variety of living options and affordable housing for approximately 2218 students. Living/Learning Communities provide students with the opportunity to live with others of similar interests or major. Our current Living/Learning Communities are housed in Plaza Verde Residence Hall, Texan Hall, and Centennial Village. Centennial Village, which is arranged in two-bedroom/one bath units or four-bedroom/two bath units, offers private bedrooms in a suite-style setting. Likewise, Texan Hall offers private bedrooms with a shared common area in a suite-style setting. Carr Hall offers suite-style accommodations. Most suites are comprised of two double-occupancy rooms adjoined by a shared bathroom. Vanderventer Apartments offer fully furnished apartment style living with full kitchens and an on-site free laundry room. Plaza Verde, Mary Massie and Robert Massie Residence Halls all house residents in a double-occupancy room with its own bath.
- b. Ethernet computer connections are provided in each room. All halls have WiFi. However, students are encouraged to utilize Ethernet connections for quizzes, homework, etc. Other services include laundry rooms, vending machines, and 24-hour professional staff.
- c. An experienced and trained staff of Area Coordinators, Student Hall Directors, and Resident Assistants manage each residence hall. Each residence hall office provides assistance to residents with concerns, including maintenance requests, room and roommate assignments, and resource information.
- d. The interests of students living on campus are promoted through the Residence Hall Association. The Residence Hall Association sponsors social, cultural, educational, and recreational activities and participation in the activities is a wonderful way for students to be engaged in their community.
- e. Complete information regarding campus housing can be found at: <u>http://www.angelo.edu/dept/residential programs/</u>. Information regarding residence hall policies can be found at: <u>https://www.angelo.edu/dept/residential programs/Housing Requirements/housi</u> <u>ng requirements exemptions.php</u>

2. Housing Policy

In support of the Strategic Plan of Angelo State University, the University requires all first-time students who are not residents of Tom Green County to live in the University residence halls for the first year, two long semesters of enrollment, regardless of total credit hours. Compliance with the University Housing Policy is a condition of enrollment, as set forth in the Angelo State University Student Handbook and the Undergraduate and Graduate Catalog and approved by the Board of Regents.

3. Housing Requirements

- a. Subject to verification and authorization by Housing and Residential Programs, students who meet one or more of the following criteria may be given permission to live off campus prior to moving in:
 - A student who graduated from a Tom Green County high school.
 - A student is residing and continues to reside in the established primary residence of her/his parent(s) (or legal guardian), grandparent(s), or sibling(s), if it is within a 70-mile radius of Angelo State University. The parents must have established their primary San Angelo residency at least one year prior to the request for an exemption. Legal guardianship must have been established by a court of law at least one year prior to the request.
 - A student presents sufficient evidence of an extreme financial hardship condition based on guidelines similar to those required for Financial Aid.
 - A student is married or has dependent children living with the student.
 - A student is 21 years of age or over on or before the first day of classes of the initial semester of enrollment.
 - A transfer student has successfully completed the equivalent of the one year live on requirement. If the college or university did not require the student to reside on campus, and the student successfully completed two long semesters, they will be exempted.
 - A student has served six months or more in active military service, as verified by a discharge certificate (DD214).
 - A student presents sufficient evidence of an extreme medical condition, as documented by his/her treating physician for which on-campus accommodations cannot be made.
 - A student presents sufficient and satisfactory evidence of extreme or unusual hardship that will be intensified by living in the residence halls.
 - A student is enrolled in on-line classes only.
 - A student is taking less than 12 hours during the academic year.
- b. In conjunction with the University's support of academic integrity, evidence of deliberate falsification of information, data, or any materials submitted, or providing false or erroneous information in connection with an application for exemption from the on-campus housing requirement may be grounds for disciplinary action. Violations will be reported through the <u>Office of</u> Student <u>Conduct OfficeAffairs</u>.
- c. Students sign a Residence Hall Contract for the summer session or the academic year (fall and spring semesters). Any student wishing to move from the residence halls should consult the Residence Hall Contract for the provisions applicable to cancellation of the contract.
- d. Signing a lease for off-campus housing does not relieve the student of contractual obligations with the University for housing in the residence halls. The student is responsible for complying with all provisions of the Angelo State University Housing and Residential Programs Contract.
- e. The student is responsible for updating any incorrect information including place of residence with the Registrar's Office.

4. Room and Dining Plan Fees and Advance Payments

- a. Room and dining plan fees are due and payable by the semester and will be billed by Student Accounts and Bursar's Office. Room and dining plan fees become a part of the student's bill, and as such, payment plans are available. Payments must be made by the scheduled due dates to avoid delays in registration. Additional remedies available to the University for non-payment of room and dining plan fees include withholding the student's transcript of grades, diploma, and other academic records, and cancellation of enrollment.
- b. Students with academic year contracts are charged 50 percent of the academic year room and dining plan rate for the fall semester and 50 percent for spring semester. Students entering the residence halls for the spring semester with an academic year contract are charged 50 percent of the academic year rate.

SECTION I: GENDER-BASED HARASSMENT, SEXUAL MISCONDUCT, DISRIMINATION AND TITLE IX POLICY AND COMPLAINT PROCEDURE

ASU has established policies and grievance procedures providing for prompt and equitable and impartial resolution of student complaints of discrimination and harassment, including sexual harassment, sexual violence, and other forms of Sexual Misconduct. In the event a student believes their rights under Title IX or other laws have been violated, **Angelo State University Operating Policies** <u>16.02</u>, <u>Non-Discrimination and Anti-Harassment Policy</u> and Complaint Procedure for Violations of Employment and Other Laws and <u>TTU</u> <u>System Regulation 07.06</u> <u>Sexual Harassment, Sexual Assault, Sexual Misconduct, and</u> <u>Title IX Policy and Complaint Procedure</u> and in Angelo State's Procedure. Set forth procedures for filing, investigating, and resolving complaints of harassment, Sexual Misconduct, and discrimination. Additional information regarding gender-based harassment, Sexual Misconduct, discrimination, and Title IX can be found at: <u>https://www.angelo.edu/services/title-ix/</u>.

SECTION J: SOLICITATIONS, ADVERTISEMENTS, AND PRINTED MATERIALS

1. General Policy

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

2. Definitions

a. Solicitation includes, but is not limited to, requesting money, and/or donations, seeking agreement to pay, taking subscriptions, selling merchandise or tickets or offering other comparable materials and privileges in person or by handbills, posters or similar materials to promote sales.

- b. Advertisements are the displays of any items that have, as an integral part of their design, the identification of a consumer product or service.
- c. Printed materials are publications, handbills, posters, leaflets, and other written matter intended for public distribution, sale or display on campus.

3. University Name, Documents, and Records

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

4. Jurisdiction

- All solicitation requests should be directed to the Director of Business Services or designee for review. Requests should be submitted online using the <u>Solicitation/Sales Request Form.</u> Requests must be submitted at least ten (10) University business days before intended use. Solicitation requests regarding food/beverage items on campus are subject to the approval of the Director of Business Services and are submitted via the <u>Solicitation/Sales Request Form.</u>
- b. All regulations pertaining to on-campus solicitations by students and registered organizations shall be administered by the Director of Business Services or designee.
- c. All regulations pertaining to on-campus solicitations by University departments and staff shall be administered by the Vice President for Finance and Administration or designee.
- d. All regulations pertaining to on-campus solicitations by academic departments and faculty shall be administered by the Provost and Vice President for Academic Affairs or designee.
- e. Solicitation of all gifts, donations, and non-contractual grants from private philanthropic sources (e.g., individuals, foundations, and corporations) are administered by the Vice President for Development and Alumni Relations or designee in accordance with University Operating Policy 32.03, <u>Solicitation of Gifts and Grants from Private Philanthropic Sources</u>.

5. Solicitation Processes

- a. Solicitations by registered student organizations and students are prohibited on Angelo State University grounds and facilities except for:
 - Activities supporting the educational mission of the institution.
 - Promotion of organizational activities consistent with organization mission.
 - Recruitment of members or membership drives.
 - Accepting donations on behalf of altruistic or charitable projects.
 - Scholarship and/or fundraising projects in support or organization mission.
 - The regulating offices may grant special permission for solicitation purposes or places not listed above in exceptional circumstances.

- b. Permission will not be granted for any activity which promotes the use of alcoholic beverages, infers sponsorship by Angelo State University or violates any federal, state and/or local laws and/or University policies.
- c. In order to solicit in University buildings, authorization is required via the <u>Solicitation/Sales Request Form.</u>
- d. Registered student organizations may use the University's registered marks when used in connection with a student organization activity, provided items are acquired from a licensed vendor. A sample or drawing needs to be provided showing how the University's registered marks are to be used before production of the merchandise can proceed. This sample will be submitted by the licensed vendor selected by the registered student organization. For additional information on licensing and use of Angelo State University registered names, logos, and trademarks, refer to University Operating Policy 30.07, Licensing and Use of ASU Registered Names, Logos, and Trademarks on the University website and also to the University Operating Policy 26.07, University Name Seal and Logo.
- e. Requests for permission to solicit are granted for a specified period. To be eligible to solicit, an individual must present current student identification and submit a reservation request online at: <u>http://reservations.angelo.edu.</u> Permission to solicit may be revoked if the solicitation violates any of the regulations pertaining to solicitations and advertising or sale, display, or distribution of printed materials.
- f. Decisions by the Executive Director of Student Affairs, the Director of Business Services, or designee rejecting or revoking permission of students or registered student organizations to solicit may be appealed to the Vice President for Student Affairs and Enrollment Management or designee.
- g. A written appeal describing the objections to the denial addressed to the Vice President for Student Affairs and Enrollment Management or designee must be filed no later than five (5) University business days after the receipt of notice of denial from the Executive Director of Student Affairs, the Director of Business Services, or designee.
- h. The Executive Director of Student Affairs will convey the appeal decision, in writing, to the student or registered student organization or to the Director of Multicultural and Student Activities Programs or the Director of Business Services within five (5) University business days from the receipt of the written appeal.
- i. The student or registered student organization may not appeal beyond the Vice President for Student Affairs and Enrollment Management.

6. Advertisements

- a. Advertisements by commercial organizations, either as groups or through student representatives, are not allowed on the campus unless they advertise specific registered student organization functions. This implies sponsorship and/or co-sponsorship which minimally includes, but is not limited to, direct participation in planning, coordination and implementation by members of the sponsoring organizations.
- b. Individuals and commercial organizations attempting to display or distribute unauthorized materials on campus, or use campus facilities for such activity, will be

removed from the campus by the University Police and will be subject to appropriate legal action.

- c. Advertisement is not permitted on the exterior side of residence hall room doors or within public areas of the residence halls.
- d. Amplification equipment may not be used to advertise or promote sales in conjunction with any approved solicitation activity unless authorized in advance by the Director of Business Services.
- e. The only approved posting location on campus by non-University guests is located within the Houston Harte University Center with the Director of Business Services review and approval for a two (2) week period on approved posting boards.

7. Printed Materials & Digital Signage

The following policies apply to the display and distribution of printed materials and digital signage in all areas of the University campus:

- a. Only individuals affiliated with the University (i.e. students or student organizations) may distribute handbills, leaflets, or any other type of printed materials, except as provided by law.
- b. Students and registered student organizations do not need prior approval concerning the content or distribution of materials such as leaflets and handbills; however, students may be required to provide verification of current student status upon request.
- c. Solicitation and Advertising materials must conform with the provisions stated above.
- d. Student election campaign literature must conform to the procedures outlined in the Student Election Code of the Student Government Association.
- e. Use of the Angelo State University campus that results in the need to utilize University personnel for litter collection, crowd control, repair/replacement of University property, etc., may necessitate repayment to the University by the responsible party.
- f. Printed materials may not be placed on vehicles parked in the University parking lots or on vehicles in motion without permission of the vehicle owners.
- g. Printed materials such as handbills and leaflets may not be distributed within University buildings unless approved in advance by the building manager.
- h. Printed materials and digital signage content shall not violate any local, state, or federal law.
- i. Printed materials shall not include the use of obscenities, libelous statements, or "fighting words" as defined by law.
- j. Registered student organizations and University departments are allowed to hang banners within the Houston Harte University Center at the discretion of the Director of Business Services. A list of requirements regarding the banners is available in the Office of Special Events located in the Houston Harte University Center.
- k. Use of University trademarks, such as the name or logo, on visual materials or digital signage must follow the University's Visual Identity Guidelines: <u>http://www.angelo.edu/collegiate-licensing/identity-guidelines/.</u>

8. Use of Bulletin Boards & Digital Signage

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

9. Violations

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

SECTION K: STUDENT IDENTIFICATION

1. Student Identification

The official Angelo State University ID card, the ASU OneCard, is the key to accessing services throughout the campus and also serves as the campus meal card for students who have purchased a meal plan. The first card is issued at no charge and there is no charge to replace lost or stolen cards. However, if a student wants a temporary card to use on-campus while waiting for a replacement card, there is a \$5.00 fee for the temporary card. Students should carry the ASU OneCard with them at all times.

- a. The ASU OneCard is the property of the University.
- b. Students shall not allow their student identification to be used by other persons.
- c. Students shall not alter their ASU OneCard in any way.
- d. On request, students must present their student identification to any member of the University faculty, staff, administration, or police.

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

SECTION L: STUDENT INVOLVEMENT & REPRESENTATION

1. Student Government Association

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

2. Student Media

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

Copies of the University publications policies are available in the offices of the chair of the Department of Communication and Mass Media, who serves as Director of Publications, and the Director of Student Life. See University Operating Policy 04.10, <u>Student Media</u>.

Students preparing for careers in the media industry, train as videographers, editors, and on-air personalities by producing content for the campus television and radio stations. RAM TV and RAM RADIO highlight aspects of Angelo State University to the San Angelo Community and beyond.

RAM TV features live productions, symposia, lectureships, administrative forums, performing arts, athletics, exhibitions of student work, and events sponsored by departments on campus as well as local human-interest stores and public service announcements for non-profit organizations in San Angelo. This material is broadcast on the University educational access channel and the San Angelo local FOX affiliate, KIDY.

RAM RADIO is an Internet radio station that streams music, campus news and events, and community stories, 24 hours a day, 7 days a week. RAM RADIO also offers students the opportunity to produce programming for National Public Radio (NPR) through the Texas Tech University Public Radio Station.

3. Affiliated Military and Veterans Services

The Affiliated Military and Veteran Services Center is here to assist veterans, active duty or reserve service members, and their dependents in their pursuit of higher education.

To that end, the University works in cooperation with the U.S. Department of Veterans Affairs (VA) and other off-campus resources including the Texas Veterans Commission to ensure top-notch support for service member students. The Affiliated Military and Veteran Services Center acts as a central point of intake and processing for the following educational benefits:

- a. VA Education Benefits (Montgomery GI Bill; Post-9/11 GI Bill, Dependents Educational Assistance, and Vocational Rehabilitation).
- b. Tuition Assistance for all active duty and reserve military personnel.
- c. Texas Veterans Commission Hazlewood Tuition Exemption Program.

The Affiliated Military and Veteran Services Center also helps students transition to campus by offering a stress-free environment with support services such as peer tutoring, counseling, and relaxed social interaction for service member students and staff.

SECTION M: STUDENT ORGANIZATIONS

1. Registered Student Organizations

- a. A registered student organization is a group comprised of at least five (5) students enrolled at Angelo State University who voluntarily come together under a common mission. A president, vice president, and treasurer are the only officers needed. A parliamentarian, risk management officer, and historian are recommended. The purposes and activities of the organization shall be lawful and not in conflict with the policies, rules, regulations and standards of the University and/or federal, state and/or local statutes.
- b. Generally, student groups broadly fall under one of the following categories: Academic/Departmental, Cultural/International/Affinity, Hobby/Recreation, Boards and Councils, Fraternity and Sorority, Social Organizations, Honor, Sport Clubs, Spiritual Life, Philanthropy, and Pre-Professional.
- c. All student organization registration is administered by the Multicultural & Student Activities Programs.

2. Club Sports

- a. The Angelo State University Club Sports program is registered by the Multicultural & Student Activities Programs department and administered by University Recreation. This program is designed to provide opportunities for students to participate in a variety of sports activities. This program exists to promote and develop an interest in sports. Club Sports members learn new skills, engage in competition and enjoy the recreational and social fellowship of sport.
- b. A group seeking Club Sports status must first be a registered student organization, subject to the rules and regulations of the University. Typically, a student organization must be registered with the Office of Multicultural and Student Activities Programs for at least an academic year before full consideration for Club Sports status.
- c. Following the organization registration process, a group should request a meeting with University Recreation to initiate the application process for Club Sports

affiliation. After obtaining Club Sports status, groups must also comply with the guidelines of the Multicultural & Student Activities Programs department and University Recreation.

3. Social Fraternities/Sororities

- a. The Center for Multicultural & Student Activities Programs is responsible for the oversight of Angelo State University Fraternity and Sorority Social Organizations. A group seeking social fraternity or sorority status should first contact the Center for Multicultural & Student Activities Programs to discuss their interest and the specific (if any) national organization with which they wish to affiliate. Students should understand that the decision to bring a new sorority or fraternity to campus is a joint decision made by the students, the University, and the national organization. All parties must work in concert for the relationship to be successful. A group seeking social fraternity or sorority status must be recognized by one of the four governing councils for social fraternities and sororities: Interfraternity Council, Multicultural Greek Council, National Pan-Hellenic Council, and Panhellenic Council.
- b. All student organizations registering as a fraternity or sorority must show proof of their Title IX exemption by attaching to the registration application a letter from their national affiliate with their IRS 501 (c) number.
- c. All student organizations registering as a fraternity or sorority must be a member of a fraternity/sorority governing council to maintain official student organization status.

4. Conditions for Registration of New and Renewing Student Organizations

- a. Membership in the organization shall be open only to students enrolled at Angelo State University. A student organization is eligible for registration if it does not deny membership on based on race, color, religion, national origin, gender, age, disability, citizenship, veteran status, sexual orientation, gender identity, or gender expression, except that: a registered student organization created primarily for religious purposes may restrict the right to vote or hold office to persons who subscribe to the registered student organization's religious beliefs: a registered student organization may restrict membership based on the provisions of Title IX of the Education Amendments of 1972.
- b. Faculty and staff may hold associate memberships to the extent allowed by the student organization's constitution.
- c. The organization shall not duplicate the purposes and functions of a previously or currently registered student organization unless the need for duplication is substantiated with the Center for Multicultural & Student Activities Programs.
- d. All funds allocated to a registered student organization from University- controlled sources must be maintained in a registered student organization bank account. Additional resources acquired by fundraising may be kept in an off-campus organizational account. Funds acquired by the club may be held in non-university or alternate accounts. It is recommended that the advisor either co-sign the organization's checks or be a reviewer of the account. If an account becomes dormant due to an inactive club, it is recommended that the remaining funds be remitted to the ASU Foundation and placed in the Ram Family Student Scholarship

Endowment. Please see the Center for Multicultural and Student Activities Programs website for a list of financial best practices.

- e. The student organization shall show initiative in effectively meeting its stated purpose and be lawful and peaceful in its activities. The Center for Multicultural & Student Activities Programs is available to assist in organizational development.
- f. The student organization shall be free from control by any other non-student individual or organization. Alumni and affiliate/associate members should not be granted voting privileges nor can they hold executive officer positions. These privileges are only valid for currently enrolled students at Angelo State University to protect the leadership of the organization.
- g. Only organizations that are an official part of the University and receive direct funding by the University or organizations that are an extension of an academic department may use the name, logo, or symbols of the University as part of its name or in print, online and on social media with approval from the Director of Communications and Marketing. Registered student organizations may use the complete statement "a registered student organization at Angelo State University." Approval for the use of logos, symbols, and names protected by Angelo State University is managed by the Office of Communications and Marketing. In addition, the organization shall not advertise or promote events or activities in a manner that suggests sponsorship by the University, unless specifically authorized to do so.
- h. Solicitation is prohibited on campus by registered student organizations that may abridge any contractual agreements of Angelo State University. To avoid violations, registered student organizations should seek clarification on any solicitation initiatives or materials from the Office of Special Events. Any student organization wishing to solicit on-campus must follow the policies and procedures listed in the current Angelo State University Student Handbook.
- i. All registered student organization resources must be used to advance and support the organization's purpose, identified goals, and/or mission.
- j. All registered student organizations must comply with University rules, standards, and policies.
- k. Student organization registration does not imply University approval of either the organization or its functions or activities.

5. Registration of New and Renewing Student Organization

- a. New and renewing student groups that desire to become a registered student organization should contact the Center for Multicultural & Student Activities Programs to discuss the process of forming or re-forming an organization.
- b. A student group seeking to form a new organization may file the <u>Student Organization</u> <u>Registration/Renewal FormStudent Organization Registration/Renewal Form</u> and a Student Organization constitution with the Student Organizations/Activities Coordinator. The initial constitution must follow the template provided by the Center for Multicultural & Student Activities Programs. Once both forms are filed, a pending student organization is permitted to use University facilities and post notices and flyers per established University posting regulations. A proposed group may apply for registration only once per semester.

- c. Following the submission and review of all required documents and verification of member eligibility, the materials will be sent to the Angelo State University Student Government Association for review and a recommendation on registration. After receiving the advice of the Student Government Association, the Student Organizations/Activities Coordinator will make the final decision on registering the new organization and will notify the organization of the decision.
- d. A group that has been a registered student organization in the past and which became inactive may apply to reinstate the organization by submitting a Student Organization Registration/Renewal form, a proposed constitution that complies with current requirement, and a letter explaining why the organization should be reinstated.

6. Annual Registration and Renewal Process

- a. The Multicultural & Student Activities Programs Center must receive a complete Student Organization Registration/Renewal form by the deadline. The form will include the names and contact information for the organization officers and the president of the organization must certify that the organization still has at least five (5) students who are in good standing with the University.
- b. The organization must also submit an updated copy of the local constitution and bylaws (if applicable) and the constitution and by-laws of any other local, state, or national affiliate organization (if applicable).
- c. The organization shall also furnish the signature, title, campus address, telephone number, and e-mail address of a full-time Angelo State University faculty or unclassified staff member indicating the person's agreement to serve as the organization's advisor.
- d. The organization must also agree to comply with all University standards, rules, and/or policies as well as all federal, state, and/or local laws.
- e. Executive officers of registered student organizations must have at least a 2.0 cumulative grade point average at the time of election, must earn at least a 2.0 grade point average each semester during their term of office, must maintain full-time student status throughout their term of office, and must remain in good standing (academic and disciplinary) throughout their term of office. Student organizations may establish higher eligibility requirements for their executive officers in their constitutions.

7. Benefits of Registered Student Organizations

- a. Benefits include: Meeting room reservations on campus, organization information published online, posting on campus, leadership training, ready references and access to training materials and resources in the Center for Multicultural & Student Activities Programs. Registered student organizations may apply for funding through the Student Organization Leadership Fund (SOLF) administered through the Center for Multicultural & Student Activities Programs.
- b. Club sports are entitled to all the benefits of a registered student organization. In addition, club sports may receive administrative support and guidance from University Recreation.

8. Faculty or Staff Advisor

- a. Each registered student organization shall have a full-time University faculty or unclassified staff advisor available to the officers and members for consultation regarding the affairs of the organization. Attendance at organizational meetings and functions is encouraged to facilitate incorporating the advisor into the organization's program planning, and decision-making, and the advisor should work directly with the student organization regarding the financial best practices located online within the Center for Multicultural & Student Activities Programs website. The advisor must oversee adherence to University standards, rules and/or policies as well as the organization's constitution and by-laws. Regarding club finances, the advisor should be a co-signer of the organization's account or be a reviewer of the account. If a student organization travels, the advisor is the responsible party for submitting travel requests, for obtaining any travel advances, and for reconciling the travel expenses after the trip in accordance with University procedures. The Center for Multicultural & Student Activities Programs sponsors various advisor-training programs throughout the year to assist advisors in working with their organizations. State law mandates a training program on risk management and organization advisors must attend this program. Specific information on complying with this training requirement is available in the Center for Multicultural & Student Activities Programs.
- b. Registered student organizations may have additional advisors, i.e., coaches (typical of club sports) or alumni advisors, to the extent permitted by their constitution and/or by-laws; however, one advisor must be a full-time Angelo State University faculty or staff member as required and identified in the registration packet. Only current ASU students can benefit from SOLF funding.
- c. Any individual who is a secondary advisor or coach who is not affiliated with the University or is not a full-time Angelo State University employee should also be included when filling out the registration application complete with names, addresses, telephone numbers and e-mails.
- d. Registered student organizations have ten (10) University business days to formally notify the Center for Multicultural & Student Activities Programs with the name, address, telephone number, and e-mail address of any new or replacement full-time University faculty or staff member appointed as their advisor. Failure to do so may result in suspended privileges. In cases where the club is experiencing difficulty securing a replacement, the club leadership should notify the Center for Multicultural & Student Activities Programs. After review, the Director of the Multicultural & Student Activities Programs or designee may appoint a temporary advisor for the club for no more than an additional thirty (30) University business days while the club secures a replacement advisor. Failure of the club to obtain a replacement advisor by the end of the additional thirty (30) University business days may result in suspended privileges.
- e. Certain student organizations do not choose their advisor(s); rather, they are assigned a full-time faculty or staff person by the academic department to oversee the administration of those areas, groups and resources.
- f. Established full-time University faculty or staff members, who reduce employment hours below full-time status, and maintain an office on-campus, may continue to

function as the "Primary" advisor of a student organization with the approval of the Center for Multicultural & Student Activities Programs.

g. Student organization advisors should complete advisor risk management training set by the Center for Multicultural & Student Activities Programs.

9. Prerequisites for Maintaining Registration

To maintain its active registration status throughout the academic year, a registered student organization must meet or submit the following criteria to the Center for Multicultural and Student Activities Programs:

- a. File a list of its current officers within ten (10) University business days from the day of elections and file notification of the subsequent changes when such occur.
- b. File a list of its current advisor(s) within ten (10) University business days of the acceptance of the full-time faculty or staff advisor to the position. Notification of advisor changes should also be made within ten (10) University business days.
- c. Submit all changes in documents on file relating to the organization (i.e., revisions to the constitution, changes in the statement of purpose, procedures for handling organization funds or membership requirements). Registered student organizations shall be responsible for updates and revisions to their local and affiliate constitutions. These changes must be registered with the Center for Multicultural & Student Activities Programs within ten (10) business days of any changes. Should an organizational dispute occur that involves University intervention, registered student organizations are bound by their constitution and by-laws on file with the Center for Multicultural & Student Activities Programs.
- d. Conduct its affairs in a lawful manner as a collaborative entity per the constitution and by-laws it has on file, in addition to applicable policies, rules, regulations and standards of the University and/or federal, state, and/or local statutes.
- e. Solicitation on campus by registered student organizations may not abridge any contractual agreements of Angelo State University. To avoid violations, registered student organizations should seek clarification on any solicitation initiatives or materials with the Office of Special Events.
- f. Ensure off-campus individuals or organizations whose appearance on campus is sponsored by the organization observe all applicable policies, rules, regulations and standards of the University.
- g. Attend annual risk management training programs provided by the Center for Multicultural & Student Activities Programs. A minimum of one organization officer, the president, vice president, or chairperson in charge of risk management, is required to attend. The officers are then responsible for conveying the information to their student organization members and completing a Risk Management Statement of CompletionStatement of Completion.
- h. Ensure off-campus individuals or organizations (whose appearance on campus is sponsored by the organization) observe all applicable policies, rules, regulations and standards of the University.
- i. The Executive Director of Student Affairs, Director of Multicultural & Student Activities Programs, or designee may suspend the registration of an organization for noncompliance with the regulations and/or standards as outlined in the current Angelo State University Student Handbook.

10. Conduct Procedures for Student Organizations

a. Student organization conduct procedures are outlined in Part I *Code of Student Conduct,* Section <u>C</u>, including processes for the temporary suspension and denial of registration for student organizations.

SECTION N: STUDENT RIGHT TO KNOW

The University Police Department compiles and publishes campus crime and fire data to comply with the Clery Campus Security Act. Information about crimes that have occurred on-campus and in the immediately surrounding community is published annually and a link to the Campus Crime and Safety Report can be found on the Angelo State University Student Affairs web page: <u>http://www.angelo.edu/services/student_services/</u>.

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

SECTION O: STUDENT RECORDS

1. General Policy

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

2. Address of Record

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

3. Student Access to Education Records

- All current and former students of the University have the right to access their educational records as provided by law.
- Students may obtain copies of records relating to themselves at their expense. The reproduction charge shall not exceed the actual cost to the University.

- The University will respond to all requests for explanations and interpretations of records or information, if the response does not violate the Family Educational Rights and Privacy Act of 1974, as amended.
- A student may waive the right of access to confidential letters of recommendation in the areas of admissions, job placement and receipt of awards.
- Personal identifiable information such as, personal conduct, class schedule, grade point average, academic progress, etc., shall not be released to non-authorized personnel without the consent of the student.

4. Records Not Accessible to Students

The following are records not accessible to students:

- a. Instructional, supervisory and administrative personnel records and the student's educational personnel records in the sole possession of the author and not revealed to any person other than a substitute (i.e. grade books, notes of observation and notes for recollection purposes).
- b. Employment records of a University employee who is not a student.
- c. Medical records are maintained for students visiting University Health Clinic and Counseling Services. Information contained in the medical record is privileged and will not be released to another person or institution without written permission of the student, unless otherwise authorized by law. Students needing to request a copy of their medical records may contact University Health Clinic and Counseling Services at (325)_942-2171. While not considered "education" records under the Family Educational Rights and Privacy Act of 1974, as amended, the mentioned statute still allows the patient, in most instances, access to his/her records. The general rule of confidentiality contains an exception when the patient or someone authorized to act on his/her behalf submits a written consent. Consent must be in writing and signed by the patient (or a parent or legal guardian if the patient is a minor). A physician shall furnish copies of medical records requested in accordance with the consent provided, except if the physician determines that access to the information would be harmful to the physical, mental, or emotional health of the patient.
- d. Medical and/or psychological information submitted for the purpose of determining eligibility for services are not releasable. Students may obtain the original information from the sources.

5. Authorized Non-Student Access to Student Records

Educational records (or personally identifiable information within a record) may be released without the written consent of the students to:

- a. Officials, faculty, and staff employed by the University if they have a legitimate educational interest.
- b. Officials of other educational institutions in which the student intends or seeks to enroll if the student is notified of what is being released and given a copy if desired.

- c. Authorized representatives of the Comptroller General of the United States, the Secretary of Education and administrative heads of educational agencies or state educational authorities.
- d. Individuals needing this information in connection with a student application for, or receipt of, financial aid;
- e. Federal, state and local officials to whom laws (in effect on or before Nov. 19, 1984) require information to be reported.
- f. Organizations such as Educational Testing Service administering predictive tests, student aid programs and improving instruction. The organizations must not show the personally identifiable information to outsiders and the information must be destroyed when no longer needed for audit, evaluation or compliance with federal requirements.
- g. Accrediting organizations.
- h. Parents who certify a student is carried as a dependent for federal income tax purposes. This certification must be ascertained by the Registrar's Office.
- i. Appropriate persons, if necessary, to protect the health or safety of the student or other persons.
- j. Individuals requiring such information by means of a judicial order or any lawfully issued subpoena, on condition that the student may be notified by the University of all such orders and subpoenas in advance of compliance.
- k. Emergency contacts as listed in students' educational records may be notified by designated staff upon notice of student hospitalization or transport via emergency personnel.

6. Students Rights to Challenge Records

Students have the right to challenge records and information directly relating to them. This section does not include procedures for students challenging individual grades. Grade appeal procedures are described in the Angelo State University Student Handbook, Part II, Section E.10. The challenge is limited to inaccurate, misleading or otherwise inappropriate records and information. The procedures set forth below shall be followed for an appropriate challenge.

- a. Any student wishing to challenge records or information directly relating to him or her must notify the individual responsible for maintaining the records. The notice must be in writing and specifically identify the item challenged and the basis for the custodian of the challenged records.
- b. All initial meetings will be informal and participants will include: the custodian of the challenged records or information, the student, and the author (if appropriate) of the material.
- c. If any of the participants (record custodian, student or author) are not satisfied with the results of the informal meeting, a formal Hearing will be conducted. The student may present evidence relevant to the content of the educational records to demonstrate how they are inaccurate, misleading or otherwise in violation of the privacy rights of the student. The Hearing also provides an opportunity for correction or deletion of any inaccurate, misleading or otherwise inappropriate data contained in the records and for insertion into the records a written explanation by the student requesting the content of the challenged records.

7. Release of Student Directory Information

- a. The following student information is considered Angelo State University Directory Information:
 - Student name
 - Permanent and local addresses
 - Hometown
 - Classification
 - Major and minor fields of study
 - Dates of attendance
 - Degrees, awards, and honors received
 - Specific enrollment status
 - Photograph
 - Team photographs
 - Participation in officially recognized sports and activities
 - Height/weight of member of athletic teams
 - Previous institution(s) attended
 - Degree candidate
- b. This information will be released by various campus offices periodically, or on request, unless the student stipulates that directory information (as defined above) be withheld. Students may request that directory information be withheld in writing in the Registrar's Office, room 200 of the Dorsey B. Hardeman Building.
- c. The personal identifying information obtained from an individual for the purpose of the emergency alert system of an institution of higher education, including an e-mail address or telephone number, is confidential and not subject to disclosure under Section 552.201, Government Code.

8. Destruction of Records

The University constantly reviews the "educational records" it maintains and periodically destroys certain records. The University will not destroy records if prohibited by state or federal law. The student's basic scholastic record is kept and maintained permanently in the Registrar's Office. Disciplinary records are maintained for at least seven [7] years in the Office of Student Affairs. Student Disability Services records are maintained for seven (7) years after the last date of enrollment. In cases resulting in Time-Limited Disciplinary Suspension or Expulsion, records will be kept indefinitely.

9. Letters of Recommendation

- a. Students may review recommendations used in application for employment or for admission to any educational agency or institution, or information concerning honors awarded, except when the student waives, in writing, the privilege of examination.
- b. Under the Family Educational Rights and Privacy Act of 1974, as amended, the student does not have access to confidential letters and statements of recommendation which were placed in the educational records before January 1,

1975, if the letters or statements are used for purposes for which they were specifically intended.

10.Proxy

When a student reaches the age of 18 **OR** is attending a postsecondary institution, regardless of age, FERPA rights transfer from the parent to the student. Parents of Angelo State University students may not receive non-directory information unless the student creates a FERPA/Proxy Authorized User from their secure Ramport account. Online FERPA/Proxy information can be found on the Registrar homepage at: http://www.angelo.edu/ferpa/online-ferpa-proxy.php

SECTION P: USE OF UNIVERSITY SPACE

1. General Policy

With the exception of free expression activities outlined below, the space and facilities of the University are intended primarily for the support of the instructional programs of the institution. Second priority is given to programs sponsored and conducted by University academic and administrative departments or organizations affiliated with those departments. Beyond these two priorities, use of campus space and facilities is encouraged for activities that have as their purpose, service or benefit to the Angelo State University community, and that are sponsored by registered student organizations.

University buildings, grounds, or property may be available for use by outside groups in accordance with and subject to the provisions of the University policy, to the extent that the programs and activities of these groups do not conflict or interfere with normal University functions or the activities of campus organizations. An individual who is not a student, faculty, or staff member may attend functions or activities held on University property, but to be eligible for the use of campus facilities, the function or activity must be sponsored by and affiliated with a University department or registered student organization. Sponsorship and/or co-sponsorship minimally include, but are not limited to, direct participation in planning, coordination and implementation by members of the sponsoring organizations. A department, student or registered student organization may not reserve space or facilities on campus and permit it to be used by a nonregistered organization or off-campus group or person. Outside groups desiring use of University facilities must obtain approval for their program or activity from the Director of Business Services. The Director of Business Services is responsible for making certain that the proposed program and activity is within the *Regent's Rules* and University policies. Reservation requests must be submitted to the Office of Special Events online at: <u>http://reservations.angelo.edu</u>. Appropriate rental charges shall be charged to outside groups using University facilities. State law requires that University facilities and property be used only for state purposes and not for private gain.

2. Reservation Requirements

- Reservations must be made for the use of buildings and grounds under the control of the University. Requests for reservations will be granted according to the priorities of the designated area. The procedures for requesting use of the University facilities are available online at: http://reservations.angelo.edu. Reservation requests must be submitted to the Office of Special Events online at: http://reservations.angelo.edu.
- b. If the use of facilities is for programs or activities involving minor children, the sponsoring group must comply with <u>Texas Education Code</u>, <u>Chapter 51.976</u>, which requires sexual abuse and child molestation training, certification, and reporting for program employees. Documentation of timely reporting to the Texas Department of State Health Services of such training should be received before reservation of space of facility will be confirmed.

3. Use of Facilities by Student Organizations

- a. Student organizations must be registered to use University facilities or grounds.
- b. A student organization that has petitioned the Center for Multicultural and Student Activities Programs for registration status may hold up to three meetings in the Houston Harte University Center pending action on the petition. These meetings must be held within a 25 calendar-day time period from the date the petitioning organization filed its intent to register. Other campus facilities or space may be reserved by "petitioning" student organizations for one meeting only, if their fulltime faculty or staff advisor agrees to be present at their event. Additional reservations will not be approved until the student organization is registered.

4. Procedure and Priorities for Designated Facilities

a. Houston Harte University Center

The facilities, services, and programs of the Houston Harte University Center have been designed to support the total educational mission of the University. In addition to recreational and dining facilities, the University Center provides a wide range of facilities and services for ASU students and their registered organizations. The meeting rooms in the University Center may be reserved for departmental/faculty/staff meetings and educational conferences. Co-sponsored conferences and meetings are provided for the cost of expenses incurred (rental fees for said events may be waived by following procedures outlined in the rules and regulations). The Facilities Fee Waiver form is located at: http://reservations.angelo.edu (under the Links tab).

b. Academic Buildings

Any registered student organization may request the use of space in academic buildings for specific purposes. These purposes may include, but are not limited to, regular meetings of honorary or professional organizations, lectures, seminars or workshops and special programs and functions. The space must be reserved through the Office of Special Events. All requests must be submitted with the agreement of a full-time faculty or unclassified staff advisor for the student organization using the online request form at: http://reservations.angelo.edu.

All use of academic space is "as is" (group is responsible for own set-up) and the full-time faculty or staff advisor assumes responsibility for accessing the space, supervising the meeting, and securing the space in same condition it was found. Forcredit academic use requests may supersede not-for-credit reservations. Recurring space assignments may be made for one semester only. All space assignments are made on the basis of use consistent with the purposes of the University and of available space. Academic use by departments and colleges has priority over others uses and organizational assignments may be changed or canceled if conflicts with regular academic programs develop.

Academic Space will be assigned on a limited basis if:

- The intended use is in keeping with the educational purposes of the University.
- The intended use does not conflict with the use by academic programs or academic organizations.
- The intended use does not conflict with normal security and maintenance.
- c. Residence Halls

Currently enrolled students who live in the residence halls have first priority for use of all residence hall facilities. Facilities may also be provided for individuals or groups whose activities are sponsored by, or affiliated with, Housing and Residential Programs. University departments or registered student organizations may use residence hall facilities during the summer, or at times when space is available, for workshops, institutes, short courses and conferences. However, space availability is limited, and requests for the use of residence hall space must be made to the Director of Housing and Residential Programs or designee.

d. Intercollegiate Athletic Facilities

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

e. Recreational Facilities

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

f. Pavilion

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

g. Lake Facility

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

5. Use of Campus Grounds

- a. Selected grounds areas (other than those described above) are available for activities that are sponsored and approved by University departments, registered student organizations or individual faculty, staff, and students. Academic use by departments and colleges has priority and assignments may be changed or canceled if conflicts with regular academic programs develop. Reservation requests must be submitted to the Office of Special Events online at http://reservations.angelo.edu.
- b. Students or registered organizations using a designated area are subject to the following requirements:
 - Use of amplification equipment must comply with the guidelines in Item 8. Use of Amplification Equipment (below).
 - A structure may not be erected on campus grounds without prior written approval that will include arrangements for cleaning up after the event.
 - If any expenses will be incurred in the course of an event, the sponsor or cosponsor will be required to supply a University account number before the activity can be approved by the Director of Business Services.
 - Violations of these campus grounds use regulations are subject to the disciplinary sanctions and procedures outlined in the *Code of Student Conduct*.
 - Students or registered student organizations desiring grounds use may be required to provide evidence of appropriate liability insurance in accordance with recommendations from the Environmental Health, Safety, and Risk Management Office, Senior Executive Assistant to the President and General Counsel, or other University departments as necessary prior to approval from the Director of Business Services.
 - Participants in, and/or sponsors for, events may be required to sign a "Hold Harmless" release.
 - The sponsor should refer to procedures provided by the Environmental Health, Safety, and Risk Management Office to make necessary arrangements for any event that includes food handling or food service on Angelo State

University property by anyone other than the contracted campus food service provider.

- The sponsor should contact Parking Services to make necessary parking arrangements for the event.
- If the use of University grounds is for programs or activities involving minor children, the sponsoring group must comply with <u>Texas Education Code</u> <u>51.976</u>, which requires sexual abuse and child molestation training, certification, and reporting for program employees. Documentation of timely reporting to the Texas Department of State Health Services of such training should be received before reservation of space or facility will be confirmed.

6. Appeals of Campus Grounds Use Request Denials

Students or registered student organizations whose requests for the use of University grounds are denied may appeal to the Director of Business Services as follows:

- a. A written appeal describing the objections to the denial presented to the Director of Business Services must be filed no later than five (5) University business days after the receipt of notice of the denial from the Assistant Director for Special Events.
- b. The Director of Business Services will convey the appeal decision, in writing, to the student or registered student organization within a reasonable time from the receipt of the written appeal.

SECTION Q: WITHDRAWALS

1. Voluntary Withdrawal from the University

- a. According to the Undergraduate and Graduate Catalog, students who find it necessary to withdraw from the University during a semester or summer term must apply to the Registrar's Office prior to the term withdrawal deadline. A student wishing to drop to zero hours must withdraw from the institution. If a student withdraws on the 13th class day or after, a W will be recorded for all classes that semester or term, and these W's will not be counted toward the six state-defined permitted drops. International students must receive clearance from the Center for International Studies as a part of the withdrawal procedure. Student athletes must receive clearance from the Director of Athletic Academic Services.
- b. Students considering withdrawal for medical reasons may contact the Office of Student Affairs to discuss additional University resources and services.
- c. There may be financial implications to withdrawal. If a student receives financial aid or is living in Angelo State University student housing, he/she should first contact those offices before applying for the withdrawal.
- d. Refunds

The Undergraduate and Graduate Catalog indicates that students withdrawing to zero hours at their request or those who have been withdrawn due to University action may be eligible to receive a refund of paid tuition and fees. A tuition and fee refund schedule is listed in the Undergraduate and Graduate Catalog and at: http://www.angelo.edu/services/registrars.office/withdrawals.refunds.php.

- e. Returning to the University after a Voluntary Withdrawal
- Application materials and deadlines for former Angelo State University students are available at: <u>https://myfuture.angelo.edu</u>. Official transcripts from all institutions attended subsequent to Angelo State University reenrollment must be submitted by the application deadline. All returning students must have a minimum of a 2.0 GPA on work taken since leaving Angelo State University.

2. Involuntary Withdrawals

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

There is a high probability (not just a slightly increased, speculative, or remote risk) of substantial harm and based on observation of a student's conduct, actions, and statements.

- e. The Executive Director of Student Affairs or designee will review the information presented in the notice including what attempts, if any, have been made to reduce or eliminate the direct threat such as the student's voluntary compliance with medical or counseling assistance.
- f. The Executive Director of Student Affairs or designee will notify the student of the concern.
- g. The Executive Director of Student Affairs or designee will request a meeting with the student to inform the student that an initial individualized, objective assessment will be scheduled within five (5) University business days in order to determine whether the student poses a direct threat to him/herself or others. The meeting may include, but is not limited to discussion of:
 - Involvement of parents or significant others.
 - Academic progress.
 - Living arrangements.
 - Previously granted accommodations.
 - Confidentiality waivers.
 - Other possible accommodations, care and support resources including medical or counseling assistance.
 - Withdrawal implications such as financial aid, health insurance, visas, and academic timelines.
- h. If the student does not respond to the request for a meeting or does not attend the meeting, written notice of the pending assessment will be sent via Certified Mail to

the student's last known official, local address as provided by the student to the Registrar's Office and/or electronically to the student's University e-mail account. Students not responding to requests for meetings or assessments may be referred to the Executive Director of Student Affairs or designee for allegations of failure to comply with reasonable directive and/or requests of a University official acting in the performance of his or her duties.

i. Temporary Suspensions

During the involuntary withdrawal process, if the Vice President for Student Affairs and Enrollment Management or designee determines that an immediate direct threat exists or an overt disruption of the campus community has occurred, the student may be temporarily suspended pending a final decision on the involuntary withdrawal as long as the student has received notice of the concern, had an opportunity to address the concern, and the student was afforded a Hearing and right to appeal the final decision. During a temporary suspension, the student may not attend classes, use University services and/or resources (except those expressly permitted by the Executive Director of Student Affairs or designee), and may not be on campus until the proceedings have been resolved. If the student needs to return to campus, the visit must be coordinated through the Executive Director of Student Affairs or designee and the University Police Department.

j. Involuntary Withdrawal Assessment

An individualized, objective assessment will be completed to determine whether a direct threat exists, and if so, whether the student should be permitted to remain enrolled at the University. The assessment will be based on reasonable medical judgment, using current medical knowledge, or the best available objective information, to assess the student's ability to safely participate in the University's programs. The assessment will be in the form of a written report containing the findings and recommendations of the medical and other professionals performing the assessment.

Within five (5) University business days from the initial meeting with the student or five (5) University business days from the date of notice regarding the meeting, the student will be scheduled for an assessment with a medical doctor, a licensed counseling or clinical psychologist, and other professionals as appropriate. If applicable, this assessment would include a licensed professional counselor from University Counseling Services. The student may provide information from other medical professionals as part of the assessment.

If a student elects not to participate in this assessment, the process will continue with the information that is otherwise available to consider. The assessment will determine:

- The nature, duration, and severity of the risk.
- The probability that the potentially threatening injury will actually occur.
- Whether reasonable modifications of policies, practices, or procedures will sufficiently mitigate the risk.
- k. Involuntary Withdrawal Committee

The assessment report will be forwarded to the Involuntary Withdrawal Committee for review. The Involuntary Withdrawal Committee is comprised of the following voting members: the student's Academic Dean, Director of the Student Counseling Services, Assistant Director of Student Conduct, Senior Executive Assistant to the President and General Counsel, and the Executive Director of Student Affairs. If the student resides in campus housing, the Director of Housing and Residential Programs will also serve as a voting member of the committee. If the student is receiving disability accommodations the Director of Disability Services will also serve as voting member of the committee. The Executive Director of Student Affairs will chair the committee. A non-voting resource person may be assigned by the Executive Director of Student Affairs to present information and assist the committee. The Involuntary Withdrawal Committee will meet with the student in an informal, non-adversarial Hearing to review the information collected throughout the process, and discuss the assessment with the student. The student will be permitted an opportunity to attend the Hearing, address the evidence being considered by the Involuntary Withdrawal Committee, and present information on his or her behalf. The student may be accompanied by one or more advisors. The Hearing will be scheduled by the Executive Director of Student Affairs or designee within five (5) University business days of the completion of the individualized assessment. The student will be provided the information to be considered at the Hearing by the Executive Director of Student Affairs or designee in advance of the Hearing. When deliberating a decision, the Involuntary Withdrawal Committee will meet in closed session with only voting members and the resource person present. Following the Hearing, the Executive Director of Student Affairs or designee will determine one of the following:

- The student may remain enrolled at the University with no restrictions.
- The student may remain enrolled at the University subject to specific conditions and/or restrictions as defined by the Involuntary Withdrawal Committee.
- The student should be involuntarily withdrawn from the University upon a specific date.
- l. Review of Committee Recommendation

The Executive Director of Student Affairs or designee will notify the student in writing of the decision within five (5) University business days.

m. Appeals Process

The student may appeal the decision of the Executive Director of Student Affairs by submitting a written appeal to the Vice President for Student Affairs and Enrollment Management within five (5) University business days. The student will be notified in writing of the final decision within five (5) University business days of receipt of the appeal.

n. Final Decision

Upon completion of the appeal process or with no receipt of an appeal, the student who is involuntarily withdrawn may not attend class or use University facilities, must vacate University housing within 24 hours and may not return to campus unless approved by the Executive Director of Student Affairs. Referrals will be made for the student upon request to appropriate community resources, i.e. medical care and housing. The student may be entitled to refunds or prorated tuition, fees, and room and board charges as a result of involuntary withdrawal. A registration hold will be placed on the student's record at the direction of the Executive Director of Student Affairs or designee, limiting any subsequent registration until approval is given by the Executive Director of Student Affairs.

o. Eligibility for Readmission

Students are eligible for consideration of readmission following an involuntary withdrawal after one calendar year from the withdrawal date. At that time, the student should present documentation to the Executive Director of Student Affairs or designee for review. Documentation may include, but is not limited to, current psychological evaluation, demonstration of ongoing medical care, and a plan for care upon re-enrollment. Readmission requests and documentation must be presented at least 30 University business days prior to the beginning of the semester that the student wishes to attend. Readmission will be contingent upon demonstration or documentation that the student is no longer a direct threat, and upon meeting admission deadlines and requirements.

APPENDIX A: DEFINITIONS

Academic Work, Test, Quiz, or Other Assignment

The terms "academic work, test, quiz, or other assignment" includes any required or optional academic work that is assigned. Examples include, but are not limited to: exams, quizzes, tests, homework, case studies, essays, research papers, group work, extra credit assignments, class attendance, experiential learning activities, internship or externship components, resumes, comprehensive exams, and thesis and dissertation drafts and submissions.

Administrative Hold

The term "administrative hold" refers to the indicator placed on a student's record preventing access to such University procedures as registration, release of transcripts, and course add/drops until the student meets the requirements of the University office placing the indicator as described in the Undergraduate/Graduate Catalogs.

Conduct History

The term "conduct history" is a compilation of documents related to any student or student organization's behavior that resulted in a finding of Responsible through the University conduct process outlined in the *Code of Student Conduct*. The student's academic progress may be considered in the sanctioning phase of an Informal Resolution, Informal Conference, or Formal Hearing.

Consent

Mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly conveys permission for a specific sexual activity.

Consent is not effective if it results from: (a) the use of physical force, (b) a threat of physical force, (c) intimidation, (d) coercion, (e) incapacitation, or (f) any other factor that would eliminate an individual's ability to exercise his or her own free will to choose whether or not to engage in sexual activity.

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

Coercion

Sexual coercion is defined as the use of violence or threats of violence against a person or the person's family or property; depriving or hindering a person by any means, substance, object, or clothing; attempting to intimidate a person by threats or force; or when committed with the intent to compel a person to do or abstain from doing an act that the person has the right to do or abstain from doing. Coercion is more than an effort to persuade, entice, or attract another person to have sex. In evaluating whether coercion

was used, the University will consider: (i) the frequency of the application of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the duration of the pressure.

Disciplinary Good Standing

The term "disciplinary good standing" is defined as a student not currently on disciplinary probation, deferred disciplinary suspension, or any level of disciplinary suspension/expulsion.

Discipline Body

The term "discipline body" means any University official or group of officials authorized by the Executive Director of Student Affairs to determine whether a student has violated the *Code of Student Conduct* and to recommend imposition of sanctions.

Hearing Body

A "hearing body" is the individual or individuals that make the determination of responsible or not responsible and issue sanctions upon a responsible finding in an Administrative Hearing or Panel Hearing.

Investigation Report

An "investigation report" is a formal or informal report that summarizes the relevant evidence based upon the completion of a prehearing investigation conducted by the Student Conduct Officer/Investigator.

Member of the University Community

The term "member of the University community" includes any person who is a student, faculty or staff member, University official, any person employed by the University, or a campus visitor.

Official Academic Record

The term "official academic record" includes, but is not limited to, applications for admission, the awarding of a degree, grade reports, test papers, registration materials grade change forms, and reporting forms used by the Registrar's Office.

Policy

The term "policy" is defined as the written regulations, standards and/or rules of the University.

Policy Clarification

The term "Policy Clarification" refers to written notice to a student when it is determined that the information reported does not warrant an allegation but may warrant notice to the involved parties to clarify the policy in question.

Preponderance of Evidence

The term of "preponderance of evidence" is the standard of proof used by Student Conduct Hearing Officers, Office of Title IX Compliance, Office of Student Affairs, and the Office of

Housing and Residential Programs. It is defined as a circumstance in which the evidence as a whole show that the fact(s) for which proof is being sought are more likely than not.

Religious Holy Day

The term "religious holy day" means a holy day observed by a religion whose places of worship are exempt from property taxation under <u>Texas Tax Code §11.20</u>.

Retaliation

"Retaliation" is defined as any intentional, adverse action taken by a responding individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant [or supporter of a participant] in an investigation and/or conduct process, civil rights grievance proceeding, or other protected activity.

Sponsorship and/or Co-sponsorship

The term "sponsorship and/or co-sponsorship" is defined as minimally including, but not limited to, direct participation in planning, coordination and implementation by members of the sponsoring organizations.

Student

The term "student" includes all persons admitted to or enrolled in courses at the University, either full-time or part-time, pursuing undergraduate, graduate or professional studies, and/or those who attend postsecondary educational institutions other than Angelo State University and who reside in University residence halls. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered "students".

Student Conduct Officer/Investigator

The term "Student Conduct Officer/Investigator" means a University designee authorized by the Vice President for Student Affairs and Enrollment Management, Executive Director of Student Affairs, the Title IX Coordinator, and/or the Director of Housing and Residential Programs pursuant to the *Code of Student Conduct* to adjudicate alleged violations of the *Code of Student Conduct*.

Student Organization

The term "student organization" means any number of students who have complied with the formal requirements for University registration.

University

The term "University" means Angelo State University.

University Official

The term "University official" includes any person employed by Angelo State University while performing assigned administrative or professional responsibilities.

University Premises

The term "University premises" includes all land, buildings, facilities and other property in the possession of or owned, used or controlled by the University (including adjacent streets and sidewalks).

APPENDIX B: CONSENT AT ANGELO STATE

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

eventually given, and thus constitutes a violation of the ASU Sexual Misconduct policies.

- A person cannot consent to sexual activity when they are incapacitated. Engaging in sexual activity with someone you know or reasonably should know is incapacitated is a violation of the Code of Conduct. Incapacitation occurs when a person lacks the ability to make informed, rational decisions due to impairment, which may be temporary or permanent.
- The question of whether the Respondent should have known that the Complainant was incapacitated is objectively based on what a reasonable person, sober and exercising good judgment, would have known about the condition of the Complainant.
- There are three types of incapacitation:
 - Age: A minor, in Texas is defined as under the age of 17 cannot consent to sexual activity.
 - Mental Disability: A person with a mental disorder or other cognitive issue which prohibits them from making an informed decision lacks capacity to engage in sexual activity.
 - Physical Incapacitation: A person who is asleep, unconscious, and/or intoxicated to the point of no longer understanding or controlling their actions cannot consent to engage in sexual activity.

Violation	Code of Student Conduct Sections	Possible Sanctions Finding
Academic Misconduct	Subsection 1.	
Cheating		Possible Sanctions
Copying from another student's academic work, test,	B.1.a.1.a.	Reprimand-Expulsion
quiz, or other assignment.		
Receiving assistance from and/or seeking aid from	B.1.a.1.b.	Reprimand-Expulsion
another student or individual to complete academic		
work, test, quiz, or other assignment without		
authority. The use or possession of materials or devices during	B.1.a.1.c.	Reprimand-Expulsion
academic work, test, quiz, or other assignment which	D.1.a.1.C.	Reprintante-Expuision
are not authorized by the person administering the		
academic work, test, quiz, or other assignment.		
Possessing, using, buying, stealing, transporting,	B.1.a.1.d.	Reprimand-Expulsion
selling, or soliciting in whole or in part items		1 1
including, but not limited to, the contents of an un-		
administered test, test key, homework solution, or		
computer program/software.		
Possession, at any time, of current or previous tests	B.1.a.1.e.	Reprimand-Expulsion
materials without the instructor's permission.		
Obtaining by any means, or coercing another person	B.1.a.1.f.	Reprimand-Expulsion
to obtain items including, but not limited to, an un-		
administered test, test key, homework solution or		
computer program/software, or information about an un-administered test, test key, homework solution		
or computer program.		
Transmitting or receiving information about the	B.1.a.1.g.	Reprimand-Expulsion
contents of academic work, test, quiz, or other	212101218	
assignment with another individual who has		
completed or will complete the academic work, test,		
quiz, or other assignment without authority.		
Substituting for another person, or permitting	B.1.a.1.h.	Reprimand-Expulsion
another person to substitute for oneself in order to		
take a course, take a test, quiz, or other assignment or		
sign in/register attendance.		
Taking, keeping, misplacing, damaging, or altering the	B.1.a.1.i.	Reprimand-Expulsion
property of the University or of another, if the		
student knows or reasonably should know that an unfair academic advantage would be gained by such		
conduct.		
Falsifying research data, laboratory reports, and/or	B.1.a.1.j.	Reprimand- Expulsion
other academic work offered for credit.		
Failing to comply with instructions given by the	B.1.a.1.k.	Reprimand-Expulsion
person administering the academic work, test, quiz,		
or other assignment.		

APPENDIX C: SANCTIONING GRID

Dla ai anione		
Plagiarism	D 1 0	
The representation of words, ideas, illustrations,	B.1.a.2.a.	Reprimand-Expulsion
structure, computer code, other expression or media		
of another as one's own and/or failing to properly		
cite direct, paraphrased, or summarized materials.		
Self-plagiarism which involves t <u>T</u> he submission of the	B.1.a.2.b.	Reprimand-Expulsion
same academic work more than once without the		
prior permission of the instructor and/or failure to		
correctly cite previous work written by the same		
student.		
Collusion		
AnyThe unauthorized collaboration or attempted	B.1.a.3.	Reprimand-Expulsion
<u>collaboration</u> with another individual to complete		
academic work, test, quiz, or other assignment that		
results in similarities in the work, including but not		
limited to, providing unauthorized assistance to		
another student <u>and/or-</u> allowing another student		
access to completed academic work , and/or		
conspiring with another person to commit a violation		
of academic dishonesty.		
Falsifying Academic Records	D1-4-	Descrive and Essential a
Altering or assisting in the altering of any official	B.1.a.4.a.	Reprimand-Expulsion
record of the University and/or submitting false		
information.		
Omitting requested information that is required for,	B.1.a.4.b.	Reprimand-Expulsion
or related to, any academic record of the University.		
Misrepresenting Facts		
Providing false grades, falsifying information on a	B.1.a.5.a.	Reprimand-Expulsion
resumé, or falsifying other academic information.		
Providing false or misleading information in an effort	B.1.a.5.b.	Reprimand-Expulsion
to injure another student academically or financially.		
Providing false or misleading information or official	B.1.a.5.c.	Reprimand-Expulsion
documentation in an effort to receive a postponement		
or an extension on academic work, test, quiz, other		
assignment, credit for attendance and/or obtain an		
academic or financial benefit for oneself or another		
individual. Examples include, but are not limited to,		
fabricated, altered, misleading, or falsified		
documentation for medical excuses family and		
personal emergencies, and signing into class and		
failing to remain the entire time.		
Violation of Professional Standards		
Any act or attempted act that violates specific	B.1.a.6.	Reprimand-Expulsion
Professional Standards or a published Code of Ethics.	D.1.a.U.	
Students are held accountable under this policy based		
on their college or school of enrollment, declared		
major, degree program, and/or pre-professional		
program.		
Unfair Academic Advantage		

Any other action or attempted action that may result	B.1.a.7.	Reprimand-Expulsion
in creating an unfair academic advantage for oneself		
or may result in creating an unfair academic		
advantage or disadvantage for another student that is		
not enumerated in items 1-6 above.		
Actions against Members of the University	Subsection 2.	Possible Sanctions
Community and Others	Subsection 2.	1 USSIDIE Salictions
Any act, or attempted act, perpetrated against		
another person or persons including, but not limited		
to:		
Disruptive and/or Obstructive Conduct		
Intentional or reckless behavior that disrupts or	B.1.b.1.	Reprimand-Expulsion
obstructs the University operations, including the		
cessation or temporary cessation of teaching,		
research, administration, other University activities,		
and/or other authorized non-University activities		
which occur on campus.		
Harmful, Threatening, or Endangering Conduct	D 4 1 0	
Intentional or reckless behavior that harms,	B.1.b.2.	Reprimand-Expulsion
threatens, or endangers the physical or emotional		
health or safety of others, including but not limited		
to:		
Assault	5410	
Intentionally, recklessly, or knowingly causing	B.1.b.3.a.	Reprimand-Expulsion
physical harm to another individual.		
Intentionally, recklessly, or knowingly causing	B.1.b.3.b.	Reprimand-Expulsion
physical contact with another when the person		
knows or should reasonably believe that the other		
will regard the contact as offensive or <u>harmful</u>		
provocative.		
Threats		
Any act or communication (written, oral, or	B.1.b.4.	Reprimand-Expulsion
otherwise) Written or verbal conduct that causes a		
reasonable <u>person would interpret as a serious</u>		
expression of intent to injure expectation of injury to		
the health, or safety, or property of a person(s)		
and/or inflict bodily harm upon a person(s) of any		
person or damage to any property. Intimidation		
	D1hF	Denvimend Expulsion
An implied threat or act that causes a reasonable fear of harm in another.	B.1.b.5.	Reprimand- Expulsion
Bullying/Cyber Bullying	B.1.b.6.	Poprimond Europlaion
Repeated or severe aggressive behaviors that	D.1.0.0.	Reprimand-Expulsion
intimidate or intentionally harm or control another		
person physically or emotionally. Activities protected		
by freedom of speech will not be considered		
violations of the Code of Student Conduct.		
Mutual Combat		

Any incident between two or more individuals in which violence or the threat of violence is mutual.	B.1.b.7.	Reprimand-Expulsion
Hazing		
Intentional, knowing, or reckless act, occurring on or off the campus of the University, by one person alone	B.1.b.8.	Reprimand-Expulsion
or acting with others, directed against a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining		
membership in any organization whose membership consists primarily of students. Consent and/or acquiescence by a student or students subjected to		
hazing is not a reasonable defense in a disciplinary proceeding. Hazing includes but is not limited to:		
Any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body or similar activity.	B.1.b.8.a.	Reprimand-Expulsion
Any type of physical activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of a student, such as humiliation, sleep deprivation, exposure to the elements, confinement in a small	B.1.b.8.b.	Reprimand-Expulsion
space, calisthenics, or other similar activity. Any activity that involves consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, other than as described by item 4 below, which subjects a student to an unreasonable risk of harm or which adversely affects the mental or physical health or safety of a student.	B.1.b.8.c.	Reprimand-Expulsion
Any activity that induces, causes, or requires the student to perform a duty or task that involves coercing a student to consume a drug, an alcoholic beverage, or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated.	B.1.b.8.d.	Reprimand-Expulsion
Any activity in which a person solicits, encourages, directs, aids or attempts to aid another in engaging in hazing; intentionally, knowingly or recklessly permits hazing to occur; has firsthand knowledge of the planning of a specific hazing incident which has occurred or may occur; witnesses or participates in a specific hazing incident, and knowingly fails to report the incident in writing to the Office of Student Affairs.	B.1.b.8.e.	Reprimand-Expulsion
Any activity in which hazing is either condoned or encouraged or any action by an officer or combination of members, pledges, associates, or alumni of the organization of committing or assisting in the commission of hazing.	B.1.b.8.f.	Reprimand-Expulsion

	D1b0-	Denvision and Franciscian
Any activity that involves coercing a student to	B.1.b.8.g.	Reprimand-Expulsion
consume an alcoholic beverage, liquor, or drug, or		
creates an environment in which the student		
reasonably feels coerced to consume any of those		
substances. See <u>Texas Education Code</u> , Sections		
37.151-37.155 and Section 51.936.		
Discriminatory Harassment		
Conduct based on a student's sex, race, national	B.1.b.9.	Reprimand-Expulsion
origin, religion, age, disability, sexual orientation, or		
other protected categories, classes, or characteristics		
that is sufficiently severe, persistent, or pervasive		
that is adversely affects the victim's education or		
creates an intimidating, hostile, abusive or offensive		
educational environment which interferes with the		
student's ability to realize the intended benefits of		
the University's resources and opportunities.		
Retaliatory Discrimination or Harassment		
Any intentional, adverse action taken by an individual	B.1.b.10.	Reprimand-Expulsion
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.		
Complicity or Knowingly Present		
Assisting, via acts or omission, another student,	B.1.b.11.a.	Reprimand-Expulsion
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.		
Complicity with or failure of any organized group to	B.1.b.11.b.	Reprimand-Expulsion
address known or obvious violations of the <i>Code of</i>		
<i>Student Conduct</i> by its members, specifically Actions		
Against Members of the University Community.		
Any person who is knowingly present for the	B.1.b.11.c.	Reprimand-Expulsion
commission of a violation of the Code of Student		
<i>Conduct</i> and does not take steps to remove		
themselves from the location of the violation.		
Alcoholic Beverages	Subsection 3.	Possible Sanctions
Use, possession, sale, delivery, manufacture or	B.1.c.1.	Reprimand-Expulsion
distribution of alcoholic beverages that would		
constitute a violation of any federal, state, local law,		
and/or Angelo State University policy.		
Being under the influence of alcohol and/or	B.1.c.2.	Reprimand-Expulsion
intoxication as defined by federal, state, local law,		
and/or Angelo State University policy.		
Narcotics or Drugs	Subsection 4.	Possible Sanctions
Use, possession, sharing, furnishing, sale, delivery,	B.1.d.1.	Reprimand-Expulsion
manufacture or distribution of any narcotic, drug,		r · · · · · · · · · · · · · · · · · · ·
and/or prescription medications contrary to a valid		
ana, or prescription meateutions contrary to a valid	I	1

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prescription, chemical compound or other controlled		
substance or drug paraphernalia that would		
constitute a violation of any federal, state, local law,		
and/or Angelo State University policy.		
Possession of drug-related paraphernalia that would	B.1.d.2.	Reprimand-Expulsion
constitute a violation of any federal, state, local law,		
and/or Angelo State University policy.		
Being under the influence of narcotics, drugs,	B.1.d.3.	Reprimand-Expulsion
prescription medications contrary to a valid		
prescription, chemical compound or other controlled		
substance that would constitute a violation of any		
federal, state, local law, and/or Angelo State		
University policy.		
Smoking/Vaping/Tobacco	Subsection 5.	Possible Sanctions
Smoking, vaping, or the use of smokeless tobacco	B.1.e.	Reprimand-Expulsion
products in unauthorized areas on University	D.I.C.	Reprimanu-Expuision
property as designated by the Angelo State University		
Smoke/Tobacco-Free Environment policy.	Subsection (Dessible Constions
Firearms, Weapons, and Explosives	Subsection 6.	Possible Sanctions
Use or possession of any items used as weapons,	B.1.f.	Reprimand-Expulsion
including, but not limited to, handguns, firearms,		
ammunition, fireworks, pellet guns, paintball guns,		
BB guns, knives, Tasers, or explosive or noxious		
materials on University premises that would		
constitute a violation of any federal , state, local law,		
and/or Angelo State University policy. See		
RESIDENCE HALL HANDBOOK (Housing and		
RESIDENCE HALL HANDBOOK (Housing and Residential Programs webpage/Living on		
RESIDENCE HALL HANDBOOK (Housing and Residential Programs webpage/Living on Campus/Current Students/Documents/Rates) for		
RESIDENCE HALL HANDBOOK (Housing and Residential Programs webpage/Living on Campus/Current Students/Documents/Rates) for specific approved devices allowed in the residence		
RESIDENCE HALL HANDBOOK (Housing and Residential Programs webpage/Living on Campus/Current Students/Documents/Rates) for specific approved devices allowed in the residence halls.		
RESIDENCE HALL HANDBOOK (Housing and Residential Programs webpage/Living on Campus/Current Students/Documents/Rates) for specific approved devices allowed in the residence halls. Flammable Materials/Arson	Subsection 7.	Possible Sanctions
RESIDENCE HALL HANDBOOK (Housing and Residential Programs webpage/Living on Campus/Current Students/Documents/Rates) for specific approved devices allowed in the residence halls. Flammable Materials/Arson Use of items or materials to ignite, spread, or	Subsection 7. B.1.g.1.	Possible Sanctions Reprimand-Expulsion
RESIDENCE HALL HANDBOOK (Housing and Residential Programs webpage/Living on Campus/Current Students/Documents/Rates) for specific approved devices allowed in the residence halls.Flammable Materials/ArsonUse of items or materials to ignite, spread, or intensify flames for fire, or the attempt to ignite,		
RESIDENCE HALL HANDBOOK (Housing and Residential Programs webpage/Living on Campus/Current Students/Documents/Rates) for specific approved devices allowed in the residence halls. Flammable Materials/Arson Use of items or materials to ignite, spread, or intensify flames for fire, or the attempt to ignite, spread, or intensify flames for fire, except as		
RESIDENCE HALL HANDBOOK (Housing and Residential Programs webpage/Living on Campus/Current Students/Documents/Rates) for specific approved devices allowed in the residence halls. Flammable Materials/Arson Use of items or materials to ignite, spread, or intensify flames for fire, or the attempt to ignite, spread, or intensify flames for fire, except as expressly permitted by University officials.	B.1.g.1.	Reprimand-Expulsion
RESIDENCE HALL HANDBOOK (Housing and Residential Programs webpage/Living on Campus/Current Students/Documents/Rates) for specific approved devices allowed in the residence halls.Image: The specific approxements of the specific approxements		
RESIDENCE HALL HANDBOOK (Housing and Residential Programs webpage/Living on Campus/Current Students/Documents/Rates) for specific approved devices allowed in the residence halls. Flammable Materials/Arson Use of items or materials to ignite, spread, or intensify flames for fire, or the attempt to ignite, spread, or intensify flames for fire, except as expressly permitted by University officials. Attempting to ignite and/or the action of igniting University and/or personal property on fire either by	B.1.g.1.	Reprimand-Expulsion
RESIDENCE HALL HANDBOOK (Housing and Residential Programs webpage/Living on Campus/Current Students/Documents/Rates) for specific approved devices allowed in the residence halls. Flammable Materials/Arson Use of items or materials to ignite, spread, or intensify flames for fire, or the attempt to ignite, spread, or intensify flames for fire, except as expressly permitted by University officials. 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	B.1.g.1.	Reprimand-Expulsion
RESIDENCE HALL HANDBOOK (Housing and Residential Programs webpage/Living on Campus/Current Students/Documents/Rates) for specific approved devices allowed in the residence halls. Flammable Materials/Arson Use of items or materials to ignite, spread, or intensify flames for fire, or the attempt to ignite, spread, or intensify flames for fire, except as expressly permitted by University officials. Attempting to ignite and/or the action of igniting University and/or personal property on fire either by	B.1.g.1.	Reprimand-Expulsion
RESIDENCE HALL HANDBOOK (Housing and Residential Programs webpage/Living on Campus/Current Students/Documents/Rates) for specific approved devices allowed in the residence halls. Flammable Materials/Arson Use of items or materials to ignite, spread, or intensify flames for fire, or the attempt to ignite, spread, or intensify flames for fire, except as expressly permitted by University officials. Attempting to ignite and/or the action of igniting University and/or personal property on fire either by intent or through reckless behavior that results, or could result, in personal injury or property damage of University premises.	B.1.g.1. B.1.g.2.	Reprimand-Expulsion Reprimand-Expulsion
RESIDENCE HALL HANDBOOK (Housing and Residential Programs webpage/Living on Campus/Current Students/Documents/Rates) for specific approved devices allowed in the residence halls.Flammable Materials/ArsonUse of items or materials to ignite, spread, or intensify flames for fire, or the attempt to ignite, spread, or intensify flames for fire, except as expressly permitted by University officials.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.Theft, Damage, Littering, or Unauthorized Use	B.1.g.1. B.1.g.2. Subsection 8.	Reprimand-Expulsion Reprimand-Expulsion Possible Sanctions
RESIDENCE HALL HANDBOOK (Housing and Residential Programs webpage/Living on Campus/Current Students/Documents/Rates) for specific approved devices allowed in the residence halls.Flammable Materials/ArsonUse of items or materials to ignite, spread, or intensify flames for fire, or the attempt to ignite, spread, or intensify flames for fire, except as expressly permitted by University officials.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.Theft, Damage, Littering, or Unauthorized Use Attempted or actual theft of property or services of	B.1.g.1. B.1.g.2.	Reprimand-Expulsion Reprimand-Expulsion
RESIDENCE HALL HANDBOOK (Housing and Residential Programs webpage/Living on Campus/Current Students/Documents/Rates) for specific approved devices allowed in the residence halls.Flammable Materials/ArsonUse of items or materials to ignite, spread, or intensify flames for fire, or the attempt to ignite, spread, or intensify flames for fire, except as expressly permitted by University officials.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.Theft, Damage, Littering, or Unauthorized Use Attempted or actual theft of property or services of the University or of another.	B.1.g.1. B.1.g.2. Subsection 8. B.1.h.1.	Reprimand-Expulsion Reprimand-Expulsion Possible Sanctions Reprimand-Expulsion
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RESIDENCE HALL HANDBOOK (Housing and Residential Programs webpage/Living on Campus/Current Students/Documents/Rates) for specific approved devices allowed in the residence halls.Image: Flammable Materials/ArsonUse of items or materials to ignite, spread, or intensify flames for fire, or the attempt to ignite, spread, or intensify flames for fire, except as expressly permitted by University officials.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.Theft, Damage, Littering, or Unauthorized UseAttempted or actual theft of property or services of the University or of another.Possession of property known to be stolen or	B.1.g.1. B.1.g.2. Subsection 8. B.1.h.1.	Reprimand-Expulsion Reprimand-Expulsion Possible Sanctions Reprimand-Expulsion
RESIDENCE HALL HANDBOOK (Housing and Residential Programs webpage/Living on Campus/Current Students/Documents/Rates) for specific approved devices allowed in the residence halls.Flammable Materials/ArsonUse of items or materials to ignite, spread, or intensify flames for fire, or the attempt to ignite, spread, or intensify flames for fire, except as expressly permitted by University officials.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.Theft, Damage, Littering, or Unauthorized UseAttempted or actual theft of property or services of the University or of another.Possession of property known to be stolen or belonging to another person without the owner's	B.1.g.1. B.1.g.2. Subsection 8. B.1.h.1.	Reprimand-Expulsion Reprimand-Expulsion Possible Sanctions Reprimand-Expulsion
RESIDENCE HALL HANDBOOK (Housing and Residential Programs webpage/Living on Campus/Current Students/Documents/Rates) for specific approved devices allowed in the residence halls. Flammable Materials/Arson Use of items or materials to ignite, spread, or intensify flames for fire, or the attempt to ignite, spread, or intensify flames for fire, except as expressly permitted by University officials. 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. Theft, Damage, Littering, or Unauthorized Use Attempted or actual theft of property or services of the University or of another. Possession of property known to be stolen or belonging to another person without the owner's permission.	B.1.g.1. B.1.g.2. Subsection 8. B.1.h.1. B.1.h.2.	Reprimand-Expulsion Reprimand-Expulsion Possible Sanctions Reprimand-Expulsion Reprimand-Expulsion

students, other members of the University		
community, or campus visitors.		
Littering (as defined by the State of Texas Health and	B.1.h.4.	Reprimand-Expulsion
Safety Code, Section 365.011.6) on grounds owned or		1 I
leased by the University by other University students,		
other members of the University community, or		
campus visitors.		
Attempted or actual unauthorized use of a credit	B.1.h.5.	Reprimand-Expulsion
card, debit card, student identification card, cell		
phone, personal identification number, test number,		
OneCard account information and/or personal check,		
or other unauthorized use of personal property or		
information of another.		
Altercation, forgery or misrepresentation of any form	B.1.h.6.	Reprimand-Expulsion
of identification.		
Possession or use of any form of false identification.	B.1.h.7.	Reprimand-Expulsion
not belonging to the student or used for the purposed		
originally issued.		
Failure to meet financial obligations owed to the	B.1.h.8.	Reprimand-Expulsion
University, or components owned or operated by the		
University, including , but not limited to, <u>issuing</u>		
payment to the student's financial account from		
accounts with insufficient fundsthe writing of checks		
from accounts with insufficient funds.		
Selling items including but not limited to: stolen	B.1.h.9.	Reprimand-Expulsion
items, student identification cards, and/or any item		
which may be used as a form of false identification		
Gambling, Wagering, Gaming, and /or Bookmaking	Subsection 9.	Possible Sanctions
Gambling, wagering, gaming, and bookmaking as	B.1.i.	Reprimand-Expulsion
defined by federal, state, local laws, and/or Angelo	D.1.I.	Reprinanu-Expuision
State University policy are prohibited on University		
premises involving the use of University equipment		
or services.		
False Alarms, Emergency Equipment, or	Subsection 10.	Possible Sanctions
Terroristic Threats	Subsection 10.	i ossibie sanctions
Intentional sounding of a false alarm, falsely	B.1.j.1.	Reprimand-Expulsion
	212.j.2.	
reporting an emergency in any form, and/or filing		
reporting an emergency in any form, and/or filing false police reports.		
false police reports.	B.1.i.2.	Reprimand-Expulsion
false police reports. Destruction or activation of fire sprinklers or	B.1.j.2.	Reprimand-Expulsion
false police reports. Destruction or activation of fire sprinklers or improperly possessing, tampering with, or destroying	B.1.j.2.	Reprimand-Expulsion
false police reports. Destruction or activation of fire sprinklers or improperly possessing, tampering with, or destroying fire equipment or emergency signs on University	B.1.j.2.	Reprimand-Expulsion
false police reports. Destruction or activation of fire sprinklers or improperly possessing, tampering with, or destroying fire equipment or emergency signs on University premises.		
false police reports.Destruction or activation of fire sprinklers orimproperly possessing, tampering with, or destroyingfire equipment or emergency signs on Universitypremises.Threats to commit any offense involving violence to	B.1.j.2. B.1.j.3.	Reprimand-Expulsion Reprimand-Expulsion
false police reports. Destruction or activation of fire sprinklers or improperly possessing, tampering with, or destroying fire equipment or emergency signs on University premises. Threats to commit any offense involving violence to any person or property with intent to:		
false police reports.Destruction or activation of fire sprinklers orimproperly possessing, tampering with, or destroyingfire equipment or emergency signs on Universitypremises.Threats to commit any offense involving violence to		

Place any person in fear of imminent serious		
bodily injury;		
 Prevent or interrupt the occupation or use of 		
a building, room, place of assembly, place to		
which the University Community has access,		
place of employment or occupation,		
University automobile, or other place of use		
to the University Community;		
 Cause impairment or interruption of 		
University communications, University		
transportation, or other University service; or		
 Place the University in fear of serious bodily 		
injury.		
Unauthorized Entry, Possession, and Use	Subsection 11.	Possible Sanctions
Unauthorized entry into or use of University	B.1.k.1.	Reprimand-Expulsion
premises or equipment including another student's	D.1.K.1.	Reprimanu-Expuision
room.		
Unauthorized possession, use, duplication,	B.1.k.2.	Reprimand-Expulsion
production, or manufacture of any key or unlocking	D.1.K.2.	кері шана-Ехриізіон
device, University identification card or access code		
for use on University premises or equipment.		
Unauthorized use of the University name, logo,	B.1.k.3.	Reprimand-Expulsion
registered marks, symbols; however, registered	D.1.K.5.	Reprintante Expuision
student organizations are permitted to use the		
complete statement "a registered student		
organization at Angelo State University."	B.1.k.4.	Reprimand-Expulsion
organization at Angelo State University." Unauthorized use of the University name to advertise	B.1.k.4.	Reprimand-Expulsion
organization at Angelo State University." Unauthorized use of the University name to advertise or promote events or activities in a manner that	B.1.k.4.	Reprimand-Expulsion
organization at Angelo State University." Unauthorized use of the University name to advertise	B.1.k.4.	Reprimand-Expulsion
organization at Angelo State University." Unauthorized use of the University name to advertise or promote events or activities in a manner that suggests sponsorship and/or recognition by the	B.1.k.4. Subsection 12.	Reprimand-Expulsion Possible Sanctions
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organization at Angelo State University." 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. Failure to Comply	Subsection 12.	Possible Sanctions
organization at Angelo State University." 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. Failure to Comply Failure to comply with reasonable directives and/or	Subsection 12.	Possible Sanctions
organization at Angelo State University." 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. Failure to Comply Failure to comply with reasonable directives and/or requests of a University official acting in the	Subsection 12.	Possible Sanctions
organization at Angelo State University." 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. Failure to Comply Failure to comply with reasonable directives and/or requests of a University official acting in the performance of his or her duties.	Subsection 12. B.1.l.1.	Possible Sanctions Reprimand-Expulsion
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Attempted or actual use of Angelo State University	B.1.m.8.	Reprimand-Expulsion
information systems to interfere with the normal		
operation of the University.		
Intentional "spamming" of students, faculty or staff	B.1.m.9.	Reprimand-Expulsion
(defined as the sending of unsolicited and unwanted		
electronic communications including, but not limited		
to, e-mails and text messages to parties with whom		
• •		
the sender has no existing business, professional or		
personal acquaintance) using Angelo State University		
information systems.		
Providing False Information or Misuse of Records	Subsection 14.	Possible Sanctions
Knowingly furnishing false information to the	B.1.n.	Reprimand-Expulsion
University, to a University official in the performance		
of his or her duties, or to an affiliate of the University,		
either verbally or through forgery, alteration or		
misuse of any document, record, or instrument of		
identification.		
Skateboards, Rollerblades, Scooters, Bicycles, or	Subsection 15.	Possible Sanctions
Similar Modes of Transportation	Subsection 15.	i ossibie suitettons
Use of skateboards, rollerblades, scooters, bicycles, or	B.1.o.	Reprimand-Expulsion
other similar modes of transportation in University	D.1.0.	Reprimanu-Expuision
buildings or on University premises in such a manner		
as to constitute a safety hazard or cause damage to		
University or personal property. Refer to University		
Parking Services regulations at:		
<u>http://www.angelo.edu/services/parking_services/</u>		
Interference with Expressive Activities	Subsection 16.	Possible Sanctions
Unduly interfering with the expressive activities of	B.1.p.	Reprimand-Expulsion
others on campus resulting in the inability for		
expressive activities to occur or to continue.		
Consistent with TTUS Regulation 07.04, students who		
unduly interfere with the expressive activities of		
unduly interfere with the expressive activities of others on campus will be subject to the disciplinary		
others on campus will be subject to the disciplinary		
others on campus will be subject to the disciplinary policies and procedures outlined in the <i>Code of</i>		
others on campus will be subject to the disciplinary policies and procedures outlined in the <i>Code of</i> <i>Student Conduct</i> . The terms of such Regulation shall		
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others on campus will be subject to the disciplinary policies and procedures outlined in the <i>Code of</i> <i>Student Conduct</i> . The terms of such Regulation shall control in the event of any conflict between the provisions set forth in this Handbook and the terms of such Regulation. NOTE: See also Code of Student Conduct Part II, Section G – Freedom of Expression Activities. 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,		

	D1 2	
Student Life	B.1.q.3.	Reprimand-Expulsion
Multicultural and Student Activities Programs	B.1.q.4.	Reprimand-Expulsion
University Recreation	B.1.q.5.	Reprimand-Expulsion
ASU Student-Athlete Handbook	B.1.q.6.	Reprimand-Expulsion
Texas Tech University System Board of Regents'	B.1.q.7.	Reprimand-Expulsion
Rules		
Angelo State University Operating Policies and	B.1.q.8.	Reprimand-Expulsion
<u>Procedures</u>		
<u>Community Policies of the Student Handbook (Part</u>	B.1.q.9.	Reprimand-Expulsion
Violation of Federal, State, and/or Local Laws,	Subsection 18.	Possible Sanctions
Misconduct which may constitute a violation of	B.1.r.	Reprimand-Expulsion
federal, state, and/or local laws <u>may will</u> be		
considered a violation of <u>University this</u> policy and		
will-may 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 <u>or resolve</u> a		
University conduct proceeding.		
Abuse of the Discipline System	Subsection 19.	Possible Sanctions
Failure of a student to respond to a notification to	B.1.s.1.	Reprimand-Expulsion
appear before a Student Conduct Officer/Investigator		
during any stage of the conduct process.		
Falsification, distortion, or misrepresentation of	B.1.s.2.	Reprimand-Expulsion
information in disciplinary proceedings.		
Disruption or interference with the orderly conduct	B.1.s.3.	Reprimand-Expulsion
of a disciplinary proceeding.		
Filing an allegation known to be without merit or	B.1.s.4.	Reprimand-Expulsion
cause.		
Discouraging or attempting to discourage an	B.1.s.5.	Reprimand-Expulsion
individual's proper participation in or use of the		
disciplinary system.		
Influencing or attempting to influence the	B.1.s.6.	Reprimand-Expulsion
impartiality of a member of a disciplinary body prior		
to and/or during and/or after the disciplinary		
proceeding.	D1 7	
Influencing or attempting to influence another person	B.1.s.7.	Reprimand-Expulsion
to commit an abuse of the discipline system.		
Sexual Misconduct	Section D	Possible Sanctions
<i>Title IX Sexual Misconduct</i> – Conduct that allegedly	D.2.b.	Reprimand-Expulsion
occurred against a person in the United States, in		
University's Education Program or Activity, on the		
basis of sex, and that satisfies one or more of the		
following:		
a. Quid Pro Quo. A University employee		
conditioning the provision of an aid, benefit,		

	vice of the University on an individual's	
partici	ipation in unwelcome sexual conduct;	
b. Seve	ere, Pervasive, and Objectively Offensive	
Condu	<i>ct.</i> Unwelcome conduct determined by	
	onable person to be so severe,	
	sive, and objectively offensive that it	
	vely denies a person equal access to the	
	rsity's Education Program or Activity.	
	llowing incidents are deemed to meet	
	vere, Pervasive, and Objectively	
	ive standard: Sexual Assault- An offense classified	
1.	as a forcible or nonforcible sex	
	offense.	
	a. Forcible sex offense- Any sexual	
	act directed against another	
	person, without the consent of the	
	victim, including instances where	
	the victim is incapable of giving	
	consent, including Rape, Sodomy	
	(oral or anal sexual intercourse),	
	Sexual Assault with an Object, and	
	Fondling	
	b. Nonforcible sex offense- Unlawful, nonforcible sexual intercourse	
	including incest and statutory	
	rape.	
	c(For complete definitions of	
	forcible and nonforcible sex	
	offenses, please see <u>System</u>	
	Regulation 07.06.A)	
2.	Dating Violence- Violence committed	
	by a person who is or has been in a	
	social relationship of a romantic	
	nature with the victim, and where the	
	existence of such a relationship shall	
	be determined based on a consideration of the length of the	
	relationship, the type of relations, and	
	the frequency of interaction between	
	the persons involved in the	
	relationship.	
3.	Domestic Violence- Felony or	
	misdemeanor crimes of violence	
	committed by a current or former	
	spouse or intimate partner of the	
	victim, by a person with whom the	
	victim shares a child in common, by a	

 person cohabitation with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the laws of the jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. 4. Stalking- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress. 		
<i>Non Title IX</i> 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.	D.2.c.	
Interpersonal Violence		
An offense that meets the definition of domestic	D.2.c.1.	
violence or dating violence:		
Domestic Violence or Family Violence		
Physical, sexual, or verbal abuse, or threat of abuse or violence, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person with whom the Complainant is cohabitating (or has cohabitated) with a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the State of Texas, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Texas. Verbal abuse must be sufficiently severe, persistent, or pervasive that it adversely affects the victim's education or creates an intimidating, hostile, abusive or offensive educational environment which interferes with the student's ability to realize the intended benefits of the University's resources and opportunities.	D. 2.c.1.b.	Probation-Expulsion

Dating Violence		
Physical, sexual, or verbal abuse, or threat of abuse	D.2.c.1.a.	Probation-Expulsion
or violence, committed by a person who is or has	212101210	
been in a social relationship of a romantic or intimate		
nature with the Complainant. The existence of such a		
relationship will be determined based on the type		
and length of the relationship and the frequency of		
interaction between the persons involved in the		
relationship. A casual acquaintanceship or ordinary		
socialization between two individuals does not		
constitute a romantic or intimate relationship. This		
definition does not include acts covered under		
domestic violence or family violence.		
Public Indecency		
Engaging in private or sexual acts in a publicly	D.2.c.2.	Probation-Expulsion
viewable location, such that it is offensive to accepted	Diatolai	
standards of decency. Including, but not limited to:		
exposing one's genitals or private area(s), public		
urination, defecation, and/or public sex acts.		
Sexual Assault		
Sexual contact or intercourse with a person without	D.2.c.3.	
the person's consent, including sexual contact or	Diateloi	
intercourse against the person's will or in a		
circumstance in which the person is incapable of		
consenting to the contact or intercourse.		
Non-Consensual Sexual Contact		
Intentional sexual touching, however slight and	D.2.c.3.a.	Deferred Suspension-
with any object or part of one's body, of another's		Expulsion
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.		
Non-Consensual Sexual Intercourse		
Sexual penetration or intercourse, however slight,	D.2.c.3.b.	Suspension-Expulsion
with a penis, tongue, finger, or any object, and		
without consent. Penetration can be oral, anal, or		
vaginal.		
Sex Discrimination		
An act that deprives a member of the University	D.2.c.4	Reprimand-Expulsion
Community of their right of access to campuses and		
facilities and/or of participation in education,		
services, programs, operations, employment,		
benefits or opportunities with the University on the		
basis of the person's sex.		
Sexual Exploitation		
Connut Exploitation		1

Taking non-consensual or abusive sexual advantage	D.2.c.5.	Reprimand-Expulsion
of another for the benefit of oneself or a third party.		
Prohibited behavior includes, but is not limited to:		
a. Purposeful photography, video recording, of		
another person in a sexual, intimate, or private act		
without the person's full knowledge and consent.		
b. Purposeful distribution, or dissemination of sexual or intimate images or recordings of another person		
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without that person's knowledge or consent; c. Sexual voyeurism;		
d. Inducing another to expose one's genitals or		
private areas;		
e. Prostituting another; or		
f. Knowingly exposing someone to or transmitting a		
sexually transmitted disease without the person's		
full knowledge and consent.		
Sexual Harassment		
Unwelcome verbal, written, or physical conduct of a	B.2.c.6.	Reprimand-Expulsion
sexual nature when:	21210101	
a. In the employment context, unreasonably		
interferes with a person's work performance or		
creates an intimidating, hostile, or offensive work		
environment; or		
b. In the education context, is sufficiently severe,		
persistent, or pervasive that the conduct interferes		
with a student's ability to participate in or benefit		
from education programs or activities.		
Stalking		
A course of conduct directed at a specific person that	B.2.c.7.	Reprimand-Expulsion
would cause a reasonable person to fear for the		
person's own safety or the safety of others or would		
cause that person to suffer substantial emotional		
distress. A "course of conduct" means two or more		
acts in which a person directly, indirectly or through		
third parties, by any action, method, device or means,		
follows, monitors, observes, surveils, threatens, or		
communicates to or about a person or interferes with		
a person's property. "Reasonable person" means a		
reasonable person under similar circumstances and		
similarly situated to the Complainant. "Substantial		
emotional distress" means significant mental		
suffering or anguish that may, but does not		
necessarily, require medical or other professional		
treatment or counseling.		

APPENDIX D: CAMPUS RESOURCES

Office of Academic Affairs Provost and Vice President for Academic Affairs	AD 204
College of Arts and Humanities	
Dean of the College of Arts and Humanities	CARR 146
Department of Communication and Mass Media	
Department of English and Modern Languages	A 010
Department of History	A 210
Department of Political Science and Philosophy	RAS 213
Department of Security Studies and Criminal Justice	VIN 164
Department of Visual and Performing Arts	CARR 139
Norris-Vincent College of Business	
Dean of the Norris-Vincent College of	
Business	RAS 262
Department of Accounting, Economics, and Finance	<u>.</u>
Department of Aerospace Studies	RAS 227
Department of Management and Marketing	RAS 212
College of Education	
Dean of the College of Education	CARR 104
Department of Curriculum and Instruction	
Department of Teacher Education	
College of Graduate Studies and Research	AD 107
Archer College of Health and Human Services	
Dean of the Archer College of Health and Human Services	HHS 202
Department of Health Science Professions	HHS 222
Department of Kinesiology	Ben Kelly CHP 201
Department of Nursing	HHS 318
Department of Physical Therapy	HHS 224
Department of Psychology and Sociology	A 204
Department of Social Work	HHS 224
College of Science and Engineering	
Dean of the College of Science and Engineering	VIN 175
Department of Agriculture	VIN 212
Department of Biology	CAV 101
Department of Chemistry and Biochemistry	CAV 102L
Department of Computer Science	
David L. Hirschfeld Department of Engineering	VIN 268

Department of Mathematics	MCS 220
Department of Physics and Geosciences	VIN 114

Administrative Staff

Athletic Director (Academic, Athletic, and Health Records of Student Athletes) Chief of University Police (Incident Reports and Police Investigations) Clinic Director (Medical Records) Director of Admissions (Admissions Files)	Reidy Building Jackson St. Clinic
Director of Affiliated Military & Veteran Services	
Director of Career Development (Career Files)	
Director of Counseling Services (Counseling Records)	-
-Director of Financial Aid (Financial Aid and Scholarship Records)	HAR 101
Director of Housing and Residential Programs (Housing Records)	Centennial Village
Director of Multicultural Programs/Student Activities Center (Student Organizati	-
Director of Registrar Services (Permanent Academic Record Files)	
Director of Scholarship Programs (Scholarship Records)	HAR 215
Director of Student Disability Services	(<u>Student</u> ADA
Records)UC 112	
Director of Student Life	UC 001
Title IX Coordinator (Title IX Records)	AD 210
Director of University Recreation	Ben Kelly CHP 113
Executive Director of Enrollment Management	
Executive Director of Student Affairs (Discipline and Conduct Records)	UC 112
Vice President for Student Affairs and Enrollment Management	

ATTACHMENT

Ι



TTU Constitution of the Faculty Senate of Texas Tech University (Consent Item d.)

CONSTITUTION OF THE FACULTY SENATE OF TEXAS TECH UNIVERSITY

Article I. NAME

The name of the organization shall be the Faculty Senate of Texas Tech University.

Article II. ORGANIZATION

Section 1. The Faculty Senate shall be composed of senators representing the voting faculty of Texas Tech University. The voting faculty shall consist of all persons under full-time contract who have completed a residence of one year at this University and who are (1) tenured, (2) on tenure track, or (3) have a continuing appointment.

Section 2. The voting faculty of each college and school, and the librarians and archivists of the University Library and the Southwest Collection excluding the Graduate School, shall elect one senator for each twenty voting faculty members or fraction thereof but not fewer than two senators. The voting faculty of the University shall elect nine additional senators atlarge.

Section 3. The Faculty Senate shall elect a President, Vice President, and Secretary from its membership to serve for a term of one year.

Article III. NOMINATIONS AND ELECTIONS

Section 1. Each Spring the voting faculty members shall nominate and elect members to the Faculty Senate to take office on the first day following the end of the Spring term during which the election is held. The Faculty Senate shall conduct the election through an appropriate committee.

Section 2. Prior to each regular election, the Faculty Senate shall redetermine its composition so that the election will, to the extent possible, bring the composition of the Faculty Senate into conformity with Article II, Section 2. A previously elected senator shall not, however, be removed from office before the expiration of his or her term because of a declining constituency.

Section 3. Nominations for representatives from each college and school and the University Library and Southwest Collection, as well as at-large

senators shall be requested from voting faculty members. Voting faculty may nominate senators representing their respective unit and all voting faculty may nominate at-large senators. If a person is nominated for more than one senatorial position, he or she shall indicate the position for which he or she will appear as a candidate. The two- person receiving the highest number of nominations for each senatorial position shall be designated as the candidates to stand for election to the Faculty Senate.

Section 4. Members of the Faculty Senate shall be elected from among the candidates determined in the nominating process. Voting faculty shall vote for senators from their respective unit and all voting faculty shall vote for at-large senators. Tie votes shall be resolved by a special election.

If a senatorial vacancy occurs, the Faculty Senate shall conduct a special election to fill the vacancy from the appropriate constituency. The specially elected senator shall complete the unexpired term of the senator originally elected.

Section 5. Qualification for election to the Faculty Senate shall be membership in the voting faculty, except that administrators serving onehalf time or more in administrative position shall not be eligible. Department chairpersons may be elected to the Faculty Senate if they are otherwise qualified.

Section 6. The term of office for each member of the Faculty Senate (subject to Article VII hereof) shall be three years. A member may not be re-elected without a one-year interim unless he or she was elected by special election to fill an unexpired term of one year or less.

Section 7. To the extent possible, one-third of the senators from each constituency will be elected each year.

Article IV. JURISDICTION

Section 1. The Faculty Senate shall act on behalf of the faculty and shall serve as an advisory body to the President of the University and may consider all matters of university concern.

Section 2. Any member of the University community may bring a matter of university concern to the attention of the Senate.

Section 3. The Senate may make recommendations to the President of the University concerning the academic functions of the University, academic

freedom and other matters pertaining to the welfare of the University, particularly those of special interest to the faculty.

Section 4. Should the President of the University choose not to follow a recommendation of the Faculty Senate, the President shall inform the Senate in writing of the reasons therefore and, upon request of the Senate, the President shall meet with the Senate for discussion of the matter.

Article V. RESPONSIBILITIES

Section 1. The Faculty Senate shall establish its own rules of procedure and bylaws, including its quorum requirements.

Section 2. The Faculty Senate shall meet at least monthly during the regular academic year, as provided by the bylaws. All meetings of the Faculty Senate shall be open meetings unless otherwise required by law or unless, when allowed by law, the Senate shall by two thirds vote declare that a meeting shall be conducted in a closed session.

Section 3. The Faculty Senate may establish such Senate committees as it deems appropriate. The members and temporary chairperson of the Senate committees shall be named by the Faculty Senate and at their first meeting of each year the members of each committee shall select their own chairperson and such other officers as may be appropriate for the effective functioning of the committee.

Section 4. The President of the University may establish and define composition of ad hoc or standing committees or councils of Texas Tech University, Texas Tech University School of Medicine, and the Museum of Texas Tech University, or joint committees or councils of the above, and may determine if members are to be elected or appointed. Texas Tech University faculty members appointed to these standing (but not ad hoc) committees or councils shall be selected from a list of nominees for each committee or council provided by the Faculty Senate. The President of the University may specify the number of nominations to be supplied by the Faculty Senate for each such committee or council position.

The position of chairperson of the Athletic Council of the University shall not be open to nomination by the Faculty Senate.

Section 5. The Faculty Senate shall regularly report its activities to the faculty of the University and distribute the minutes of each meeting.

Section 6. The Faculty Senate shall call a meeting of the voting faculty when requested to do so by the President of the University, or when petitioned by any fifty members of the voting faculty, or when it deems such a meeting necessary. The President of the Faculty Senate shall serve as Presiding Officer at a meeting of the voting faculty. In the absence of the President, the Vice President or the Secretary shall preside, in that order. No decision, recommendation, or advice shall come from the voting faculty except when one of the above is presiding.

Article VI. AMENDMENT PROCEDURE

Section 1. An amendment to the Constitution of the Faculty Senate may be proposed by a petition to the President of the Faculty Senate signed by at least fifty members of the voting faculty, by a two-thirds vote of the senators then present and voting, or by the President of the University.

Section 2. A proposed amendment to this Constitution shall be distributed to the voting faculty at least four weeks prior to its consideration at a called meeting of the voting faculty. No action on amendments to the Constitution of the Faculty Senate may be taken unless at least one-fifth of the voting faculty is present. Passage of any such amendment shall be by a twothirds vote of the voting faculty then present and voting. Upon passage, an amendment shall become effective after ratification by the President of the University and approval by the Board of Regents.

Article VII. INITIAL COMPOSITION

The initial composition of the Faculty Senate shall consist of the elected members of the Executive Committee of the Faculty Council. At its first meeting the new Faculty Senate shall arrange for the special election of additional members to bring the membership into conformity, to the extent possible, with its constitutional size and composition. At its next meeting, the Faculty Senate shall determine terms of the additional members by lot in accordance with Article III, Section 7.

Article VIII. ADOPTION AND RATIFICATION

The Constitution of the Faculty Senate shall become effective when adopted by a majority of the membership of the Faculty Council then present and voting at a called meeting of the Faculty Council and adopted by mail vote of eligible voting faculty, and after ratification by the President of the University and approval by the Board of Regents. Upon the Constitution's becoming effective, the Faculty Senate and its Constitution shall substitute nunc pro tunc for the Faculty Council and its Charter.

11/1/77

As amended 4/18/79-Chairperson for the Athletic Council not be open to nomination by the Faculty Senate.

Updated 8/19/95 (after librarians and archivists were given academic status and membership on the Faculty Senate)

ATTACHMENT

Ι



TTU Student Handbook 2021-2022 with proposed revisions (Consent Item e.)

TEXAS TECH UNIVERSITY STUDENT HANDBOOK 202<u>1</u>0-202<u>2</u>1

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Appendix

Appendix A: Definitions

General Purpose

FOREWAORD

A University, like any community, must have regulations and/or standards by which its members abide and procedures by which its organization functions. The standards should provide order and an atmosphere conducive to intellectual and personal development. This Student Handbook and the *Code of Student Conduct* contained within are intended to serve these purposes in the interest of all segments of Texas Tech University.

The University has a responsibility to maintain order within the University community and to discipline those who violate its standards, rules, and/or policies. Enrollment requires students to share this responsibility. Students are responsible for knowing the information, policies and procedures outlined in this document. Students agree to abide by the standards, rules and/or policies set forth in this <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. Neither this handbook nor the Code of Student Conduct constitutes a contract.

The University reserves the right to make changes to this *Code* as necessary and once those changes are posted online, they are in effect. Students are encouraged to check online [http://www.depts.ttu.edu/dos/handbook/] for the updated versions of all policies and procedures. Students are also informed of changes to the *Code of Student Conduct* by electronic notification outlets and/or official campus publications. The <u>Student Handbook</u> was approved by the Board of Regents on August 7, 2020 to be effective August 7, 2020.

Membership in the TTU Community

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

Texas Tech University Vision

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

Texas Tech University Mission

As a public research University, Texas Tech advances knowledge through innovative and creative teaching, research, and scholarship. The University is dedicated to student success by preparing learners to be ethical leaders for a diverse and globally competitive workforce. The University is committed to enhancing the cultural and economic development of the state, nation, and world. *Approved by the Texas Tech University Board of Regents on May 14, 2010.*

Texas Tech Statement of Ethical Principles

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

<u>School of Law, School of Veterinary Medicine, -and Texas Tech University Health Sciences</u> <u>Center</u>

Students enrolled in, and student organizations registered with, the Texas Tech University School of Law and School of Veterinary Medicine 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 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.

Law students found responsible for misconduct under the University's Conduct Code and process face potentially heightened sanctions and other outcomes in that process from the University and the Law School under the law school's Law School Heightened and Secondary Outcomes Policy. The Law School Heightened and Secondary Outcomes Policy is located here: Heightened Secondary Outcomes Policy | School of Law | TTU.

In addition to the Code of Student Conduct, Tech Law students and registered organizations are also subject to the Honor Code of the School of Law. In specific situations, students may find themselves in violation of either the Code of Student Conduct or the Honor Code of the School of Law, or both.

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

School of Veterinary Medicine students and registered student organizations are also subject to the Veterinary School Student Code of Honor and Professionalism. In specific situations, students may find themselves in violation of either the *Code of Student Conduct* or the Honor Code of the School of Veterinary Medicine, respectively or both. Students enrolled in the School of Veterinary Medicine will also adhere to Texas Tech University policies and procedures as well as policies and procedures established by the School of Veterinary Medicine, policies and procedures may be found here: https://www.depts.ttu.edu/vetschool/academics/policies/

Questions concerning the respective jurisdiction of the *Code of Student Conduct* and the Honor Code of the Veterinary School Student Code of Honor and Professionalism, respectively, will be resolved by the Vice Provost Student Affairs and the Dean of the respective school.

Students enrolled in the Schools of Medicine, Health Professions, Nursing, Pharmacy, Graduate School of Biomedical Sciences/Public Health, and organizations registered with the Texas Tech University Health Sciences Center are subject to the <u>TTUHSC Student Handbook/Code of Professional 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. The Office of the Dean of Students, the Office of Student Conduct, and University Student Housing shall implement the student discipline procedures. All references to the officials listed above shall be interpreted to include persons designated to act on their behalf.

The Dean of Students, Managing Director of the Office of Student Conduct and the Title IX Administrator, herein after referred to as the Managing Director or designee, will assume responsibility for the investigation of an allegation of misconduct to determine if the complaint has merit.

a. Investigator

An Investigator is a trained University staff member whose role is to conduct a thorough, reliable, and impartial investigation and compile the information that they gathered into an Investigation Report. In most cases heard by a Hearing Panel, the Investigator will present the information and evidence obtained through the investigation to the Panel, which will make a determination of responsible or not responsible and assign a sanction. In non-Title IX cases heard through the Administrative Hearing process, or completed via an Informal Conference, the Investigator may issue allegations, may render findings and may issue sanctions. In Sanction Only Hearings for non-Title IX cases, the Investigator will issue allegations and the finding and may issue the sanction(s) but may at times only issue the allegations and the finding.

Investigators are assigned to cases by the Dean of Students, the Managing Director or designee, or Title IX Administrator. Investigators may be staff members in the Office of Student Conduct, or trained staff in other departments such as the Office for Student Rights & Resolution, the Office of the Dean of Students, Center for Campus Life, and University Student Housing. The investigator may assist the Resource Person or Committee Chairperson during the hearing.

b. Administrative Hearing Officer

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

c. Hearing Panel

The Hearing Panel will conduct disciplinary Panel Hearings. The Panel will be composed of

full-time faculty members, full-time students, full-time staff, and Administrative Hearing officers.

1. Hearing Panel Appointments

The Managing Director or designee will be responsible for assembling and training the Hearing Panel annually. Students, faculty and staff may apply to serve to serve on the Hearing Panel pool by contacting the Office of Student Conduct. The Hearing Panel will consist of students, faculty, and staff members, according to the following guidelines:

a. Student Recommendations

The President of the Student Government Association, Graduate Student Advisory Council, and the President of the Residence Halls Association, and Associate Academic Deans are invited to make recommendations for student members to serve on the Hearing Panel. Upon recommendation, student members will be invited to participate in an application process, prior to appointment. Upon completion of the application process, selected student members will be appointed by the Managing Director or designee. To be eligible for appointment, undergraduate students must be considered full- time students, be in academic good standing and have completed 12 hours of Texas Tech University academic credit with a cumulative GPA of at least 2.5, be in good standing with the Office of Student Conduct throughout the semester(S) in which they serve. Good standing is defined as having no record of misconduct during the semester(s) in which a student wishes to serve on the Panel. Graduate students must be in academic good standing and have completed 6 hours of Texas Tech University academic credit with a cumulative GPA of at least 3.0, and be in good standing with the Office of Student Conduct throughout the semester in which they serve. Good standing is defined as having no record of misconduct during the semester(s) in which a student wishes to serve on the Panel. A serious history of misconduct could disqualify a student for service. Students must submit a letter of recommendation from a faculty member or administrator from within the University community.

b. Faculty Recommendations

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

c. Staff Appointments

The President of the Staff Senate is invited to make recommendations for staff members to serve on the Hearing Panel. Upon recommendation, staff members will be invited to participate in an application process, prior to appointment. Upon completion of the application process, staff members will be appointed by the Managing Director or designee, in consultation with the Dean of Students. Staff who served as Investigators will not serve as a Resource Person or Panel Member in a Hearing.

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

2. Hearing Panel Terms

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

3. Hearing Panel Composition

For each Panel Hearing, a Panel of three (3) members will be chosen from the available pool by the Managing Director or designee. The Hearing Panel will usually be comprised of one student, one faculty member, and one staff member or Administrative Hearing Officer. Availability may determine a different composition for the Panel. In cases involving Part I, section B.1 (Academic Misconduct), the Hearing Panel will be comprised only of students and faculty. In cases involving Part I, section B.2 (Actions against Members of the University Community and Others), or other sensitive issues, the Managing Director or designee will appoint three Hearing Panel members for the Panel. A Hearing Panel Chair may be selected in order to assist the Resource Person in conducting an orderly hearing. A Hearing Panel Chair may not be a student.

4. Resource Person

The Managing Director or designee appoints a Resource Person in each Panel Hearing. The Resource Person is a non-voting participant and assures that University/College procedures are followed throughout the Panel Hearing. The Resource Person is responsible for composing the Panel's decision, assisting the Panel in composing the rationale, assisting the Panel in drafting the decision letter, providing clarification on policy and procedure and providing clarification on appropriate sanctions, if assigned.

5. Removal of a Hearing Panel Member

The Managing Director or designee may remove a member from this Panel when, in his/her judgment, the member has failed or refused to effectively serve and perform the duties and functions of the Panel. The Hearing Panel member may recuse themselves on a case by case basis if there is a conflict of interest. Additionally, the Complainant or Respondent may request the removal of a Panel Member whose ability to be impartial is in question. The Managing Director or designee will review and approve or deny student requests for removal of a Panel Member.

6. Panel Hearings

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

- Panel Hearing Deliberation When deliberating a case, the Hearing Panel will meet in closed session with only voting Panel members present.
- 8. Additional Hearing Panel Members

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

9. Hearing Panel Orientation & Training

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

d. The Code of Student Conduct Review Committee

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

1. Committee Appointment

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

2. Committee Composition

The *Code of Student Conduct* Review Committee will include members from the following classes of Texas Tech University community members:

- a. Full-time faculty;
- b. Full-time staff;
- c. Full-time undergraduate student(s);
- d. Full-time graduate student(s).
- 3. Committee Removals

The Managing Director or designee may remove a member from this committee when, in their judgment, the member has failed or refused to serve and perform the duties and functions of this committee.

4. Committee Meetings

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

- 5. Committee Quorum A quorum for the committee is five (5) members.
- 6. Additional Committee Members The Managing Director or designee may appoint additional members of the *Code of Student Conduct* Review Committee to expedite the review process of the code. The additional members of the *Code of Student Conduct* Review Committee.

2. Jurisdiction

Students at the University are provided an electronic copy of the Code of Student Conduct

annually in the form of a link on the Student Handbook website. Students are responsible for having read and abiding by the provisions of the *Code of Student Conduct*.

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

The *Code of Student Conduct* and the student conduct process applies to the conduct of individual students, both undergraduate and graduate, including law students and all student organizations. For the purposes of student conduct, the University considers an individual to be a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the University.

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

Proceedings under the *Code of Student Conduct* may be carried out prior to, independent of, concurrent with or following civil or criminal proceedings. Misconduct which may constitute a violation of federal, state, local laws, and/or Texas Tech University policy will be considered a violation of this policy, and will be investigated and adjudicated through the University conduct system and standard of proof. A lack of conviction in any criminal proceeding will not, in and of itself, serve as evidence in a University conduct proceeding. Determinations made and/or sanctions imposed as a result of University disciplinary proceedings will not be subject to change because criminal charges arising out of the same facts that resulted in the violation of University rules were dismissed, reduced, or resolved in favor of or against a criminal law defendant.

The University retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to the leave, withdrawal or graduation. If sanctioned, a hold may be placed on the student's ability to reenroll, obtain official transcripts, and/or graduate. All sanctions must be satisfied prior to reenrollment eligibility. In the event of serious misconduct committed while still enrolled, but reported after the accused student has graduated, the University may invoke these procedures and should the former student be found responsible, the University may revoke that student's degree. The University reserves the right to address and adjudicate behavior of previously enrolled students when there is a continued University interest.

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

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

3. Notice

Notice is deemed to have been properly provided when written notification is sent to the student's official assigned Texas Tech University email address, delivered via Certified Mail to the student's last known address, or personally delivered to the student. University email is the University's primary means of communication with students. Students are responsible for all communication delivered to their University email address. Students will be given a reasonable amount of time to respond to requests to meet with University officials. Pre-Scheduled meetings are scheduled around a student's published academic schedule and include the opportunity to reschedule in the event of unavoidable conflicts. Should a student wish to reschedule an appointment, they should do so in a timely manner. The University will make all reasonable efforts to accommodate student schedule conflicts, but will not permit unreasonable delays in the Conduct Process. After proper notice has been given to the student, the Investigator or designee may proceed with the conduct process. Should a student fail to comply with the requests of an Investigator or designee, the Office of Student Conduct may issue a 'Failure to Comply' Code of Student Conduct allegation to the student. Students are advised to keep their most current local address, permanent address, and local telephone number updated in the student records system at www.raiderlink.ttu.edu/.

Student organizations are provided notice through the organization's spokesperson via the notification procedures described above. In most cases, the organization's spokesperson is the President of the organization. However, organizations may appoint an alternate spokesperson to formally represent the organization. A student organization spokesperson must be a currently enrolled Texas Tech University student who is a member of the responding organization. The spokesperson may not be an alumni advisor, chapter advisor, faculty/staff advisor, national or international headquarters volunteer or staff member, or coach. Student organizations may only appoint one spokesperson for each case and must inform the University in the event that the appointed spokesperson is not the President of the organization.

4. Timelines

It is recommended that reports of alleged violations of the *Code of Student Conduct* should be received by the Office of Student Conduct and/or the Office for Student Rights & Resolution within ten (10) University working days of the alleged incident to initiate conduct procedures. There is no time limit on reporting violations; however, the longer someone waits to report an

offense, the more difficult it becomes to obtain information and evidence regarding the incidents.

The Office of Student Conduct and/or the Office for Student Rights & Resolution will make every effort to complete the process as quickly as possible. Timelines may vary depending on the availability of individuals participating in the process, availability of evidence, delays for concurrent criminal Investigations, breaks between academic semesters, and other delays.

5. Standards of Evidence

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

6. <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 Office of the Dean of Students to take initial reports of allegations and assist with conduct processes. The Office of Student Conduct also regularly reviews reports submitted from Texas Tech University faculty and staff, University Student Housing, and the Texas Tech Police Department.

To submit a concern regarding a student organization or to file an allegation of misconduct against a student organization or its members, individuals (faculty, staff, students, organization members, parents, community members or other parties) may complete an <u>online form.</u> Individuals may also file a report in person with the Center for Campus Life, 201 Student Union. Staff are also available in the Office of the Dean of Students and Office of Student Conduct to discuss reports of misconduct against student organizations.

Student organization leaders, members, and/or advisors are encouraged to self-report organization or member behavior, including future events that may be considered violations of TTU policy.

To file allegations of misconduct against a student or student organization that involves gender or sex based harassment, the individual(s) should complete an online <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 for Student Rights & Resolution Student Union Building Room 232E.

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

7. Confidentiality

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

support. Information about the TTU Student Counseling Center can be found at www.depts.ttu.edu/scc/.

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

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

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

8. Anonymity

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

9. Family Educational Rights and Privacy Act (FERPA)

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

NOTE: Additional information on Student Records is available in The Student Handbook, Part II, Section P.

10. Student Organizations

Information gathered during an Investigation of student organization misconduct, as well as any

conduct findings and decisions, may be shared with the student organization's Headquarters, sponsoring department, or organization as appropriate. This otherwise confidential information will not be shared with other students or the Greek community.

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

All records concerning a student organization related to conduct processes will remain on file with the University for a minimum of seven (7) years from the date of the completion of the case via Informal Conference, any Hearing process, 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 they wish.

12. Amnesty

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

- Victims of or witnesses to misconduct who were engaging in policy violations, such as underage drinking or drug use, at the time of the incident.
 - In investigations into matters of Actions Against Members of the University Community and Others, all involved parties may be reviewed under this amnesty provision.
- Students who offer assistance to others by calling medical personnel or law enforcement.
- Students who bring their own use, addiction, or dependency to alcohol, drugs, or other addictions to the attention of the University prior to any conduct incidents or reports.
- The university will not take any disciplinary action against a student who in good faith reports being the victim of, or witness to, an incident of sexual harassment, sexual assault, dating violence, or stalking, for a violation of the *Code of Student Conduct* occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the disciplinary process regarding the incident.
- Students or Student Organizations who voluntarily and in good faith reports the incident before being contacted by the institution concerning the incident or otherwise being included in the institution's investigation of the incident.
- A student may not receive amnesty for reporting the student's own act of hazing of at least one or more others.
- A student may not receive amnesty if the student reports an act of hazing in bad faith or with malice.

Abuse of amnesty provisions can result in a violation of the *Code of Student Conduct*. Amnesty does not preclude students from being charged with allegations of misconduct related to Part II, section B.2 (Actions against Members of the University Community and Others). *The Code of Student Conduct* amnesty provisions do not influence criminal proceedings or charges. Amnesty does not preclude students from being required to meet with University staff and to participate in conditions such as counseling, alcohol assessments, and other requirements. The Office for Student Rights & Resolution may also assist with questions related to amnesty provisions, but the final determination regarding amnesty will be made by the Managing Director of the Office of Student Conduct or designee or the Title IX Administrator or designee in Title IX cases.

13. Withdrawal

A responding student facing an alleged violation of the *Code of Student Conduct* may have a hold placed on their transcript requiring them to contact the Managing Director or designee to request permission to withdraw from the University. While a student may be permitted to withdraw from the University, the hold will remain on the student's transcript until all allegations are resolved. The investigation into alleged conduct violations may continue regardless of the student's withdrawal or choice to participate in the Investigation. The University reserves the right to reinstate a student who withdraws at any point during the conduct process.

NOTE: For information pertaining to withdrawing from a course involving Academic Integrity allegations, see Part II Community Policies Section Academic Integrity item d. Withdrawal and Assignment of Grades.

SECTION B: MISCONDUCT

1. Academic Misconduct

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

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

- 7. Substituting for another person, or permitting another person to substitute for oneself in order to take a course, take a test, quiz or other assignment or sign in/register attendance.
- 8. Taking, keeping, misplacing, damaging or altering the property of the University or of another, if the student knows or reasonably should know that an unfair academic advantage would be gained by such conduct.
- 9. Uploading, downloading, or accessing complete or incomplete academic work, test, quiz, or other assignment without the prior approval of the instructor.
- 10. Uploading, downloading, or accessing complete or incomplete academic work, test, quiz, or other assignment without the prior approval of the instructor.
- 11.10. Falsifying research data, laboratory reports, and/or other academic work offered for credit.
- 12.11. Failing to comply with instructions given by the person administering the academic work, test, quiz or other assignment.
- b. Plagiarism/Self-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. <u>Self-plagiarism which involves t</u>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, conspiring with another person to commit a violation of academic dishonesty, and/or any other collaboration or attempted collaboration with another person that results in similarities in academic work, test, quiz, or other assignment. Any unauthorized collaboration or attempted collaboration with another individual to complete academic work, test, quiz, or other assignment that results in similarities in the work, including but not limited to providing unauthorized assistance to another student and/or allowing another student access to completed academic work.

- d. Falsifying academic records
 - 1. Altering or assisting in the altering of any official record of the University and/or submitting false information.
 - 2. Omitting requested information that is required for, or related to, any official record of the University.
- e. Misrepresenting facts
 - 1. Providing false grades, falsifying information on a resume, or falsifying other academic information.
 - 2. Providing false or misleading information in an effort to injure another student academically or financially.
 - 3. Providing false or misleading information or official documentation in an effort to receive a postponement or an extension on academic work, test, quiz, other assignment, credit for attendance, and/or obtain an academic or financial benefit for oneself or another individual.
- NOTE: Examples include, but are not limited to, fabricated, altered, misleading, or falsified

documentation for medical excuses family and personal emergencies, and signing into class and failing to remain the entire time.

f. Violation of Professional Standards

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

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

g. Unfair Academic Advantage

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

2. Actions against Members of the University Community and Others

Any act, or attempted act, perpetuated against another person or persons including, but not limited to:

a. Disruptive and/or Obstructive Conduct

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

b. Harmful, Threatening, or Endangering Conduct

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

1. Assault

- a. Intentionally, recklessly, or knowingly causing physical harm to another individual.
- b. Intentionally, recklessly, or knowingly causing physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative.

2. Threats

An act or communication a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon a specific individual(s).

- a. Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
- b. Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another.
- <u>a.</u> A threat, including but not limited to, threats of mass violence, issuing a bombthreat, constructing mock explosive devices, etc., against any person, group of people, or property._

b. Harmful, Threatening, or Endangering Conduct

Intentional or reckless behavior that harms, threatens, or endangers the health or safety of self or others.

<u>c. Assault: Intentionally, recklessly, or knowingly causing physical harm to another</u> <u>individual and/or causing physical contact with another when the person knows or should</u> <u>reasonably believe that the other will regard the contact as offensive or as harmful.</u> <u>d. Threats: Any act or communication (written, oral, or otherwise) a reasonable person</u>

would interpret as a serious expression of intent to injure the health, safety, or property of a person(s) and/or inflict bodily harm upon a person(s), including intimidation to cause injury, implied threats or acts that cause a reasonable fear of harm.

<u>NOTE: Examples may include but are not limited to, threats of mass violence, issuing a</u> <u>bomb threat, constructing mock explosive devices, etc., against any person, group of</u> <u>people, or property."</u>

3.<u>e.</u> Intimate partner / relationship violence/dating violence

For the purposes of this policy, see Part I, Section D.

4.<u>f.</u>Bullying / cyber bullying

Repeated or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally. Activities protected by freedom of expression will not be considered violations of the *Code of Student Conduct*. NOTE: Information related to freedom of expression policy is available in Part II, Section Q Use of University Space.

5.g. Stalking

A course of conduct directed at a specific person that would cause a reasonable person to fear for their safety/safety of others or would cause the person to suffer substantial emotional distress. A "course of conduct" means two or more acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with the person's property. This may also be covered under Part I, Section D.

6.<u>h.</u>Mutual Combat

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

NOTE: Claims of self-defense will be evaluated as a mitigating factor on a case-by-case basis and may still be investigated by the Office of Student Conduct.

e.-Sexual Misconduct See Part I, Section D

d. J. Hazing

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

- 1. Any type of physical brutality, such as whipping, beating, using a harmful substance on the body or similar activity.
 - 2. Any type of activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of a student, such as humiliation, sleep deprivation, exposure to the elements, confinement, personal servitude, or calisthenics.
 - 3. Any activity that involves consumption of a food, liquid, alcoholic beverage, liquor, drug or other substance, other than as described by item 4 below, which subjects a student to an unreasonable risk of harm or which adversely affects the mental or physical health or safety of a student.
 - 4. Any activity that induces, causes, or requires the student to perform a duty or task that involves coercing a student to consume a drug, an alcoholic beverage, or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated.
 - 5. Any activity in which a person solicits, encourages, directs, aids or attempts to aid

another in engaging in hazing; intentionally, knowingly or recklessly permits hazing to occur; has firsthand knowledge of the planning of a specific hazing incident which has occurred or may occur; witnesses or participates in a specific hazing incident, and knowingly fails to report the incident in writing to the Office of Student Conduct.

- 6. Any activity in which hazing is either condoned or encouraged or any action by an officer or combination of members, pledges, associates or alumni of the organization of committing or assisting in the commission of hazing.
- 7. Any activity that involves coercing a student to consume an alcoholic beverage, liquor, or drug, or creates an environment in which the student reasonably feels coerced to consume any of those substances.

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

e. <u>K.</u> Discriminatory Harassment

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

<u>E.</u> <u>L.</u> Retaliatory Discrimination or Harassment

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

g. <u>M.</u> Complicity or Knowingly Present

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

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

3. <u>Alcoholic Beverages</u>

Unlawful or unauthorized possession, use, distribution, delivery, or sale of alcohol and/or public intoxication; consumption that endangers oneself; or operating a vehicle while intoxicated or under the influence of alcohol.

4. <u>Narcotics or Drugs</u>

Possession, use, sharing, furnishing or distribution of illegal drugs, intoxicants, controlled substances and/or drug paraphernalia; including the distribution, use or possession of prescription medications contrary to a valid prescription; being under the influence of illegal drugs, intoxicants, and/or controlled substances.

5. Smoking, Vaping, and/or Tobacco Use

Smoking, vaping, and/or tobacco use (including smokeless tobacco) in unauthorized areas on University property as designated by the Texas Tech University <u>smoke-free and</u> tobacco-free environment policy (OP 60.15).

6. Firearms, Weapons and Explosives

Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals or use of any item, in a manner that attempts to harm others.

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

7. <u>Flammable Materials/Arson</u>

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

8. Theft. Damage. Littering or Unauthorized Use

- a. Attempted or actual theft of property or services, including, but not limited to property or services of the University, other University students, other members of the University community, campus visitors or others.
- b. Possession of property known to be stolen or belonging to another person without the owner's permission.
- c. Attempted or actual damage to property including, but not limited to property owned or leased by the University, by other University students, by other members of the University community, by campus visitors or others
- d. Littering (as defined by the State of Texas Health and Safety Code, Section 365.011.6) on grounds owned or leased by the University, by other University students, other members of the University community, campus visitors, or others.
- e. Failure to meet financial obligations owed to the University, or components owned or operated by the University, including, but not limited to, the writing of checks from accounts with insufficient funds Failure to meet financial obligations owed to the University, or components owned or operated by the University, including but not limited to, issuing payment to your student financial account from accounts with insufficient funds.
- f. Alteration, forgery or misrepresentation of any form of identification Possession, alteration, forgery, misrepresentation, or use of any form of identification, not belonging to you or used for the purpose originally issued.
- g. Selling items including but not limited to: stolen items, student identification cards and/or any item which may be used as a form of false identification.

9. Gambling, Wagering, Gaming and/or Bookmaking

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

10. False Alarms

Intentional sounding of a false fire alarm or falsely reporting an emergency. The destruction or activation of fire sprinklers, filing false police reports, or improperly possessing, tampering with, or destroying fire equipment or emergency signs on University premises.

11. Unauthorized Entry, Possession or Use

- a. Unauthorized entry into or use of University premises or equipment including another student's room.
- b. Unauthorized possession, use, duplication, production or manufacture of any key or unlocking device, University identification card or access code for use in University premises or equipment.
- c. Unauthorized use of the University name, logo, registered marks or symbols; however, registered student organizations are permitted to use the word "Tech" as a part of their organizational names or to use the complete statement "a registered student organization at Texas Tech University."
- d. Unauthorized use of the University name to advertise or promote events or activities in a manner that suggests sponsorship and/or recognition by the University.
- e. Attempted or actual unauthorized use of a credit card, debit card, student identification card, cell phone, personal identification number, test number, eRaider account information and/or personal check, or other unauthorized use of personal property or information of another.
- f. Possession or use of any form of false identification.

12. Failure to Comply

- a. Failure to comply with reasonable directives of a University official acting in the performance of their duties.
- b. Failure to present student identification on directive or identify oneself to any University official acting in the performance of their duties.
- c. Any intentional, retaliatory, or adverse action taken by a respondent individual or third party, absent legitimate nondiscriminatory purposes, against a party or supporter of a party to a Misconduct or Sexual Misconduct proceeding or other protected activity under this *Code of Student Conduct*.
- d. Failure to comply with the sanctions imposed by the University under the *Code of Student Conduct* or the <u>Student Handbook.</u>

NOTE: Examples include but are not limited to directives from the Office of the Dean of Students staff, Office of Student Conduct staff, Title IX staff, University Student Housing staff, Texas Tech University Police Department, Athletic staff, and others.

13. Abuse, Misuse, or Theft of University Information Resources

"Information resources" means procedures, equipment, and software that are employed, designed, built, operated, and maintained to collect, record, process, store, retrieve, display, and transmit information, and associated personnel including consultants and contractors (as defined by Texas Government Code §2054.003(7).) Per Texas statutes, TTU information resources are strategic assets of the state of Texas that must be managed as valuable state resources. Unauthorized use of University information resources is prohibited, and may be subject to criminal prosecution in addition to disciplinary sanctions pursuant to the *Code of Student Conduct*. Usage of TTU information resources may be subject to security testing and monitoring, and users have no expectation of privacy except as otherwise provided by applicable privacy laws. Use of information resources, regardless of location or method of access, is also subject to the Information Technology Security Policies

(<u>http://depts.ttu.edu/infotech/security/</u>), University Operating Policies, and other applicable laws. Abuse, misuse, or theft of University information resources includes, but is not limited to the following:

a. Unauthorized use of University information resources including, but not limited to,

confidential and/or sensitive information and passwords, including the unauthorized sharing of confidential and/or sensitive information or passwords with individuals who have not been granted access to University information resources.

- b. Use of University information resources:
 - 1. For unauthorized or nonacademic purposes including, but not limited to, illegal access, attempted or actual unauthorized accessing, copying, transporting or installing programs, records, data, or software belonging to the University, another user, or another entity, and/or illegal activity (e.g., sharing copyrighted materials or media).
 - 2. To violate Part I, Section B.2 of the *Code of Student Conduct* (Actions against Members of the University Community and Others).
- c. Attempted or actual:
 - 1. Breach of the security of another user's account and/or computing system, depriving another user of access to TTU information resources, compromising the privacy of another user or disrupting the intended use of TTU information resources.
 - 2. Use of TTU information resources to interfere with the normal operation of the University.
 - 3. Use of TTU information resources for unauthorized political or commercial purposes, or for personal gain. This includes email signatures that promote personal or commercial gain or political agendas.
 - 4. Destruction, disruption, or modification of programs, records, or data belonging to or licensed by the University or another user, or destruction of the integrity of computer-based information using TTU information resources.
- d. Use of TTU information resources to interfere with the normal operation of the University.
 - 1. Use of TTU information resources for unauthorized political or commercial purposes, or for personal gain. This includes email signatures that promote personal or commercial gain or political agendas.
 - <u>Destruction, disruption, or modification of programs, records, or data belonging to or</u> licensed by the University or another user, or destruction of the integrity of computerbased information using TTU information resources.
 <u>d. Use of TTU information resources to interfere with the normal operation of the</u> University.

<u>1. Use of TTU information resources for unauthorized political or commercial purposes, or for personal gain. This includes email signatures that promote personal or commercial gain or political agendas.</u>

- 2.3. 2. Destruction, disruption, or modification of programs, records, or data belonging to or licensed by the University or another user, or destruction of the integrity of computer-based information using TTU information resources. e. Access, creation, storage, or transmission of material deemed
- e.d. Access, creation, storage, or transmission of material deemed obscene (as defined by Chapter 43 of the State of Texas Penal Code on Public Indecency or other applicable laws). Exceptions may be made for academic research where this aspect of the research has the explicit approval by the TTU official processes regarding academic ethical issues. Discovery of obscene material, including child pornography, on any TTU information

resource must be reported to the Information Security Officer or Chief Information Officer immediately.

f.e. Intentional "spamming" of students, faculty, or staff (defined as the sending of unsolicited and unwanted electronic communications, including but not limited to e-mails and text messages to parties with whom the sender has no existing business, professional or personal relationship) using TTU information resources.

14. Providing False Information or Misuse of Records

Knowingly furnishing false information to the University, to a University official in the performance of their duties, or to an affiliate of the University, either verbally or through forgery, alteration or misuse of any document, record or instrument of identification.

15. <u>Skateboards. Rollerblades. Scooters. Bicycles or Similar Modes of Transportation</u> 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.</u>

NOTE: Refer to University Parking Services Regulations at <u>http://www.parking.ttu.edu/Resources/pdf/rulesregulations.pdf.</u>

16. Interference with Expressive Activities

Unduly interfering with the expressive activities of others on campus resulting in the inability for expressive activities to occur or to continue. Consistent with TTUS <u>Regulation 07.04</u>, students who unduly interfere with the expressive activities of others on campus will be subject to the disciplinary policies and procedures outlined in the *Code of Student Conduct*. The terms of such Regulation shall control in the event of any conflict between the provisions set forth in this Handbook and the terms of such Regulation.

NOTE: See also Code of Student Conduct Part II, Section H – Freedom of Expression Activities & Section Q – Use of University Space

17. Violation of Published University Policies, Rules or Regulations

Violation of any published University policies, rules or regulations that govern student or student organization behavior, including, but not limited to, violations of:

- a. Transportation & Parking Services
- b. University Student Housing
- c. Recreational Sports
- d. Student Organization and Fraternity and Sorority Life
- e. Texas Tech University Board of Regents' Rules
- f. Texas Tech University Operating Policies and Procedures
- g. Community Policies of the Student Handbook
- h. TTU Athletics

18. Violation of Federal. State. Local Law and/or University Policy

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

19. Abuse of the Discipline System

- a. Failure of a student to respond to a notification to appear before an Investigator during any stage of the conduct process.
- b. Falsification, distortion, or misrepresentation of information in disciplinary proceedings.
- c. Disruption or interference with the orderly conduct of a disciplinary proceeding.
- d. Filing an allegation known to be without merit or cause.
- e. Discouraging or attempting to discourage an individual's proper participation in or use of the disciplinary system.
- f. Influencing or attempting to influence the impartiality of a member of a disciplinary body prior to and/or during and/or after the disciplinary proceeding.
- g. Influencing or attempting to influence another person to commit an abuse of the discipline system.

SECTION C: CONDUCT PROCEDURES FOR STUDENTS

Upon notice or receipt of potential violation(s) of the *Code of Student Conduct*, The Dean of Students or the Managing Director or designee will appoint an Investigator who will inquire, gather and review information about the reported student misconduct, and will evaluate the accuracy, credibility, and sufficiency of the information.

If it is determined that the information reported does not warrant an allegation, a Policy Clarification letter may be issued to involved parties to clarify the policy in question.

When an initial report of misconduct by a third party does not identify the involved parties or the involved parties are not available, the Investigator will investigate the reported incident to the fullest extent of the information available.

When a Complainant is identified, but is reluctant to participate in the investigative process and/or the student conduct process entirely, the University will make every attempt to follow the wishes of the Complainant while weighing the interests of the campus community and the possibility of a continuing threat. If the Complainant does not want to participate in the investigative process but has no aversion to the University pursuing conduct action with respect to the named Respondent, the University will proceed with the student conduct process to the extent of the information available. If the Complainant does not want the University to pursue the report in any respect, the University will investigate further only if there is reason to believe that a significant continuing threat to the campus community exists.

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

1. <u>Remedies and Resources</u>

The University may take immediate interim actions to eliminate hostile environments, prevent reoccurrence, and address any effects on the Complainant and community prior to the initiation of formal Investigation and/or formal conduct procedures. These interim steps will be taken to minimize the burden on the Complainant while respecting due process rights of the

Respondent. Remedies for students may include, but are not limited to counseling services, modifications to on-campus housing, modifications to parking permissions, and modifications to academic schedule. Remedies will be evaluated on a case- by-case basis.

a. Resources

Texas Tech University has a variety of resources to assist students involved in conduct processes or experiencing concerns related to other student conduct. Resources include, but are not limited to assistance in reporting criminal behavior to the Texas Tech Police Department or Lubbock Police Department, counseling services, medical assistance, academic support referrals, and other support services. The Office of the Dean of Students is also available to help students understand the student conduct process and identify resources.

b. Interim Actions

Under the *Code of Student Conduct*, the Managing Director or designee may impose restrictions and/or separate a student from the community pending the completion of the conduct process for alleged violation(s) of the Code of Student Conduct when a student represents a threat of serious harm to others that is deemed a continuous threat, is facing allegations of serious criminal activity, to preserve the integrity of an Investigation, to preserve University property and/or to prevent disruption of, or interference with, the normal operations of the University. Interim actions can include separation from the institution or restrictions pending the completion of the conduct process for alleged violation(s) of the Code of Student Conduct. Through an interim action or during an interim suspension, a student may be denied access to University Student Housing and/or the University campus/facilities/events. As determined appropriate by the Managing Director or designee, this restriction may include classes and/or all other University activities or privileges for which the student might otherwise be eligible. At the discretion of the Managing Director or designee and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding student. Students are informed of interim actions or of an interim suspension by the official notice procedures outlined in Part I, section of the Code of Student Conduct. Interim action(s) or an Interim Suspension are not sanctions. It is taken in an effort to protect the safety and well-being of the Complainant, Respondent, and/or other members of the University Community. Interim action(s) is/are preliminary in nature; it is in effect only until the conduct process has been completed. However, violations of interim action may result in additional allegations of the Code of Student Conduct. A student who receives an interim action(s) or interim suspension may request a meeting with the Managing Director or designee to demonstrate why an interim action(s) or suspension is not merited. Regardless of the outcome of this meeting, the University may still proceed with conducting an Investigation and the scheduling of a hearing.

1. No Contact Order

When initial inquiry indicates persistent and potentially escalating conflict between members of the University community, a No Contact Order may be issued as a remedial, non-punitive deterrent to further conflict or situational complication. A No Contact Order will be issued by the Office of Student Conduct or Dean of Students via the student's official Texas Tech email. The notice serves as an official directive that the student(s) have no contact with the other listed parties. Contact cannot occur in person, by telephone, email, text message or other electronic means of communication, or through a third party (other than an attorney).

Should contact need to occur, the student should coordinate with the Office of Student Conduct. This notice may also come with other information related to changes in class schedule or other restrictions to facilitate the no contact order. Failure to comply with the no contact order may result in additional disciplinary action, including possible suspension or expulsion. Violations of no contact orders may also result in immediate temporary suspension pending the completion of the conduct process. The term of a No Contact Order is "one year from the date of issuance, or the graduation of one or both parties, whichever comes first."

2. Immediate Temporary Suspension - Students

A student may be temporarily suspended pending completion of conduct procedures if, in the judgment of the Managing Director or designee, or on recommendation of an Investigator, the physical or emotional well-being of a student or other students or members of the University community could be endangered or if the presence of the student could significantly disrupt the normal operations of the University. The Managing Director or designee will initiate appropriate conduct procedures to address the disruptive behavior within five (5) University working days from the date of temporary suspension. Initiation of appropriate conduct proceedings includes but is not limited to informing parties that an investigation has begun via a "Notice of Involvement/Notice of Investigation" letter via the official notice procedures outlined in Part I, section A. 3. of the *Code of Student Conduct*.

Upon Immediate Temporary Suspension, the student may no longer attend classes, use University services and/or resources, and is not allowed to be on campus until the conduct proceedings have been concluded or the Interim Action has been modified. Any instances whereby the student should need to return to campus must be coordinated through the Office of Student Conduct and the Texas Tech Police Department. Conduct, on or off campus that typically results in immediate temporary suspension:

- A significant and articulable threat to the health or safety of a student or other member(s) of the University community that is deemed a continuous threat;
- Sexual assault, other forms of sexual misconduct, stalking, and relationship violence that are creating a hostile environment for the Complainant and the remedy for the harassment requires temporary separation;
- Criminal felony charges related to weapons, drugs, aggravated assault, and/or terroristic threats;
- Severe disruption in the academic community related to erratic behavior, threats, property damage, and/or verbal aggression with another student, where the offending student is uncooperative with staff requests;
 - Violation of a No Contact Order;
 - Retaliatory harm, discrimination, or harassment.
- 3. Other Interim Actions

In the event that the physical or emotional well-being of a student, other students, or members of the University community could be endangered, or if the presence of the student could significantly disrupt the normal operations of the University, other interim actions may be taken to protect the educational environment. These actions include, but are not limited to, temporary removal from University Student Housing, temporary changes in a student's academic schedule, and temporary restrictions from University activities, services and/or buildings, and representing the University. In the event an Immediate Temporary Suspension is issued, a student may request a review of the Immediate Temporary Suspension by the Managing Director or designee

A student may request a review of an Immediate Temporary Suspension or Interim Action for off campus courses and activities by the Managing Director or designee. At the discretion of the Managing Director or designee, modifications can be made to an Immediate Temporary Suspension or Interim Action that impacts off campus courses and/or activities on a case by case basis.

4. Non-Student Interim Actions

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

NOTE: Students of Texas Tech University may be held responsible for actions of their guests.

5. Withdrawal of Consent

a. Grounds for Removal

The Investigator or another University agent acting in accordance with his/her duties may recommend to the Dean of Students that, in accordance with the Texas Education Code, the student have his/her consent to remain on the campus withdrawn if, in the judgment of the Investigator and Dean of Students, it is determined that:

- The student has willfully disrupted the orderly operation of the premises, and;
- The student's presence on the campus or facility constitutes a substantial and material threat to the orderly operation of the premises.
- If the Dean of Students concurs with the recommendation, permission for the student to be on University premises will be withdrawn. This Withdrawal of Consent will not be longer than fourteen (14) calendar days and a Hearing must be held within these fourteen (14) calendar days to determine the student's status at the University. Permission to be on University premises must be coordinated through the Dean of Students and the Texas Tech Police Department. The Dean of Students will notify all parties of the final decision using the written notification procedures outlined in Part I, section A.3 within five (5) University working days.
- b. Registration Flag Following Withdrawal of Consent

When a student is withdrawn under this section, an administrative hold will be

placed on the student's readmission to the University. This administrative hold will remain on the student's records until the student is readmitted.

NOTE: See Texas Education Code, sections 51.233-51.244

2. <u>Referral Meeting</u>

A University official may request a meeting with a student in order to discuss a referral made to the Office of Student Conduct or other administrative department when the referral may not be

deemed a violation of the *Code of Student Conduct*, but when the Investigator or designee determines the referral warrants a discussion. The purpose of the discussion is to clarify concerns of the involved parties, to offer assistance to all involved parties, and to explain to the respondent that repeated referrals may warrant an Investigation which may warrant adjudication.

3. Voluntary Resolution

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

4. The Conduct Process

a. Notice of Investigation/Notice of Involvement

A student will be given notice of their involvement in regard to a referral received by the University or once the University is put on notice by receipt of a "Notice of Investigation/Notice of Involvement" Letter. When preliminary information indicates that certain, identifiable student(s) are associated with the reported incident, those student(s) will be asked to meet with an Investigator. In the event that a student fails to respond to written notification, an administrative hold may be placed on the student's record to prevent further registration and transcript receipt. The administrative hold will remain until such time as the Investigator receives an appropriate response. Failure to comply with or respond to a notice issued as part of conduct procedure and/or failure to appear will not prevent an Investigator from proceeding with the conduct process. Likewise, failure of a student to respond to notification to appear may result in additional alleged violations and result in a charge of Failure to Comply.

b. Rights and Responsibilities

Prior to the formal investigative process, a student will be provided a Student Rights and Responsibilities document. This document will be reviewed and signed by the student prior to an interview with the Investigator. The Student Rights and Responsibilities document informs the student of their rights to be exercised before and during the investigative process. Information gathered during the course of the Investigation and student conduct process may only be shared with faculty, staff, students, and/or advisors who are directly involved in the incident or necessary to the student conduct process.

Information gathered may also be disclosed in compliance with a judicial order or lawfully issued subpoena.

A student has the right to:

- 1. A prompt, fair, and equitable process;
- 2. Be accompanied by an advisor to any meeting or Hearing. An advisor can be any one of the following: a member of the Texas Tech Community (faculty, staff, or student), a

parent or legal guardian, a relative, or an attorney. An advisor's role is that of support – he or she may not speak on behalf of the student and does not have an active, participatory role in the conduct process. If an advisor for the accused student is an attorney, an attorney from the Office of General Counsel may attend the Hearing on behalf of the University. The Complainant and/or the Respondent is responsible for presenting their own information, and therefore, advisors are not permitted to speak or participate directly in any Hearing unless authorized by a Student Conduct Officer. Students should select an advisor whose schedule allows attendance at the scheduled date and time for the Hearing, as delays will not be allowed due to the scheduling conflicts of an advisor. The Managing Director or designee has the discretion to remove an advisor at any point during the conduct process. A witness, anyone who may have a conflict of interest or anyone who may have any participatory role in the process may not be allowed to serve as an Advisor. Students who have been suspended may not serve as an advisor.

3. Refrain from making any statement relevant to the Investigation. Students are expected to cooperate with the University conduct process, but may elect not to participate in the Investigation process, either in part or entirely. However, a student's refusal to participate in the Investigation, in whole or in part, lasts for the duration of the conduct process. In other words, if a student chooses not to provide information during the Investigation, they will not be allowed to present new information during the Hearing; similarly, if a student provides only limited information during the Investigation (i.e., answering some of the Investigator's questions but not others), then during the Hearing, the student will only be permitted to speak to the information he or she provided, with no additional commentary. The rationale for this policy is to prevent either party from presenting new evidence at the Hearing that was available during the investigative process for the purpose of disadvantaging the other party.

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

- 4. The opportunity to provide information and evidence in support of his/her case;
- 5. Know if they have been issued any allegations of misconduct;
- 6. Know the range of sanctions that may be imposed for a conduct violation, if one is alleged and found to have occurred;
- 7. Know the Texas Tech University conduct policies and procedures, and where to find them;
- 8. Know that any information provided by the student may be used in a conduct proceeding;
- 9. Know that if a student makes any false or misleading statements during the student conduct process, that student could be subject to further disciplinary action.

It is the student's responsibility to:

- 1. Be responsive to all correspondence from the University;
- 2. Provide information relevant to the incident or situation;
- 3. Be honest and provide true and accurate information during the Investigation;
- 4. Review the *Code of Student Conduct* in order to fully understand all aspects of the student conduct process.
- c. Investigation

The Managing Director or designee will appoint an Investigator who will conduct a thorough, reliable, and impartial Investigation of the reported allegation. Reported allegations of misconduct under the *Code* have varying degrees of complexity and severity. Therefore, the Investigation procedures described below may vary.

When initial inquiry indicates a concurrent police Investigation is occurring, the Investigator will, where possible, collaborate with the Texas Tech Police Department during the Investigation. Elements of this collaborative Investigation may include the Investigator coordinating with responding officers at the scene of the incident, joint interviews with police detectives, and evidence sharing. The Investigator will never take physical custody of any physical or electronic evidence, but will work closely with the Texas Tech Police Department to inspect, analyze, and incorporate physical or electronic evidence into the Investigative report.

During the Investigation, Complainants and Respondents are responsible for providing all information or evidence that they believe should be considered.

Once the Investigation is complete, the Investigator will compile the relevant information and evidence into an Investigation Report, which may include a timeline of the event(s), statements from interviews, physical and electronic evidence, a breakdown of the discrepancies in the various interviews, and credibility considerations. The Investigator will document any physical or electronic evidence in a manner that is conducive and does not obstruct concurrent or forthcoming police Investigations. A student will have access to review the completed Investigation Report and/or investigative materials relevant to the Investigation after the Investigation has concluded. In order to protect confidentiality students may be given an electronic password protected copy of the investigation report which may be redacted.

Allegations of potential violations of the *Code of Student Conduct*, if appropriate, are assigned at the conclusion of the Investigation at which point the Investigator explains the options for resolution to the involved parties. Should students not participate in the Investigative Process, the conduct process may continue without their participation. The Investigator may assign allegation(s) to the respondent based on the information that the Investigator collected without the student's participation, if appropriate.

1. Informal Conference

If after the Investigation, the responding student accepts responsibility for the allegations of the *Code of Student Conduct* outlined in an Investigation Report, the student can choose to resolve the issue informally. Should the student wish to participate in the Informal Conference Process, the Investigator conducting the initial inquiry/Investigation will inform the student of the appropriate sanctions for the misconduct. To participate in the Informal Conference process, a student must accept both the finding and the sanctions. If accepted, the process ends, the finding is final, and there is no appeal.

In cases involving another student (a Complainant) and/or a violation of Part I, section B.2 (Actions against Members of the University Community and Others) of the *Code of Student Conduct*, both the Complainant and the Respondent must agree to both the finding and the sanctions as recommended by the Investigator. The case will only be reopened if new material,

previously unavailable is presented.

Written notification of the outcomes and sanctions, if applicable, of the Informal Conference will be provided to the student and appropriate University Administrators within five (5) University working days of the effectuation of the Informal Conference.

2. Pre-Hearing Process

In cases involving an Administrative or Panel Hearing, the Pre-Hearing Process will be followed. Once the Investigation is complete, the involved parties will participate in the Pre-Hearing Process. During the Pre-Hearing Process, students will be given the opportunity to review the Investigation Report, relevant evidence, and other documents to be used in the Administrative or Panel Hearing. Other documents reviewed may include notification of Respondent's allegations, Hearing Panel composition, and Hearing Script. Following the Pre-Hearing, student(s) will be notified, via the notification procedures, outlined in Part I, section A.3 of a date, time, and location of the Hearing. Should students not participate in the Pre-Hearing Process, the conduct process may continue without their participation, including the assignment of allegations and the completion of an Administrative or Panel Hearing.

While students may identify errors in their own statements during the Pre-Hearing, they are not able to add additional information to the Investigation Report unless that information, in the judgment of the Investigator, was unavailable during the investigative process and is pertinent to the consideration of the case. If a student discovers new, previously unavailable information during the time after the Pre- Hearing but before the Administrative or Panel Hearing, the student should inform the Investigator immediately. If the new information is pertinent to the consideration of the case, the Investigator will determine whether the new information should be included in the Investigation Report or presented verbally during the Administrative or Panel Hearing. If there is new evidence introduced, other involved parties would also be given the opportunity to provide a response to any new evidence that will be presented in the Administrative or Panel Hearing.

The student conduct process is designed to be non-adversarial. Students will be permitted to question the statements and evidence presented by the other involved parties, but may not do so directly. After reviewing the Investigation Report, during the Pre-Hearing, Complainants and Respondents will have the opportunity to question the statements and evidence presented by the other involved parties, via the Investigator, who will pose the questions and supplement the Investigation Report.

NOTE: Questions that are deemed objectionable, inappropriate, and/or irrelevant by the Investigator may be rejected.

Students may indicate whether an Administrative Hearing, Panel Hearing or Sanction Only Hearing is preferred. However, the Dean of Students or Managing Director or designee has the sole discretion in all cases to designate whether an Administrative Hearing, Panel Hearing or Sanction Only Hearing will be held notwithstanding the student's preference.

In cases requiring a Hearing Panel, the Investigator will share the pool of faculty, staff, and students trained for Hearing Panels. Students will be given the opportunity to request to strike any member of the Hearing Panel whose impartiality may be in question. In order to strike a member of the Hearing Panel, the student must provide the Investigator with a reasonable and

substantiated rationale for the request. Once the composition of the Hearing Panel is set, the Investigator will schedule the Panel Hearing.

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

5. <u>Hearings</u>

Upon completion of the initial inquiry/Investigation, after the allegation(s) have been assigned, and proper notice has been given to the student, the University may proceed to conduct either an Administrative or a Panel Hearing and issue a finding and accompanying sanctions, if applicable. The Administrative or Panel Hearing may be held and a decision made, regardless of whether the student responds, fails to respond, attends the Hearing, or fails to attend the Hearing. Should the student fail to attend the Administrative or Panel Hearing, the Investigator or the Hearing Panel may consider the information contained in the Investigation Report and render a decision. If the student accepts responsibility for the allegations issued in the Investigation Report the student may request a Sanction Only Hearing. Arrangements can be made for either party to participate electronically, from another room, etc., if requested in advance of the Hearing date.

Hearings are closed to the public. In cases involving another student (a Complainant) and/or a violation of Part I, section B.2 (Actions against Members of the University Community and Others) of the *Code of Student Conduct*, both the Complainant and the Respondent students have the right to be present at the Hearing; however, they do not have the right to be present during deliberations. Arrangements can be made so that complaining and responding students do not have to physically be in the Hearing room at the same time. To request changes in the scheduled Hearing time, students should contact the Office of Student Conduct prior to the scheduled Hearing.

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

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

a. Administrative Hearing

An Administrative Hearing is the process of adjudicating allegations of violations of the *Code of Student Conduct* by an Administrative Hearing Officer. The Administrative Hearing Officer in an Administrative Hearing may be the Investigator that completed the Investigation Report, or Administrative Hearing Officer assigned by the Managing Director or designee. The Investigator or Administrative Hearing Officer makes the decision of responsibility and assigns sanctions, as appropriate. Written notification of the outcomes of the Administrative Hearing will be provided to the student within five (5) University working days of the conclusion of the Administrative Hearing. Decisions made through the Administrative Hearing may be appealed by students by utilizing the Conduct Appeal Procedures outlined in Part II, section C.5.

b. Panel Hearing

For each Panel Hearing, a Panel of three (3) members will be chosen from the available pool by the Managing Director or designee. The Panel will usually be comprised of one student, one faculty member, and one staff member or an Administrative Hearing Officer. Availability may determine a different composition for the Panel. In cases involving Part I, section B.1 (Academic Misconduct), the Panel will be comprised only of students and faculty. In cases involving Part I, section B.2 (Actions against Members of the University Community and Others), or other sensitive issues, the Managing Director or designee will appoint three trained panel members.

Administrative Hearing Officers who served as Investigators for the case being heard by a Hearing Panel may not serve as either a member of the Panel as a voting participant or as the non-voting Resource Person, and will participate only as the Investigator in the Panel Hearing.

The Managing Director or designee shall appoint a Resource Person in each Panel Hearing who facilitates the Hearing. The Resource Person is a non-voting participant in the Hearing and is a staff member in the Office of Student Conduct. The Resource Person assures that University/College procedures are followed throughout the Hearing.

The Panel Resource Person may:

- Prepare the Administrative Panel Hearing materials;
- Record the Administrative Panel Hearing proceedings;
- Escort participants into the Hearing room, grant breaks for participants, and distribute evidentiary materials;
- Ensure proper decorum throughout the Administrative Panel Hearing;
- Ensure the procedural soundness of the Administrative Panel Hearing;
- Provide student conduct history of the Respondent during the sanctioning phase, if necessary;
- Transcribe the findings of the Administrative Panel Hearing;
- Compile the post- Hearing documentation,
- Deliver notification to student parties.

The Investigator will present the Investigation Report, evidence, witnesses, allegation(s), and questions for deliberation. The Complainant and Respondent may make an opening statement about key points of the case. During the opening statement phase of the conduct process, the Complainant and the Respondent may not make character statements about themselves or others and may not make impact statements. Likewise, the Complainant and Respondent may make additional comments about the facts of the case. The Panel may ask questions of the Investigator, Complainant, Respondent, and any witnesses. The Complainant and Respondent may not question each other or witnesses directly, but may pose questions through the Investigator. Should new evidence be presented without prior discussion with the Investigator, the Hearing may be halted to consider the inclusion of this information. Impact statements will also be halted if they are shared prior to the sanctioning phase of the Hearing. In the event the Respondent, or witnesses), the alleged misconduct will be forwarded to the Office of Student Conduct for additional processing, as appropriate.

Following the Hearing, the Hearing Panel will deliberate and render a decision regarding the alleged misconduct, as well as determine any sanctions, if applicable. Should the Hearing Panel have any questions for the Investigator, the Complainant, and/or the Respondent during deliberations, the Hearing will reconvene so that all parties have the opportunity to hear and respond to other parties' responses. Simultaneous notification of outcomes of the Panel Hearing should be provided to the student(s) in writing within five (5) University working days, or as soon as practical, following the Panel Hearing. Decisions made through the Panel Hearing may be appealed by students utilizing the Disciplinary Appeal Procedures outlined in Part I, section C.5.

Note: All Hearing proceedings, excluding the deliberations of the Hearing Panel, will be recorded by the University.

c. Sanction Only Hearing

If the student accepts responsibility for the allegations issued in the Investigation Report, the student may request a Sanction Only Hearing, by either a Hearing officer or a Hearing Panel. During a Sanction Only Hearing, the Investigation Report and finding are presented to the Hearing body by the Investigator. During presentation of the Investigation Report and finding, the respondent and the Complainant are not allowed to dispute the facts or details of the case. Both the Respondent and the Complainant may be present and both the Respondent and the Complainant may be present and both the Respondent and the Complainant may be present and both the Respondent and the Complainant may be presented by the Respondent and may be considered by the Hearing body. Simultaneous notification of the outcome of the Sanction Only Hearing will be provided to the student(s) within five (5) University working days of the conclusion of the Sanction Only Hearing. Decisions made through the Sanction Only Hearing may be appealed by the students by utilizing the Conduct Appeal Procedures outlined in Part II, section C.5. In Sanction Only Hearings, students may appeal the sanction(s), and can only appeal on the following grounds, "the sanction imposed substantially varies from the range of sanctions normally imposed for similar infractions."

Note: A student may only choose a Hearing Panel for Sanction Only Hearings for potentially separable offenses.

6. Sanctions

An Investigator, Administrative Hearing Officer, or a Hearing Panel may impose sanctions as a result of an Informal Conference, Administrative Hearing, or Panel Hearing, when a student is found responsible. The potential sanctions are listed in the *Code of Student Conduct* grid at <u>http://www.depts.ttu.edu/studentconduct</u>. The grid is provided only as a guideline for administering sanctions by the Investigator, Administrative Hearing Officer, or the Hearing Panel. The Investigator, Administrative Hearing Officer and/or the Hearing Panel may deviate from the grid for sufficient reason. Implementation of the disciplinary sanction(s) will begin immediately or as assigned.

Note: Law students found responsible for misconduct under the University's Conduct Code and process face potentially heightened sanctions and other outcomes in that process from the University and the Law School under the Law School Heightened and Secondary Outcomes Policy. The Law School's Professional School Secondary Outcomes process is a supplement to the University's student conduct process to consider the assignment of additional outcomes for misconduct reflecting the higher professional standards that apply to law students. The Law <u>School Heightened and Secondary Outcomes Policy is located here: Heightened Secondary</u> <u>Outcomes Policy | School of Law | TTU.</u>

Implementation of the disciplinary sanction(s) will begin immediately or as assigned. In limited instances such as removal from University Student Housing, Suspension, or Expulsion, a student may submit an *Intent to Appeal* to the Managing Director or designee as soon after receipt of the hearing decision as possible and prior to the deadline to appeal (3 days). -The student must clearly state an intent to appeal and must include the preliminary identification of the appropriate ground(s) of which the student believes an error occurred. Upon confirmation of receipt of the intent to appeal by the Managing Director or designee, the effective date of the student's sanction(s) will be delayed pending the outcome of the appeal. -However, upon the judgement of the Managing Director or designee, some cases (e.g. including but not limited to reasonable belief the student poses an active threat to at least one member of the University community) with sanctions of housing removal, suspension, or expulsion may begin prior to the completion of the conduct appeal process.

Note: an Intent to Appeal does not satisfy the need for the student to articulate and submit a written appeal request as detailed in Section 7 – Conduct Appeal Procedures below.

Both the Respondent and the Complainant (if applicable) will be simultaneously notified of the appellate officer's decision and sanctions as appropriate. When sanctions are final, appropriate University Administrators may be notified of the student's sanctions. Findings and sanctions agreed upon through the Informal Conference Process are final and cannot be appealed.

All records related to the disciplinary process will remain on file in the Office of Student Conduct or University Student Housing for a minimum of seven (7) years from the date the case is completed through an Informal Conference, Administrative Hearing, or Panel Hearing and/or Conduct Appeal Procedures in Part I, section C.5. All records related to the disciplinary process resulting in suspension and/or expulsion will remain on file indefinitely.

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

a. Disciplinary Reprimand

The disciplinary reprimand is an official written notification using the notice procedures outlined in Part I, section A.3 to the student that the action in question was misconduct.

b. Disciplinary Probation

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

c. Time-Limited Disciplinary Suspension

Time-Limited Disciplinary Suspension is a specific period of time in which a student is not allowed to participate in class, University related activities, or be present on campus property. The status of Disciplinary Suspension will be shown on the student's academic record, including the transcript. Disciplinary Suspension is noted on the student's transcript by the phrase "Disciplinary Suspension" and will include the period of time in which the student is/was suspended from the University. In most instances, the notation of Disciplinary Suspension will remain on the transcript permanently. A student has the ability to petition to remove a Disciplinary Suspension notation in the following instances: 1) the student is eligible to reenroll in the institution or 2) the Managing Director or designee determines that good cause exists to remove the notation. A Disciplinary Suspension of a student will indicate the date on which the suspension period begins and the earliest date the application for student readmission will be considered. The Managing Director or designee may deny a student's readmission, if the student's misconduct during the suspension would have warranted additional disciplinary action. If the student has failed to satisfy any sanction that was imposed prior to application for readmission, the Managing Director or designee may recommend denial of readmission of a student. On denial of a student's readmission, the Managing Director or designee will set a date when another application for readmission may again be made. An administrative hold will be placed on the student's record to prevent registration during the Disciplinary Suspension.

NOTE: For information pertaining to academic courses taken at another higher education institution during time-limited disciplinary suspension, please refer to OP 34.21 located at <u>http://www.depts.ttu.edu/opmanual/OP34.21.pdf</u>

d. Disciplinary Expulsion

Disciplinary Expulsion occurs when the student is permanently withdrawn and separated from the University. This status of Disciplinary Expulsion will be shown permanently on the student's academic record, including the transcript. Disciplinary Expulsion is noted on the student's transcript by the phrase, "Expulsion" and the date in which the student's expulsion became effective. In most instances, the notation of Disciplinary Expulsion will remain on the transcript permanently. A student has the ability to petition to remove a Disciplinary Expulsion notation in the following instances: 1) the student is eligible to reenroll in the institution or 2) the Managing Director or designee determines that good cause exists to remove the notation. An administrative hold will be placed on the student's record to prevent future registration.

e. Conditions

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

- Personal and/or academic counseling intake session;
- Discretionary educational conditions and/or programs of educational service to the University and/or community;
- Residence hall relocation and/or contract review/cancellation of residence hall contract and/or use of dining facilities;
- Restitution or compensation for loss, damage or injury, which may take the form of appropriate service and/or monetary or material replacement;
- Monetary assessment owed to the University;
- Completion of an alcohol or drug education program;
- Referral to the BASICS Program for assessment.
- 1. Restrictions

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

- Revocation of parking privileges;
- Denial of eligibility for holding office in registered student organizations;

- Denial of participation in extracurricular activities;
- Prohibited access to University facilities and/or prohibited direct or indirect contact with members of the University community;
 - Loss of privileges on a temporary or permanent basis.

2. Academic Penalties

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

- Assignment of a grade for the relevant assignment, exam, or course;
- Relevant make-up assignments;
- No credit for the original assignment;
- Reduction in grade for the assignment and/or course;
- Failing grade on the assignment;
- Failing grade for the course;
- Dismissal from a departmental program;
- Denial of access to internships or research programs;
- Loss of appointment to academically-based positions;
- Loss of departmental/graduate program endorsements for internal and external fellowship support and employment opportunities;
- Removal of fellowship or assistantship support.
- 3. Parental Notification

Violations of Part I, sections B.3 (Alcoholic Beverages) or B.4 (Narcotics or Drugs) may result in notification to the parents/guardians of dependent students under the age of 21. *NOTE: Any student at any time may request a review of the sanctions in place in writing to the Managing Director or designee.*

7. <u>Conduct Appeal Procedures</u>

A student may appeal the finding or the sanction(s) imposed in an Administrative Hearing or Panel Hearing by submitting a written petition to the Managing Director or designee within three (3) University working days of the delivery of the written decision. If a student selects a Sanction Only Hearing, the student may appeal the sanction and can only appeal on the following grounds, "the sanction(s) imposed substantially varies from the range of sanctions normally imposed for similar infractions." The student may appeal by submitting a written petition to the designated appeal officer within three (3) University working days of delivery of the written decision. An appeal may not be filed on behalf of the student by a third party.

The Dean of Students, Managing Director, or designee, will select an appeal officer in each case. The designated appeal officer will be a trained University staff or faculty member who did not serve as the Investigator or the Administrative Hearing Officer in the original Conduct Process and will render a neutral, impartial, and unbiased decision.

In cases involving alleged misconduct involving Part I, section B.1 (Academic Misconduct), the designated appeal officer is the Associate Academic Dean of the college where the student is enrolled or the Associate Academic Dean of the college housing the course or program where the violation occurred. In situations where the Associate Academic Dean participated in the Hearing as the Investigator or Instructor of Record, the designated appeal officer is the Academic Dean.

The petition must clearly set forth the grounds for the appeal, together with the evidence upon which the appeal is based. A disagreement with the decision alone shall not constitute grounds for appeal. The only proper grounds for appeal, and the only issues that may be considered on appeal are as follows:

- A procedural [or substantive error] occurred that significantly impacted the outcome of the Hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
- The discovery of new evidence, unavailable during the original Hearing or review of the case, which could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; or
- The sanctions imposed substantially varies from the range of sanctions normally imposed for similar infractions.

NOTE: Lack of participation at any part of the Investigation or conduct process does not constitute as new evidence.

In cases involving alleged misconduct involving Part I, section B.2 (Actions against Members of the University Community and Others), either the Complainant or Respondent may appeal the decision of the Office of Student Conduct. In such cases, the Office of Student Conduct will provide the written appeal to the other party and provide opportunity for one response. Responses must be provided within three (3) university working days.

The designated appeal officer will first review the appeal to determine if the appeal is timely and properly sets forth the appropriate grounds for appeal, with adequate accompanying evidence. If any of these requirements are not met, the appeal will be dismissed, and the decision will be final. The Hearing Body and/or a representative of the Hearing Body may provide a response to the appeal upon request of the appellate officer within three (3) university working days.

If the designated appeal officer determines that the sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions, the appeal identifies a procedural/substantive error or new evidence that was unavailable at the original Hearing, the appeal officer will then determine whether the error or new evidence would have substantially impacted the decision of the Administrative Hearing Officer or Hearing Panel. If the designated appeal officer determines that the error or new evidence would have substantially impacted the decision, they may:

- Modify the finding and/or increase, decrease, or otherwise modify the sanctions;
- Remand the case to the original Hearing Body; or
- Remand the case to a new Hearing Body.

The Office of Student Conduct shall make all reasonable efforts to simultaneously notify the parties(s) of the status of the appeal throughout the appellate process and shall make all reasonable efforts to notify the student(s) the result of their appeal using the written notification procedures outlined in Part I, section A.3 within ten (10) University working days from receipt of all responses. If necessary, the Designated Appeal Officer will notify the student should they need additional time to determine the outcome of the appeal. The decision of the designated

appeal officer is final and cannot be appealed.

If the designated appeal officer remands the decision to a new Hearing Body, the decision of that Hearing Body is final and may not be appealed.

NOTE: For information pertaining to an Intent to Appeal and delay of sanctions, please see sanction procedures.

<u>NOTE: Law students found responsible under the University's Code of Conduct by the Office for</u> <u>Student Conduct may appeal the decision by following the guidelines for appeal set forth in the</u> <u>University's Code.</u>

Law students issued additional outcomes—secondary sanctions, stipulations, or restrictions—by the Law School's Professionalism Outcomes Committee may appeal the additional outcomes as detailed in Law School Heightened and Secondary Outcomes Policy and located here: Heightened Secondary Outcomes Policy | School of Law | TTU

8. Former Student Conduct & Readmission

A former student who engages in conduct that is a violation of the *Code of Student Conduct* may be subject to conduct procedures prior to reenrollment, a bar against readmission, revocation of a degree, and withdrawal of a diploma.

A student who has had an administrative hold placed on their records under this section must request readmission from the Managing Director or designee at least three (3) weeks prior to any Texas Tech University Office of Admissions application deadlines for the semester or summer session in which the student wishes to re-enroll. The student may be required by the Managing Director or designee to submit evidence in writing supportive of his/her present ability to return to the University. The University will evaluate the student's request and supporting documentation with primary consideration given to satisfying all conditions specified at the time of suspension or withdrawal. If approval is granted by the Managing Director for the Office of Student Conduct or designee for the removal of the administrative hold, the student must then complete the regular University readmission procedures.

SECTION D: SEXUAL MISCONDUCT PROCEDURES FOR STUDENTS

The University is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from sex discrimination of any kind. Texas Tech prohibits discrimination based on sex (which includes pregnancy, sexual orientation, gender identity, and gender expression), and other types of Sexual Misconduct. Sexual Misconduct includes Title IX Sexual Misconduct, sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, interpersonal violence, sexual violence, and any other misconduct based on sex. Any acts that fall within the scope of this policy hereinafter are referred to as Sexual Misconduct. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, by actions, or electronically displayed or conveyed.

This section provides information regarding the University's prevention and education efforts related to sex discrimination and Sexual Misconduct. This policy, in conjunction with <u>TTU OP 40.03 and Texas Tech University System Regulation 07.06</u>, provides students with their rights and options and also explains how the University will proceed once it is made aware of allegations of prohibited conduct in keeping with the University's values and in order to meet the legal obligations of Title IX, the Violence Against Women Act (VAWA), the Campus Sexual Violence Elimination Act (SaVE), the Clery Act, Texas Education Code, 34 CFR Part 106, and other applicable law. <u>Any conflict among the policies set forth in this *Handbook*, OP 40.03, and System Regulation 07.06 shall be resolved by System Regulation 07.06.</u>

These policies apply to all University students. The University will respond to any Sexual Misconduct and restore or preserve equal access to the University's Education Programs or Activities, as appropriate.

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

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

In accordance with federal and state laws, the University has adopted two distinct policies and procedures for responding to reports of Sexual Misconduct. The applicable policy is based on the nature, context, and location of the alleged conduct. Title IX Sexual Misconduct is addressed in accordance with <u>System Regulation 07.06.A</u>, and Non-Title IX Sexual Misconduct is addressed in accordance with <u>System Regulation 07.06.B</u>. The Title IX Coordinator or designee will assume responsibility for determining which policy should be utilized to address a report of Sexual Misconduct and will coordinate the appropriate processes. The following <u>flowchart</u> will be utilized to assist the Title IX Coordinator determining what policy will apply to the alleged misconduct.

1. Definitions

For purposes of this policy, the definitions below apply. However, some of these terms are also defined under state law. If a person would like to file criminal charges for any alleged violations of criminal law, the definitions as set forth in state law may apply.

- **a. Actual Knowledge** Notice of Title IX Sexual Misconduct or allegations thereof to the University's Title IX Coordinator or Deputy Coordinators.
- b. **Complainant** An individual who was alleged to be the victim of conduct that could constitute Sexual Misconduct.
- c. Consent Mutually understandable words or actions, actively

communicated both knowingly and voluntarily, that clearly conveys permission for a specific activity.

Consent is not effective if it results from: (a) the use of physical force, (b) a threat of physical force, (c) intimidation, (d) coercion, (e) incapacitation, or (f) any other factor that would eliminate an individual's ability to exercise their own free will to choose whether or not to engage in sexual activity.

Before engaging in any type of sexual activity, it is the *initiator's* responsibility to obtain their partner's consent, either verbally or non-verbally. Silence cannot be assumed to express consent and saying "NO" is not the only way a sexual partner may communicate lack of consent. A partner may use non-verbal cues to indicate their lack of consent for any sexual activity. Some examples of non-verbal communication that demonstrate lack of consent include:

- Resistance: pushing hands away, pulling away from partner
- Body going limp or freezing up
- Crying
- Wincing

Other points regarding consent:

- A person is not required to actively resist their aggressor.
- A person's intentional use of alcohol/drugs neither negates nor diminishes the initiator's responsibility to acquire consent before engaging in sexual activity.
- Consent has an expiration date. Consent on Thursday does not mean consent on Friday.
- A prior existing sexual relationship between consenting adults does not imply future consent to engage in sexual activities. This is true even in marriage or other long-term sexual relationships.

A person CANNOT consent to sexual activity when they are incapacitated. Engaging in sexual activity with someone you know or reasonably should know is incapacitated is a violation of this policy. The question of what the Respondent should have known is objectively based on what a reasonable person would have known about the condition of the Complainant.

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

- d. Education Program or Activity- Includes locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the Title IX Sexual Misconduct allegedly occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the University.
- e. **Employee** Any person who receives a W-2 or 1042-S from the University, including full- and part-time faculty, staff, and students. An employee is

working in the course and scope of their employment if the Employee is performing duties in the furtherance of the University's interests.

- f. **Formal Complaint-** Document filed by a Complainant or signed by the University's Title IX Coordinator alleging Sexual Misconduct against a Respondent and requesting that the University investigate the allegation of Sexual Misconduct.
- g. **Grievance Process-** The process of addressing Formal Complaints of Sexual Misconduct before the imposition of any disciplinary or other actions that are not Supportive Measures against a Respondent.
- h. **Incapacitation** A state of being that prevents an individual from having capacity to give consent. Incapacitation includes, but is not limited to:
 - Age: A minor cannot consent to engage in sexual activity. In Texas, the legal age of consent is 17.
 - Intellectual or other Disability: A person with a mental disorder or other cognitive issue which prohibits them from making an informed decision lacks capacity to consent to engage in sexual activity.
 - Physical Incapacitation: A person who is asleep, unconscious, and/or intoxicated to the point of no longer understanding or controlling their actions cannot consent to engage in sexual activity.
- i. **Informal Resolution-** An alternative to the Grievance Process that may be offered and facilitated by the University following the filing of a Formal Complaint and upon the voluntary, written consent of the parties.
- j. Interpersonal Violence For purposes of this policy, Interpersonal Violence is:
 - **Domestic or Family Violence** Abuse or violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person with whom the Complainant is cohabiting (or has cohabited) with a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the state of Texas, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Texas.
 - Dating Violence Abuse or violence, or a threat of abuse or violence, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship will be determined based on the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. A casual acquaintanceship or ordinary socializing between two individuals does not constitute a romantic or intimate relationship. This definition does not include acts covered under Domestic or Family Violence.
- k. **Investigative Report-** A report that summarizes the relevant evidence based upon the completion of an Investigation conducted under the Grievance Process.
- 1. **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.
- m. Reporting Party A person or entity (in the case of the University), other than the Complainant, who reports an alleged violation of this policy.
- n. **Respondent-** An individual who has been reported to be the perpetrator of conduct that could constitute Sexual Misconduct.
- o. Sex Discrimination An act that deprives a member of the University Community of their rights of access to campuses and facilities and of participation in education, services, programs, operations, employment, benefits, or opportunities with the university on the basis of the person's sex.
- p. Sexual Assault Sexual contact or intercourse with a person without the person's consent, including sexual contact or intercourse against the person's will or in a circumstance in which the person is incapable of consenting to the contact or intercourse. Sexual Assault includes:
- (1) **Nonconsensual Sexual Contact** Intentional sexual touching, however slight, with any object or part of one's body of another's private areas without consent. Sexual Contact includes:
 - Intentional contact with the breasts, buttock, groin, or genitals;
 - Touching another with any of these body parts;
 - Making another touch you or themselves with or on any of these body parts; or
 - Any other intentional bodily contact in a sexual manner.
- (2) **Nonconsensual Sexual Intercourse** Sexual penetration or intercourse, however slight, with a penis, tongue, finger, or any object, and without consent. Penetration can be oral, anal, or vaginal.
- q. **Sexual Exploitation** Taking nonconsensual or abusive sexual advantage of another for the benefit of oneself or a third party. Prohibited behavior includes, but is not limited to:
 - Purposeful recording, distribution, or dissemination of sexual or intimate images or recordings of another person without that person's full knowledge or consent;
 - Sexual voyeurism;
 - Inducing another to expose one's genitals or private areas;
 - Prostituting another; or
 - Knowingly exposing someone to or transmitting a sexually transmitted disease without the party's full knowledge and consent.
- r. **Sexual Harassment** Means unwelcome, sex-based verbal or physical conduct that in the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from educational programs or activities.
- s. 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.

- t. **Stalking** A course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or would cause that person to suffer substantial emotional distress. A "course of conduct" means two or more acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling
- u. **Supportive Measures-** Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed.
- v. **Title IX Sexual Misconduct-** Conduct that allegedly occurred against a person in the United States, in a University's Education Program or Activity, on the basis of sex, and that satisfies one or more of the following:
 - i. *Quid Pro Quo*. A University employee conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
 - ii. *Severe, Pervasive, and Objectively Offensive Conduct.* Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity. Without limiting the foregoing, the following types of conduct are deemed to meet this severe, pervasive, and objectively offensive standard:
 - 1. "Sexual Assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v);
 - 2. "Dating Violence" as defined in 34 U.S.C. 12291(a)(10)
 - 3. "Domestic Violence" as defined in 34 U.S.C. 12291(a)(8) or
 - 4. "Stalking" as defined in 34 U.S.C. 12291(a)(30).
- w. **University Community** All faculty, staff, and students of and visitors to any University premises or University-affiliated activity.

2. Title IX Staff

The Office for Student Civil Rights & Sexual Misconduct (SCRSM) will investigate complaints of Sexual Misconduct by or between students. (*Please note, some campus partners refer to SCRSM as "the Title IX Office."*) The Texas Tech University System Office of Equal Opportunity (Office of EO) will be the primary

Investigators for complaints of Sexual Misconduct by or between employees.

SCRSM staff includes the Title IX Coordinator, Assistant Title IX Coordinator/ Case Manager, Investigators, CARE (Campus Advocacy, Response and Education) Coordinators, and a Business Assistant. Information provided to SCRSM is considered private and is only shared with other campus officials in the event of an emergency, or an educational need to know. Reports are only shared with law enforcement with the express consent of the student involved, or through a lawfully issued subpoena.

- a. Title IX Coordinator- A trained University staff member who oversees the University's compliance with Title IX and other applicable state/federal laws. The University has also designated Title IX Deputy Coordinators, and Title IX Liaisons for students, athletics, academic affairs and employees.
- b. Case Manager/Title IX Deputy Coordinator- A trained University staff member whose role is to respond to all Sexual Misconduct reports. The Case Manager conducts Intake meetings with the Complainant and Respondent, coordinates all Supportive Measures and remedies for students involved in Sexual Misconduct cases, and assists students with anonymous reporting. The Case Manager oversees the University's compliance in offering assistance to involved parties.
- c. Investigator- A trained University staff member whose role is to conduct a thorough, reliable, and equitable investigation and compile the information gathered into an Investigation Report. Investigators may facilitate Informal Resolutions when requested by the parties involved in the case. In cases heard by a Hearing Panel, the Investigator will present the information and evidence obtained through the Investigation to the Panel. Investigators are assigned to cases by the Title IX Coordinator or Deputy Title IX Coordinator.
- d. CARE Coordinators- CARE Coordinators are graduate students who, in conjunction with the Case Manager, connect students with resources after a referral is made to SCRSM. They serve as a student's primary point of contact. CARE Coordinators are trained to work with both Complainants and Respondents, but each Coordinator will only work with one party in a case. CARE Coordinators review and clarify process and policies, reporting options and available resources; attend meetings as a support person; review documents and materials from the investigation, report, Hearing, decision letters and sanctioning as requested; and provide general support and a safe listening space. CARE Coordinators can assist students in filing anonymous reports but are not a confidential resource. CARE Coordinators do not provide legal guidance.
- e. SCRSM Business Assistant- A staff member who assists with day to day operations of the office.
- f. Title IX Advisors- In a Title IX Sexual Misconduct hearing, the Advisor will conduct cross examination. All students retain the right to select their own advisor, and this advisor may be an attorney. If the Complainant or Respondent does not have an advisor, the University will provide one. For University provided Advisors, that Advisor does not provide legal guidance.
- 3. <u>Title IX and Non-Title IX Sexual Misconduct Allegations</u>

The following constitute allegations that may be assigned under the Title IX and Non-Title IX Sexual Misconduct Policy.

- 1. Complicity or Knowingly Present
 - a. Assisting via acts or omissions another student, individual, or group in committing or attempting to commit a violation of the *Code of Student Conduct*.
 - b. Complicity with or failure of any organized group to address known or obvious violations

of the Code of Student Conduct by its members.

- c. Any person who is knowingly present for the commission of a violation of the *Code of Student Conduct* and does not take steps to remove themselves from the location of the violation.
- 2. Discriminatory Harassment

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

- 3. Failure to Comply
 - a. Failure to comply with reasonable directives of a University official acting in the performance of their duties.
 - b. Failure to present student identification on directive or identify oneself to any University official acting in the performance of their duties.
 - c. Any intentional, retaliatory, or adverse action taken by a Respondent, individual, or third party, absent legitimate nondiscriminatory purposes, against a party or supporter of a party to a Misconduct or Sexual Misconduct proceeding or other protected activity under this *Code of Student Conduct*.
 - d. Failure to comply with the sanctions imposed by the University under the *Code of Student Conduct* or the Student Handbook.
- 4. Intimate Partner / Relationship Violence/Dating Violence

For the purposes of this policy, Interpersonal Violence is:

- a. Domestic or family violence is abuse or violence committed by a (1) current or former spouse or intimate partner of the Complainant, (2) person with whom the Complainant shares a child in common, (3) person who is cohabitating (or has cohabited) with the Complainant as a spouse or intimate partner, (4) person similarly situated to a spouse of the Complainant under state/local law, or (5) any other person against an adult or youth who is protected by that person's acts under the state/local domestic or family violence laws.
- b. Dating violence is abuse or violence, or a threat of abuse or violence, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship will be determined based on the type and length of the relationship and the frequency of interaction between the person's involved in the relationship. A casual acquaintanceship or ordinary

socializing between two individuals does not constitute a romantic or intimate relationship. This definition does not include acts covered under Domestic or Family Violence.

- c. Verbal abuse must be sufficiently severe, persistent, or pervasive that it adversely affects the Complainant's education or creates an intimidating, hostile, abusive or offensive educational environment which interferes with the student's ability to realize the intended benefits of the University's resources and opportunities.
- 5. Nonconsensual Sexual Contact

Intentional sexual touching, however slight and with any object or part of one's body, of another's private areas without consent. Sexual Contact includes:

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

6. Nonconsensual Sexual Intercourse

Sexual penetration or intercourse, however slight, with a penis, tongue, finger, or any object, and without consent. Penetration can be oral, anal, or vaginal. This can include intentional removal of a condom or other protective measure during intercourse without the consent of the partner.

7. 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.

8. Retaliatory Discrimination or Harassment

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

9. Sexual Exploitation

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

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

Unwelcome sex-based verbal, written, or physical conduct when: (1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment or education; (2) Submission to or rejection of such conduct is used as a basis for decisions affecting employment or education; or (3) Such conduct has the purpose or effect of interfering with the individual's work or educational performance or of creating an

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

11. Stalking

A course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or would cause that person to suffer substantial emotional distress. A "course of conduct" means two or more acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

12. Title IX Sexual Misconduct

Conduct that allegedly occurred against a person in the United States, in the University's Education Program or Activity, on the basis of sex, and that satisfies one or more of the following:

- a. Quid Pro Quo. A University Employee conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct.
- b. Severe, Pervasive, and Objectively Offensive Conduct. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's Education Program or Activity.
- c. The following incidents are deemed to meet the Severe, Pervasive, and Objectively Offensive standard:
 - i. Sexual Assault- An offense classified as a forcible or nonforcible sex offense.
 - a.Forcible sex offense- Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent, including Rape, Sodomy (oral or anal sexual intercourse), Sexual Assault with an Object, and Fondling
 - b.Nonforcible sex offense- Unlawful, nonforcible sexual intercourse including incest and statutory rape.
 - c.(For complete definitions of forcible and nonforcible sex offenses, please see <u>System Regulation 07.06.A</u>)
 - ii. Dating Violence-Violence committed by a person who is or has been in a social relationship of a romantic nature with the victim, and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relations, and the frequency of interaction between the persons involved in the relationship.
 - iii. Domestic Violence- Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person cohabitation with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the laws of the jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
 - iv. Stalking- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer

substantial emotional distress.

4. Reporting Sexual Misconduct

All employees, including student employees, who in the course and scope of employment witness or receive information regarding a possible incident of sexual harassment, sexual assault, dating violence, or stalking against a student, employee, or visitor to the institution shall promptly report the incident to the Title IX Coordinator or Deputy Coordinators. While not required, students are strongly encouraged to report any incident of Sexual Misconduct to the University, including incidents in which the student was a victim.

Students may also report incidents of Sexual Misconduct to law enforcement, including University and local police. Complainants may choose to notify law enforcement and will be provided the assistance of the Title IX Coordinator, Case Manager, CARE Coordinator, or Investigator in contacting these authorities if the individual wishes. Parties may also choose not to notify law enforcement of incidents of Sexual Misconduct. A student who experiences sexual or dating violence is encouraged to seek medical care for treatment and preservation of evidence, if applicable, as soon as possible after the incident. Preserving DNA evidence can be key to a sexual violence case. Students can undergo a sexual assault forensic exam (SAFE) performed by a sexual assault nurse examiner (SANE) to preserve physical evidence with *or without* police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, a SANE may still collect evidence up to 4 days following a sexual assault. With the examinee's consent, the physical evidence collected during this medical exam can be used in a criminal investigation. To undergo a SAFE, go to University Medical Center or Covenant Hospital.

Anyone who experiences any form of Sexual Misconduct should also preserve other evidence relevant to the incident reported, such as items of clothing, photographs, phone records, text messages, social media activity, computer records, and other documents.

Making a Report

At Texas Tech, students can make a report in a variety of ways. Reports are private, and will not be shared with law enforcement, other students, faculty, non-SCRSM staff or parent/family members without express consent.

- Filing a report online: A report can be made by visiting the online reporting form via the University Title IX & Sexual Misconduct website (<u>http://www.depts.ttu.edu/titleix/students/Report_an_Incident.php</u>). This report can also be completed anonymously. Please note that reporting anonymously may limit the university's ability to investigate the incident or provide resources to the involved parties.
- Contacting a Title IX staff member directly: Meet with a staff member in person, speak over the phone, or communicate via email. Staff members can answer questions about the policies/procedures and describe options available to students.
 - o Title IX Coordinator- Dr. Kimberly Simón; Administration Building

Suite 115, 806.834.1949, kimberly.simon@ttu.edu or titleix@ttu.edu

- Case Manager- Meredith Holden; Student Union Building Room 232E; 806.834.5556, meredith.holden@ttu.edu
- CARE Coordinators- Student Union Building Room 232E; 806.742.7233
- Complete a report via mail: Reports of incidents of sexual misconduct may be mailed to Kimberly Simón, Box 42055, Lubbock, TX 79409.
- Make an anonymous report: Staff members are available to assist a student in making an anonymous report. Anonymous reports can help put a student in touch with resources even if they are not sure they would like to proceed with formal reporting and investigation procedures. Anonymous reports can be made through the Title IX Case Manager and CARE Coordinators in SCRSM. These staff members can be reached by calling 806.742.7233 or visiting the Student Union Building, Suite 232E.
- Make a confidential report: Students may make a confidential report to licensed clinical and/or mental health professionals acting in their professional roles. These employees are encouraged to provide their students with information and guidance regarding University reporting options and available resources but will not report or otherwise refer incidents to SCRSM without the student's express permission. Confidential reports may be made to the Student Counseling Center, the Family Therapy Clinic, the Psychology Clinic, and Student Health Services on campus. Students can make confidential reports off campus to Voice of Hope, and other licensed clinical and mental health providers.

While there is no deadline to file a report, to promote timely and effective review, the University strongly encourages individuals who believe they have experienced Sexual Misconduct to come forward promptly with their complaints and to seek assistance from the University. Delays in reporting can greatly limit the University's ability to stop the Sexual Misconduct, collect evidence, and/or take effective action against individuals or organizations accused of violating the policy.

NOTE: if a Respondent has left campus, either by withdrawing or graduating, prior to a report being filed, the University's ability to investigate and/or adjudicate may be limited.

5. Supportive Measures and Remedies

The University may take immediate action to eliminate hostile environments and address any effects on the Complainant and community prior to the initiation of any Investigation and/or formal Grievance Process. These measures will be taken to minimize the burden on the Complainant while respecting due process rights of the Respondent. Support Measures for involved students may include, but are not limited to, counseling services, medical assistance, modifications to on-campus housing, modifications to parking permissions, academic support referrals, modifications to academic or work situations, instituting a No Contact Order between the parties in a complaint, and reporting criminal behavior to the Texas Tech Police Department, Lubbock Police Department, or other local law enforcement agency. Additionally, the University may pursue Emergency Removal, altering the University status of the Respondent. Other Supportive Measures may be implemented and will be evaluated on a case- by-case basis. Supportive Measures may be kept in place through the conclusion of any review, Investigation, resolution, or Appeal process. Supportive Measures can be implemented regardless of whether or not the Complainant pursues a Formal Complaint or criminal action. SCRSM is available to help students understand the Grievance Process and identify resources.

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

Complainants and Respondents who are the subjects of a reported incident of Sexual Misconduct (sexual harassment, sexual assault, dating violence, or stalking) will be allowed to drop a course in which they are both enrolled without any academic penalty.

No Contact Order

When initial inquiry indicates persistent and potentially escalating conflict between members of the University Community, a No Contact Order may be issued as a remedial, non-punitive deterrent to further conflict or situational complication. A No Contact Order will be issued by SCRSM 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 Case Manager or Investigator. This notice may also come with other information related to changes in class schedule or other restrictions to facilitate the No Contact Order.

Failure to comply with the No Contact Order may result in disciplinary action, including possible suspension or expulsion. Violations of No Contact Orders may also result in Emergency Removal pending the completion of a Grievance Process. The term of a No Contact Order is one year from the date of issuance, or the graduation of one or both parties, whichever comes first.

Emergency Removal

The University shall conduct an individualized safety and risk analysis to determine if an individual poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Misconduct that justifies removal. Where the University finds that a Respondent poses an immediate threat to the physical health or safety of any student or individual, the University may remove the Respondent prior to the conclusion of the Grievance Process to protect the safety of the University Community where an immediate threat exists. The University shall provide the Respondent with notice and an immediate opportunity to challenge the decision in writing to the Title IX Coordinator immediately following the removal.

Through an Emergency Removal, a student may be denied access to University Student Housing and/or the University campus/facilities/events. As determined appropriate by the Title IX Coordinator 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 Title IX Coordinator or designee and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding student.

Students are informed of the Emergency Removal by the official notice procedures outlined in this section. Emergency Removal is not a sanction. It is taken in an effort to protect the safety and well-being of the Complainant, Respondent, and/or other members of the University Community. Emergency Removal is preliminary in nature; it is in effect only until the Grievance Process has been completed. However, violations of Emergency Removal may result in additional allegations of the *Code of Student Conduct*. A student who receives an Emergency Removal may request a meeting with the Vice Provost of Student Affairs or designee to challenge an Emergency Removal.

Regardless of the outcome of this meeting, the University may still proceed with an Investigation and adjudication.

The Title IX Coordinator or designee will initiate the appropriate Grievance Process to address the disruptive behavior within three (3) University working days from the date of Emergency Removal. Initiation of the appropriate Grievance Process includes but is not limited to informing parties that an investigation has begun via a "Notice of Formal Complaint" letter.

Non-Student Support Measures

SCRSM, in conjunction with the Texas Tech Police Department, may issue a Criminal Trespass to any individual(s) or guest of the University whose presence could significantly disrupt the normal operations of the University, or who is alleged to have violated University policies and/or is deemed to pose a threat to the physical and/or emotional well-being of a student or other members of the University Community.

Note: Students of Texas Tech University may be held responsible for actions of their guests.

6. Rights and Responsibilities

Prior to the formal investigative process, a student will be provided a Student Rights and Responsibilities document. This document will be reviewed and signed by the student prior to an interview with the Investigator. The Student Rights and Responsibilities document informs the student of their rights to be exercised before and during the Grievance Process.

Subject to applicable law, information gathered by the University during the course of the Investigation and Grievance Process may only be shared with faculty, staff, students, and/or advisors who are directly involved in the incident or necessary to the Grievance Process.

Information gathered may also be disclosed in compliance with a judicial order or lawfully issued subpoena.

Involved parties have the right to, and are encouraged to, be accompanied by an advisor of the individual's choosing during all meetings, proceedings, and/or disciplinary hearings at

which the individual is present. In Title IX Sexual Misconduct cases, the University will provide a Title IX Advisor for any Complainant or Respondent who requests one. The Title IX Advisor will conduct cross examination during a Title IX Sexual Misconduct hearing. In Non-Title IX Sexual Misconduct Hearings, the role of the advisor will be limited to advising only and will not be allowed to actively participate in the Hearing. CARE Coordinators may also attend any meeting or Hearing in addition to the student's advisor.

A student has the right to:

- 1. A reasonably prompt, fair, and equitable process. The process for addressing a Formal Complaint under the Grievance Process will be concluded within the reasonably prompt timeframe of 120 days. There may be certain circumstances that allow for limited extensions of this timeframe for good cause. For such extensions of time or delays, there must be written notice to both the Complainant and Respondent of the delay/extension and the reason for the action;
- 2. A presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Grievance Process;
- 3. File a Formal Complaint to begin the formal Grievance Process;

4. Be accompanied by an advisor to any meeting or Hearing. If an advisor for the Respondent is an attorney, an attorney from the Office of General Counsel may attend the Hearing on behalf of the University. 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. In Non-Title IX Sexual Misconduct cases, a witness, anyone who may have a conflict of interest, or anyone who may have any participatory role in the process may not be allowed to serve as an Advisor. Students who are currently separated from the University as the result of a disciplinary process may be excluded from serving as an advisor.

5. Refrain from making any statement relevant to the Investigation. Students are expected to cooperate with the University Grievance Process but may elect not to participate in the Investigation process, either in part or entirely. If a student fails or refuses to provide information during the Investigation, they will not be allowed to present new information during the Hearing; similarly, if a student provides only limited information during the Investigation (i.e., answering some of the Investigator's questions but not others), then during the Hearing, the student will only be permitted to speak to the information they provided, with no additional commentary. The rationale for this policy is to prevent either party from presenting new evidence at the Hearing that was available during the investigative process for the purpose of disadvantaging the other party.

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

- 6. The opportunity to provide information and evidence in support of their case;
- 7. Receive a written copy of the Notice of Formal Complaint relevant to their case, and have adequate time to prepare for any subsequent interviews;
- 8. Access and utilize Support Measures whether or not a Formal Complaint is filed;
- 9. Know the range of sanctions that may be imposed for a *Code of Student*

Conduct violation, if one is alleged and found to have occurred;

- 10. Know the Texas Tech University Grievance Process, where to find it, and have SCRSM staff answer any questions;
- 11. Know that any information provided by the student may be used in a Grievance Process; and
- 12. Know that if a student makes any false or misleading statements during the Grievance Process, that student could be subject to disciplinary action.

It is the student's responsibility to:

- 1. Be responsive to all correspondence from the University;
- 2. Provide information they wish to be included that is relevant to the incident or situation;
- 3. Be honest and provide true and accurate information during the Investigation; and
- 4. Review the *Code of Student Conduct* in order to fully understand all aspects of the Grievance Process.

6. Amnesty

The University will not take any disciplinary action against a student who in good faith reports being the victim of, or witness to, an incident of Sexual Misconduct for a violation of the *Code of Student Conduct* occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the Grievance Process regarding the incident.

Amnesty will be extended to the Complainant, Respondent, and witnesses who provide statements during an investigation and disclose their own personal drug or alcohol use.

The University may provide educational options to students to address any concerning behavior as part of the afforded amnesty or in lieu of conduct proceedings.

Abuse of amnesty provisions can result in a violation of the *Code of Student Conduct*. Amnesty may not preclude students from being charged with allegations of misconduct related to Actions against Members of the University Community and Others. The *Code of Student Conduct* amnesty provisions do not influence criminal proceedings or charges. Amnesty does not preclude students from being required to meet with University staff and to participate in conditions such as counseling, alcohol assessments, and other requirements.

SCRSM may assist with questions related to amnesty provisions, and the final determination regarding amnesty in all Sexual Misconduct cases will be made by the Title IX Coordinator or designee.

7. Investigation Process

Response to Receipt of Incident

Upon notice or receipt of an incident report regarding Sexual Misconduct or gender-based harassment/discrimination, the Case Manager or designee will contact the named Complainant via their official TTU email and request a meeting to gather and review information about the nature of the report, and to review Support Measures and the

Grievance Process. When health and safety are potentially at risk, the Case Manager may call the student on the phone number listed in their student record. In the event that the Complainant does not respond to communication, the Case Manager will send a second email communication. Complainants are not required to respond or participate in any meetings with the SCRSM staff.

Intake Phase

Once a Complainant has made contact with the office, the Case Manager or designee will schedule an Intake Meeting with the Complainant. During this Intake, the Case Manager or designee will collect any additional demographic information, review this policy and the available options, and facilitate any requested Support Measures. If the Complainant does not return contact or requests to not meet with the SCRSM staff, the case may be closed. If the Complainant requests only Support Measures, the Case Manager contacts the appropriate campus parties to address the needs, and then the case may be closed. If a Complainant wishes to make a statement or file a Formal Complaint (pursue an Investigation), the Case Manager or Title IX Coordinator will appoint an Investigator.

When a Complainant is identified but is reluctant to file a Formal Complaint and/or the Grievance 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 Grievance Process but has no aversion to the University pursuing action with respect to the named Respondent, the institution may investigate the incident in the same manner that an anonymous complaint may be investigated. If the Complainant does not want the University to pursue the report in any respect, the University may investigate further if Title IX Coordinator determines there is reason to believe that a significant continuing threat to the campus community exists. In determining whether to investigate the incident, the institution shall consider the seriousness of the alleged incident, whether the University has received other reports of incidents committed by the alleged perpetrator(s), whether the alleged incident poses a risk of harm to others, and any other factor the institution deems relevant. If the University decides not to investigate the incident, the University shall take any steps deemed necessary to protect the health and safety of the University Community in relation to the incident. SCRSM will inform the Complainant of the decision to investigate, or not investigate, the reported incident.

NOTE: While in most cases of Sexual Misconduct the University will not move forward without a Formal Complaint signed by the Complainant, the Title IX Coordinator or designee may proceed with the Grievance Process on a case by case basis if the alleged behavior involves pattern, predation, threat, or violence (PPTV) that may significantly impact the University Community.

Filing a Formal Complaint

A Formal Complaint is a document signed by a Complainant or the Title IX Coordinator alleging Sexual Misconduct against a Respondent requesting that the University investigate the allegation(s) of Sexual Misconduct. While incidents may be reported by any third party, only the Complainant or Title IX Coordinator may initiate the Grievance Procedure through the

Formal Complaint. A Formal Complaint is also required for any individuals wishing to pursue an Informal Resolution.

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

Review of Formal Complaints

When a Formal Complaint is received, SCRSM will evaluate jurisdiction and mandatory and discretionary dismissal described below, assess appropriate Supportive Measures for both parties, evaluate the need for Emergency Removal, and initiate the Grievance Process.

- a. Mandatory Dismissal- SCRSM shall dismiss a Formal Complaint in the following situations:
 - i. For Title IX Sexual Misconduct:
 - i. The allegation does not describe conduct that would constitute Title IX Sexual Misconduct as defined, even if proven;
 - ii. The Title IX Sexual Misconduct did not occur in the University's Education Program or Activity; or
 - iii. The Title IX Sexual Misconduct did not occur against a person in the United States.
 - ii. For Non-Title IX Sexual Misconduct
 - i. The allegation describes conduct that would not constitute Non-Title IX Sexual Misconduct as defined, even if proven.
 - ii. The Respondent is not a member of the University Community
- b. Permissive Dismissal- SCRSM may dismiss a Formal Complaint in the following situations:
 - i. The Complainant notifies the Title IX Coordinator in writing that they wish to withdraw the Formal Complaint or some allegations in the Formal Complaint;
 - ii. The Respondent is no longer enrolled in or employed by the University; or
 - iii. Circumstances exist that prevent the University from gathering sufficient evidence to reach a determination as to the Formal Complaint or the allegations.
- c. Application of Other Policies Upon Dismissal- If SCRSM dismisses a Formal Complaint or any of the allegations in the Complaint, the office must promptly send written notice of the dismissal and the reason(s) for the dismissal simultaneously to the Complainant and Respondent. Dismissal of a Title IX Sexual Misconduct Formal Complaint does not preclude action under other policies, such as Non-Title IX Sexual Misconduct or the *Code of Student Conduct*.
- d. Appeal of Dismissal Decision- Any party can appeal the dismissal decision following the criteria and procedures listed below under *Appeals*.

Investigation Phase

After an Investigator has been appointed, the Investigator will inquire, gather and review information about the reported misconduct, and will evaluate the accuracy, credibility, and sufficiency of the information.

If it is determined that the information reported, even if factually correct, does not meet the criteria of a policy violation, an allegation will not be issued and the complaint will be dismissed. However, the Title IX Coordinator may determine that a Policy Clarification and/or Referral Meeting is warranted, which may result in a Policy Clarification being issued to involved parties to clarify the policy in question. A Policy Clarification is not considered a Sanction.

When an initial report of misconduct by a third party does not identify the involved parties or the involved parties are not available, the Investigator will investigate the reported incident to the fullest extent of the information available.

Withdraw During a Formal Complaint- In accordance with state law, if a student withdraws or graduates from the University pending a Formal Complaint alleging the student violated the *Code of Student Conduct* by committing sexual harassment, sexual assault, dating violence, or stalking, the institution:

- (1) May not end the disciplinary process or issue a transcript to the student until the institution makes a final determination of responsibility; and
- (2) Shall expedite the institution's disciplinary process as necessary to accommodate both the Respondent's and Complainant's interest in a speedy resolution.
- (3) On request from another institution, the University shall provide to the requesting institution information relating to a determination that a student enrolled violated the institution's *Code of Student Conduct* by committing sexual harassment, sexual assault, dating violence, or stalking.

Notice of Formal Complaint

A student will be given notice of their involvement in regard to a Formal Complaint received by the University by receipt of a "Notice of Formal Complaint"

Letter. In the event that a student fails to respond to the Notice of Formal Complaint, an administrative hold may be placed on the student's record to prevent further registration and transcript receipt. The administrative hold may remain until such time as the Investigator receives an appropriate response. Failure to comply with or respond to a notice issued as part of a Grievance Procedure and/or failure to appear will not prevent an Investigator from proceeding with the Grievance Process.

At any point in the Investigation if additional potential allegations are discovered, the Respondent and Complainant will be sent Notice of Additional Allegations letters including the criteria listed above.

When initial inquiry indicates a concurrent police Investigation is occurring, the Investigator will, where possible, collaborate with the Texas Tech Police Department during the Investigation. Elements of this collaborative Investigation may include the Investigator coordinating with responding officers at the scene of the incident, joint interviews with police detectives, and evidence sharing. The Investigator will never take physical custody of any physical or electronic evidence but will work closely with the Texas Tech Police Department to inspect, analyze, and incorporate physical or electronic evidence into the Investigative report.

NOTE: In Title IX Sexual Misconduct Hearings, any statements (including those of the Complainant, Respondent, and witnesses) must be subject to cross examination.

During the Investigation, the burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility is on the University and not on the parties. Complainants and Respondents are encouraged to present witnesses and evidence, including fact and expert witnesses, and other inculpatory and exculpatory evidence that they believe should be considered. The University will make all reasonable efforts to obtain relevant information such as surveillance video footage, University card swipe access and other information that may be available to the Institution. The University cannot obtain information that is protected by a legally recognized privilege without the party's voluntary written consent. The University shall not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, therapist/mental health professional, or other professional/paraprofessional providing treatment to the party, unless the party gives voluntary written consent.

At any point in the Investigation, either party may request to initiate the Informal Resolution process. This process is contingent upon the voluntary agreement of both the Complainant and Respondent, with the concurrence of the Title IX Coordinator or designee. More information about the Informal Resolution process can be found under the *Resolution Phase* section below.

Once the Investigation is complete, the Investigator will compile the relevant information

and evidence into an Investigation Report, which may include a timeline of the event(s), statements from interviews, physical and electronic evidence, a breakdown of the discrepancies in the various interviews, and credibility considerations. The Investigator will document any physical or electronic evidence in a manner that is conducive and does not obstruct concurrent or forthcoming police Investigations. Complainants and Respondents will have an equal opportunity to inspect and review any evidence obtained as part of the Investigation that is directly related to the allegations raised in the Formal Complaint. The University shall send each party (and in Title IX Sexual Misconduct cases, the Title IX Advisor) the evidence subject to inspection and review in an electronic format or hard copy, and the parties shall have at least ten (10) days to submit a written response, which the Investigator will consider prior to the completion of the Investigation Report. The completed Investigation Report will fairly summarize the relevant evidence, and will be sent to the Complainant and Respondent (and in Title IX cases, the Title IX Advisor) in electronic format or hard copy, for their review and written response, at least ten (10) days prior to the Hearing. In order to protect confidentiality students may be given an electronic password protected copy of the Investigation Report which may be redacted. Any new evidence identified after completion of the Investigative Report that a party intends to present, introduce, or use at the hearing must be provided to the Title IX Coordinator at least five (5) days prior to the hearing and to the other party at least three (3) days prior to the hearing. Failure to comply with this provision will result in the new evidence being excluded from consideration during the hearing and decision-making process.

Should students not participate in the Investigative Process, the Grievance Process may continue without their participation. The Investigator may assign allegation(s) to the Respondent based on the information that the Investigator collected without the student's participation, if appropriate.

Resolution Phase

Options for resolving Formal Complaints under the Grievance Process include:

Referral Meeting

A University official may request a meeting with a student in order to discuss a referral made to SCRSM or other administrative departments when the referral may not be deemed a violation of the *Code of Student Conduct*, but when the Title IX Coordinator or designee determines the referral warrants a discussion. The purpose of the discussion is to clarify concerns of the involved parties, to offer assistance to all involved parties, and to explain to the Respondent that repeated referrals may warrant an Investigation which may warrant adjudication.

Informal Resolution

After the Complainant and Respondent have been provided written notice of a Formal Complaint, the University may offer and facilitate the Informal Resolution Process. The procedures utilized in the Informal Resolution process must be agreed upon by obtaining the parties voluntary, written consent, with concurrence from the Title IX Coordinator or designee. The parties must mutually agree in writing to all aspects of any resolution reached through the Informal Resolution process, including any restrictions or conditions that may be agreed upon by the parties with concurrence from the Title IX Coordinator or designee, and any such resolution will be binding and final with no opportunity to appeal. Either party may withdraw from the Informal Resolution process at any time prior to final resolution, and resume the Grievance Process with respect to the Formal Complaint. Informal Resolution agreements will be maintained in accordance with University policies. Should either party violate the terms of the Informal Resolution, the matter may be referred for adjudication.

Informal Conference

An Informal Conference is a form of Informal Resolution. If after the Investigation, the Respondent accepts responsibility for the allegations of the *Code of Student Conduct* outlined in an Investigation Report, the student can choose to resolve the issue informally. Should the Respondent wish to participate in the Informal Conference Process, both the Complainant and the Respondent must agree to both the finding and the Sanctions as recommended by the Investigator. The case may only be reopened if new material, previously unavailable is presented.

Written notification of the outcomes and Sanctions, if applicable, of the Informal Conference will be provided simultaneously to the student(s) and appropriate University Administrators within five (5) university working days of the effectuation of the Informal Conference.

Hearings

The Hearing process to be utilized depends on the type of Sexual Misconduct alleged. For Title IX Sexual Misconduct, the Title IX Hearing procedures must be utilized. For Non-Title IX Sexual Misconduct, there are two options available: Administrative Hearing and Panel Hearing. For any type of Hearing, students will first complete the Pre-Hearing Process.

a. Pre-Hearing Process

The Title IX Coordinator or designee shall appoint a Resource Person who facilitates the Pre-Hearing and Hearing. The Resource Person is a staff member in SCRSM that did not serve as the Investigator. The Resource Person is a non-voting participant in the Hearing process. The Resource Person assures that University procedures are followed throughout the Hearing. The Resource Person may:

- Prepare Hearing materials;
- Record the Hearing proceedings;
- Escort participants into the Hearing room, grant breaks for participants, and distribute materials;

- Ensure proper decorum thought the Hearing;
- Ensure the procedural soundness of the Hearing;
- Provide the conduct history of the Respondent during the sanctioning phase, if necessary;
- Transcribe the findings of the Hearing Panel;
- Compile the Post-Hearing documentation;
- Deliver notification to the parties.

NOTE: In Title IX Sexual Misconduct Hearings, the Title IX Hearing Officer may also assume some duties of the Resource Person.

Complainants and Respondents will meet with their Resource Person to complete the Pre-Hearing Process. In the meeting with the Resource Person, parties will review documents including the Hearing Panel composition, Hearing Script, Opening, Closing, and Impact Statements, and Appeal Procedures. Following the Pre-Hearing, students and their advisors will be notified of a date, time, and location of the Hearing via written Notification of Hearing sent to the student's official assigned Texas Tech University email address, delivered via Certified Mail to the student's last known address, or personally delivered to the student. University email is the University's primary means of communication with students. Students are responsible for all communication delivered to their University email address. Should students not participate in the Pre-Hearing Process, the Grievance Process may continue without their participation, and the completion of an Administrative or Panel Hearing.

Students may indicate whether an Administrative Hearing, Panel Hearing or Sanction Only Hearing is preferred. (Please see Hearings section below for a description of each Hearing type.) However, the Title IX Coordinator or designee has the sole discretion in all cases to designate whether an Administrative Hearing, Panel Hearing or Sanction Only Hearing will be held notwithstanding the student's preference.

In cases requiring a Hearing Panel, the Resource Person will share the pool of staff trained for Hearing Panels. Students will be given the opportunity to request to strike any member of the Hearing Panel whose impartiality may be in question. In order to request a strike of a member of the Hearing Panel, the student must provide the Resource Person with a reasonable and substantiated rationale for the request. Once the composition of the Hearing Panel is set, the Resource Person will schedule the Panel Hearing.

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 Resource Person and the Resource Person will inform the Investigator immediately. If the new information is pertinent to the consideration of the case, the Investigator will determine whether the new information should be included in the Investigation Report or presented verbally during the Administrative or Panel Hearing. If there is new evidence

introduced, other involved parties would also be given the opportunity to provide a response to any new evidence that will be presented in the Administrative or Panel Hearing.

At the discretion of the Title IX Coordinator or designee, a review of the case may occur at any point during the investigation or Grievance Process for clarification of procedural processes and may be remanded to investigation or adjudication if deemed necessary.

Students will be permitted to question the statements and evidence presented by the other involved parties. In Title IX Hearings, the Title IX Advisor will conduct cross-examination on behalf of the party. In Non-Title IX Hearings, via the Investigator, who will pose the questions and supplement the Investigation Report. NOTE: Questions that are deemed objectionable, inappropriate, and/or irrelevant may be rejected.

b. Hearings

Upon completion of the Pre-Hearing, the University may proceed to a Title IX Sexual Misconduct Hearing, an Administrative Hearing, or a Panel Hearing and issue a finding and accompanying Sanctions, if applicable. The Hearing may be held and a decision made, regardless of whether the Respondent responds, fails to respond, attends the Hearing, or fails to attend the Hearing. Except as prohibited in Title IX Sexual Misconduct Hearings, should the student fail to attend the Hearing, the Administrator or the Hearing Panel may consider the information contained in the Investigation Report and render a decision. If the Respondent accepts responsibility for the allegations issued in the Investigation Report the Respondent may request a Sanction Only Hearing.

Hearings are closed to the public. In Sexual Misconduct cases, both the Complainant and Respondent have the right to be present at the Hearing; however, they do not have the right to be present during deliberations. Arrangements can be made so that the Complainant, Respondent and any witnesses appear virtually at the Hearing, with technology enabling participants to simultaneously see and hear each other. To request changes in the scheduled Hearing time or to participate virtually, students should contact their Resource Person prior to the Hearing.

After proper notice has been given to the parties, a party's failure or refusal to respond within the allotted timeframe may not prevent the Grievance Process from proceeding to a Hearing or a Hearing Body from rendering a final determination regarding responsibility.

Title IX Sexual Misconduct Hearings

System Regulation 07.06.A Attachment 2 outlines the full Title IX Sexual

Misconduct Hearing Procedures.

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

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

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

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

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

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

Each party will have an opportunity to present evidence to the Hearing Panel. The Hearing Officer will be responsible for making determinations regarding evidence, including

relevance. Information that will be deemed not relevant includes, without limitation, information protected by a legal recognized privilege; questions or evidence about the Complainant's sexual predisposition or prior sexual behavior (unless offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent); any party's medical, psychological, or similar records (unless the party has given voluntary, written consent); and party or witness statements that have not been subjected to cross-examination at the Hearing. If a party or witness does not attend or refuses to answer cross-examination, the Hearing Panel cannot draw an inference regarding responsibility based solely on that absence or refusal to answer.

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

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

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

Non-Title IX Sexual Misconduct Hearings

The Investigator will present the Investigation Report, evidence, witnesses, allegation(s), and questions for deliberation. The Complainant and Respondent may make an opening statement about key points of the case. During the opening statement phase of the Hearing, the Complainant and the Respondent may not make character statements about themselves or others and may not make impact statements. The Complainant and Respondent may make comments about the facts of the case. The Panel may ask questions of the Investigator, Complainant, Respondent, and any witnesses. The Complainant and Respondent may pose questions for each other through the Investigator. Should new evidence be presented without prior discussion with the Investigator, the Hearing may be halted to consider the inclusion of this information. Impact statements will also be halted if they are shared prior to the Sanctioning phase of the Hearing. In the event the Resource Person of the Hearing removes a student due to misconduct (Complainant, Respondent, or witnesses), the alleged misconduct will be forwarded to the Title IX Coordinator for additional processing, as appropriate.

Following the Hearing, the Hearing Panel will deliberate and render a decision regarding the alleged misconduct. Should the Hearing Panel have any questions for the Investigator, the Complainant, and/or the Respondent during deliberations, the Hearing will reconvene so that all parties have the opportunity to hear and respond to other parties' responses. Upon the finding of responsibility for any of the allegations, impact statements will be presented to the Hearing Panel. After the presentation of the impact statements, the Hearing Panel will return to deliberations to determine any Sanctions. Simultaneous notification of outcomes of the Panel Hearing will be provided to the student(s) in writing within five (5) University working days, or as soon as practical, following the Panel Hearing. Decisions made through the Panel Hearing may be appealed by students utilizing the Appeal Procedures outlined below in this document.

NOTE: All Hearing proceedings, excluding the deliberations of the Hearing Panel, will be recorded by the University.

1. Administrative Hearing

An Administrative Hearing is the process of adjudicating allegations of violations of the *Code of Student Conduct* by an Administrative Hearing Officer. The Administrative Hearing Officer is assigned by the Title IX Coordinator or designee. The Administrative Hearing Officer makes the decision of responsibility and assigns Sanctions, as appropriate. Written notification of the outcomes of the Administrative Hearing will be provided to the student within five (5) University working days of the conclusion of the Administrative Hearing. Decisions made through the Administrative Hearing may be appealed by students by utilizing the Appeal Procedures outlined below.

2. Panel Hearing

A Panel Hearing is the process of adjudicating allegations of violations of the *Code of Student Conduct* by a Hearing Panel. For each Panel Hearing, a Panel of three (3) members will be chosen from the available pool by the Title IX Coordinator or designee. Following the Hearing, the Hearing Panel will deliberate and render a decision regarding the alleged misconduct, as well as determine any Sanctions, if applicable. Simultaneous notification of outcomes of the Panel Hearing will be provided to the student(s) in writing within five (5) University working days, or as soon as practical, following the Panel Hearing. Decisions made through the Panel Hearing may be appealed by students utilizing the Appeal Procedures outlined below.

3. Sanction Only Hearing

If the student accepts responsibility for the allegations issued in the Investigation Report, the student may request a Sanction Only Hearing, by either an Administrative Hearing Officer or a Hearing Panel. During a Sanction Only Hearing, the Investigation Report and finding are presented to the Hearing body by the Investigator. During presentation of the Investigation Report and finding, the Respondent and the Complainant are not allowed to dispute the facts or details of the case. The Administrative Hearing Officer or Hearing Panel may ask clarifying questions regarding aggravating and mitigating factors related to the incident.

Both the Respondent and the Complainant may be present and both the Respondent and the Complainant may provide impact statements prior to sanctioning. Mitigating factors as well as a character statement may also be presented by the Respondent and may be considered by the Hearing body. Simultaneous notification of the outcome of the Sanction Only Hearing will be provided to the student(s) within five (5) University working days of the conclusion of the Sanction Only Hearing. Decisions made through the Sanction Only Hearing may be appealed by the students by utilizing the Appeal Procedures outlined below. In Sanction Only Hearings, students may appeal the sanction(s), and can only appeal on the following grounds, "the sanction imposed substantially varies from the range of sanctions normally imposed for similar infractions." A student may only choose a Hearing Panel for Sanction Only Hearings for potentially separable offenses.

c. Sanctions

An Administrative Hearing Officer, or a Hearing Panel may impose sanctions as a result of an Informal Conference, Title IX Sexual Misconduct Hearing, Administrative Hearing, or Panel Hearing, when a student is found responsible. The potential sanctions are listed in the Sanctioning Grid on the Title IX website at <u>http://www.depts.ttu.edu/titleix/</u>. The grid is provided only as a guideline for administering sanctions by the Administrative Hearing Officer and/or Hearing Panel. The Administrative Hearing Officer and/or the Hearing Panel may deviate

from the grid for sufficient reason. Implementation of the disciplinary Sanction(s) will begin when the time period to file an appeal has expired or when the appeal decision has been sent to the parties.

Both the Respondent and the Complainant will be simultaneously notified of the Appeal Officer's decision and Sanctions as appropriate. When sanctions are final, appropriate University Administrators may be notified of the student's sanctions. Findings and Sanctions agreed upon through the Informal Conference Process are final and cannot be appealed.

All records related to the disciplinary process will remain on file in the Office for Student Civil Rights and Sexual Misconduct and the Office of Student Conduct for a minimum of seven (7) years from the date the case is completed through an Informal Resolution, Informal Conference, Title IX Hearing, Administrative Hearing or Panel Hearing, Sanction Only Hearing and/or the Appeal Procedures. All records related to the Grievance Process resulting in suspension and/or expulsion will remain on file indefinitely.

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

a. Disciplinary Reprimand

The disciplinary reprimand is an official written notification using the notice procedures outlined in this section to the student that the action in question was Misconduct.

b. Disciplinary Probation

Disciplinary Probation is a period of time during which a student's conduct will be observed and reviewed. The student must demonstrate the ability to comply with University policies, rules, and/or standards and any other requirement stipulated for the probationary period.

Further instances of Misconduct under the *Code of Student Conduct* during this period may result in additional sanctions.

c. Time-Limited Disciplinary Suspension

Time-Limited Disciplinary Suspension is a specific period of time in which a student is not allowed to participate in class, University related activities, or be present on campus property. The status of Disciplinary Suspension will be shown on the student's academic record, including the transcript. Disciplinary Suspension is noted on the student's transcript by the phrase "Disciplinary Suspension" and will include the period of time in which the student is/was suspended from the University. In most instances, the notation of Disciplinary Suspension will remain on the transcript permanently. A student has the ability to petition to remove a Disciplinary Suspension notation in the following instances: 1) the student is eligible to reenroll in the institution or 2) the Title IX

Coordinator or designee determines that good cause exists to remove the notation. A Disciplinary Suspension of a student will indicate the date on which the suspension period begins and the earliest date the application for student readmission will be considered. The Title IX Coordinator or designee may deny a student's readmission, if the student's Misconduct during the suspension would have warranted additional disciplinary action. If the student has failed to satisfy any Sanction that was imposed prior to application for readmission, the Title IX Coordinator or designee may recommend denial of readmission of a student. On denial of a student's readmission, the Title IX Coordinator or designee will set a date when another application for readmission may again be made. An administrative hold will be placed on the student's record to prevent registration during the Disciplinary Suspension.

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>

d. Disciplinary Expulsion

Disciplinary Expulsion occurs when the student is permanently withdrawn and separated from the university. This status of Disciplinary Expulsion will be shown permanently on the student's academic record, including the transcript. Disciplinary Expulsion is noted on the student's transcript by the phrase, "Expulsion" and the date in which the student's expulsion became effective. In most instances, the notation of Disciplinary Expulsion will remain on the transcript permanently. A student has the ability to petition to remove a Disciplinary Expulsion notation in the following instances: 1) the student is eligible to reenroll in the institution or 2) the Title IX Coordinator or designee determines that good cause exists to remove the notation. An administrative hold will be placed on the student's record to prevent future registration.

e. Conditions

A condition is an educational or personal element that is assigned by an Administrative Hearing Officer or Hearing Panel. Costs associated with conditions may be the responsibility of the student. Some examples of conditions include, but are not limited to:

- Personal and/or academic counseling intake session;
- Discretionary educational conditions and/or programs of educational service to the University and/or community;
- Residence hall relocation and/or contract review/cancellation of residence hall contract and/or use of dining facilities;
- Restitution or compensation for loss, damage or injury, which may take the form of appropriate service and/or monetary or material replacement;
- Monetary assessment owed to the university;
- Completion of an alcohol or drug education program;

- Completion of a sexual misconduct education program;
- Referral to Raider Restart;
- Referral to the BASICS Program for assessment.
- f. Restrictions

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

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

NOTE: Any student at any time may request a review of the Sanctions in place in writing to the Title IX Coordinator or designee.

Appeal Procedures

In Sexual Misconduct cases, either the Complainant or Respondent may appeal the finding or the Sanction(s) imposed in an Administrative Hearing or Panel Hearing by submitting a written petition to the Title IX Coordinator or designee within three (3) University working days of the delivery of the written decision. If a student selects a Sanction Only Hearing, the student may appeal the sanction and can only appeal on the following grounds, "the sanction(s) imposed substantially varies from the range of sanctions normally imposed for similar infractions." An appeal may not be filed on behalf of the student by a third party.

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 irregularity occurred that significantly impacted the outcome of the Hearing (e.g. material deviation from established procedures.);
- The discovery of new evidence, not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter. A summary of this new evidence and its potential impact must be included;
- The Title IX Coordinator, Investigator(s), or decision maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; or

• The sanctions imposed substantially varies from the range of sanctions normally imposed for similar infractions.

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

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

The Title IX Coordinator 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 decision-maker(s) that reached the determination regarding responsibility or dismissal, the Investigator, or the Title IX Coordinator.

The Appeal Officer may submit the written appeal and response to the original Hearing Body, and that Body may submit its response in support of the appeal or original decision to the Title IX Coordinator or designee within three (3) University working days. The Appeal Officer will first review the appeal to determine if the appeal is timely and properly sets forth the appropriate grounds for appeal, with adequate accompanying evidence. If any of these requirements are not met, the appeal will be dismissed, and the decision will be final.

If the Appeal Officer determines that the Sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions, the appeal identifies a procedural/substantive error or new evidence that was unavailable at the original Hearing, the Appeal Officer will then determine whether the error or new evidence would have substantially impacted the decision of the Administrative Hearing Officer or Hearing Panel. If the Appeal Officer determines that the error or new evidence would have substantially impacted the decision, they may:

- Modify the finding and/or increase, decrease, or otherwise modify the sanctions;
- Remand the case to the original Hearing Body; or
- Remand the case to a new Hearing Body.

The Office for Student Civil Rights & Sexual Misconduct shall make all reasonable efforts to simultaneously notify the parties(s) of the status of the Appeal throughout the appellate process and shall make all reasonable efforts to notify the student(s) the result of their appeal using the written notification procedures within five (5) University working days from receipt of all responses. If necessary, the Appeal Officer will notify the student should they need additional time to determine the outcome of the appeal. The decision of the designated appeal officer is final and cannot be appealed.

If the Appeal Officer remands the decision to a new Hearing Body, the decision of that Hearing Body is final and may not be appealed.

Former Student Conduct & Readmission

A former student who engages in Sexual Misconduct 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 Title IX Coordinator or designee at least three (3) weeks prior to any Texas Tech University Office of Admissions application deadlines for the semester or summer session in which the student wishes to re-enroll. The student may be required by the Title IX Coordinator or designee to submit evidence in writing supportive of his/her present ability to return to the University. The University will evaluate the student's request and supporting documentation with primary consideration given to satisfying all conditions specified at the time of suspension or withdrawal. If approval is granted by the Title IX Coordinator or designee for the removal of the administrative hold, the student must then complete the regular University readmission procedures.

8. Retaliation and False Information

Retaliation against an individual who reports a potential violation in good faith under this policy, assists someone with a report of a violation, or participates or refuses to participate in any manner in an investigation or in the resolution of a complaint made under this policy is strictly prohibited and will not be tolerated. Retaliation includes, but is not limited to threats, intimidation, coercion, discrimination, reprisals, or adverse actions related to an individual's employment or education. The University will take appropriate steps to ensure that an individual who, in good faith, reports, complains about, or participates or refuses to participate in in an investigation pursuant to this policy will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to report the incident to SCRSM using the same procedure outlined in this section.

Individuals who are found to have retaliated under this policy will be subject to disciplinary action, up to and including termination of employment, expulsion from the University, or being barred from University premises and events.

An individual found to have knowingly and in bad faith provided false or malicious information may be subject to disciplinary action up to and including dismissal or separation from the University. A determination that a Respondent is not responsible for allegations of Sexual Misconduct does not imply information provided was false. Similarly, a determination that a Respondent is responsible for a policy violation does not imply that a Respondent's statements disclaiming responsibility were false.

9. Confidentiality

Texas Tech is committed to ensuring confidentiality during all stages of the Grievance Process. The confidentiality of the Complainant, the Respondent, the Reporting Party, any individuals who have sought guidance about this policy or have participated in an investigation or incident will be honored by the University to the extent possible without compromising the University's commitment and obligation to investigate allegations of misconduct, to protect the University Community, and to the extent allowed by law. Unless waived in writing by the individual, the identity of aforementioned individuals:

- i. Is confidential and not subject to disclosure under Chapter 552, Government Code; and
- ii. May be disclosed only to:
 - 1. University Employees or individuals under contract with the University to which the report is made who are necessary for an investigation of the report or other related hearings;
 - 2. a law enforcement officer as necessary to conduct a criminal investigation of the report;
 - 3. a health care provider in an emergency, as determined necessary by the University;
 - 4. the Responding Party, to the extent required by other law or regulation; and
 - 5. potential witnesses to the incident as necessary to conduct an investigation of the report and to the extent required by other law or regulation.

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

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

Students may make confidential reports to the University Student Counseling Center, Family Therapy Clinic, Psychology Clinic or Student Health Services. Complainants may also make confidential reports to Voice of Hope or to other licensed clinical and/or mental health professionals acting in their professional role of providing those services, including medical providers employed by the University. Information may be shared by the clinical and/or medical provider only with the Complainant's or Respondent's consent.

Absent consent from the Complainant, disclosures to a healthcare provider, mental health

care provider, or other medical provider acting in the course and scope of their employment with the University shall only state the type of incident reported and may not include any information that would violate an expectation of privacy. These Employees are encouraged to provide Complainants with information and guidance regarding University reporting options and available resources. This Subsection does not affect the Employee's duty to report an incident under any other law or regulation under which they maintain their licensure.

Responsible Employees and Confidential Resources

All employees, including student employees, who in the course and scope of employment, witness or receive information regarding the occurrence of an incident that the employee reasonably believes constitutes Sexual Misconduct and is alleged to have been committed by or against a person who was a student enrolled at or an employee of the institution at the time of the incident shall promptly report the incident to the institution's Title IX Coordinator or Deputy Title IX Coordinators. An Employee is required to report an incident regardless of where or when the incident occurred. Failure to report Sexual Harassment, Sexual Assault, Dating Violence, or Stalking is a violation of state law that shall result in termination of employment and may result in criminal penalties.

The report must include all information concerning the incident known to the Reporting Party, including the involved parties' names, regardless of whether the Complainant has expressed a desire for confidentiality; however, the Reporting Party may also state whether the Complainant has expressed a desire for confidentiality.

Disclosures to a healthcare provider, mental health care provider, or other medical provider acting in the course and scope of their employment with the University are not subject to the foregoing mandatory reporting requirements and are considered Confidential Resources.

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

The following Confidential Resources are available to Texas Tech Students:

CONTACT	PHONE	Website
Student Counseling Center	806-742-3674	http://www.depts.ttu.edu/scc//
Employee Assistance Program	806-743-1327	https://www.ttuhsc.edu/centers- institutes/counseling/default.aspx
Student Health Services	806-743-2848	https://www.depts.ttu.edu/studenthealth/
Crisis HelpLine	806-742-5555	https://www.depts.ttu.edu/scc/For_Students/crisis.php
Voice of Hope- Rape Crisis Center	806-763-7273	https://www.voiceofhopelubbock.org/

10. Interference with an Investigation

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

- Attempting to coerce, compel, influence, or prevent an individual from providing testimony or relevant information;
- Divulging confidential information;
- Removing, destroying, or altering documentation relevant to the investigation;
- Providing false or misleading information to the investigator, or encouraging others to do so; or
- Making a report under this policy that, after investigation is found not to have been made in good faith.

<u>11.</u> Training and Education

Texas Tech's commitment to preventing and raising awareness of the harm resulting from the conduct prohibited in this policy includes providing primary prevention and awareness programs for all incoming students and new Employees, ongoing education to both Employees and students, and emailing information regarding this policy to students at the beginning of each academic semester. This policy is published on the University's website and information regarding this policy and related policies is included in orientation materials for new students, faculty, and staff. All incoming first year and transfer students must attend an Orientation session, and must additionally complete an online education module. Failure to complete this required training may result in a hold being placed on the student's account. All employees must attend Equal Opportunity non- discrimination and sex/gender discrimination training including sexual assault, sexual harassment, and campus crime mandated reporter training within the first 30 days of employment and receive supplemental training every two years. Other appropriate compliance training sessions will also be conducted on an ongoing basis. Training sessions will include information on how and where to report incidents of prohibited conduct, resources available, as well as risk reduction and safe and positive options for bystander intervention. In addition, University Employees and administrators responsible for implementing this policy, including the Title IX Coordinator, Title IX Deputy Coordinators, Investigators, Hearing Officers, and Appeal Officers receive annual training about offenses, investigatory procedures, due process requirements, impartiality, conflicts of interest, informal resolution process, and University policies related to or described in this policy.

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

SECTION E. CONDUCT PROCEDURES FOR STUDENT ORGANIZATIONS

Upon notice of an alleged violation of the *Code of Student Conduct* by a student organization, the Managing Director or designee will appoint an Investigator to review allegations of misconduct. The Investigator will inquire, gather and review information about the reported student organization misconduct, and will evaluate the accuracy, credibility, and sufficiency of the information.

Incidents will be forwarded for Investigation when there is reasonable cause to believe a policy has been violated. If it is determined that the information reported does not warrant an allegation, a Policy Clarification Letter may be issued to involved parties to clarify the policy in question.

When an initial report of misconduct by a third party does not identify the involved parties or the involved parties are not available, the Investigator will investigate the reported incident to fullest extent of the information available.

When a Complainant is identified but is reluctant to participate in the investigative process and/or the student organization conduct process entirely, the University will make every attempt to follow the wishes of the Complainant while weighing the interests of the campus community and the possibility of a continuing threat. If the Complainant does not want to participate in the investigative process but has no aversion to the University pursuing conduct action with respect to the named Respondent, the University will proceed with the student conduct process to the extent of the information available. If the Complainant does not want the University to pursue the report in any respect, the University will investigate further only if there is reason to believe that a significant continuing threat to the campus community exists.

1. Remedies & Resources

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

a. Resources

Texas Tech University has a variety of resources to assist students involved in conduct processes or experiencing concerns related to student and/or student organization conduct. Resources include, but are not limited to assistance in reporting criminal behavior to the Texas Tech Police Department or Lubbock Police Department, counseling services, medical assistance, academic support referrals, and other support services. The Office of the Dean of Students is also available to help students understand the student conduct process and identify resources.

b. Interim Actions for Student Organizations

Under the Code of Student Conduct, the Managing Director or designee may impose restrictions and/or impose an Interim Suspension of Student Organization Activities on a student organization pending the completion of the conduct process for alleged violation(s) of the Code of Student Conduct when a student organization represents a threat of serious harm to others that is deemed a continuous threat, is facing allegations of serious criminal activity, to preserve the integrity of an Investigation, to preserve University property and/or to prevent disruption of, or interference with, the normal operations of the University. Interim actions can include Interim Suspension of Organization Activities or restrictions pending the completion of the conduct process for alleged violation(s) of the Code of Student Conduct. A student organization that receives an interim action(s) or Interim Suspension of Student Organization Activities may request a meeting with the Managing Director to demonstrate why an interim action(s) or Interim Suspension of Student Organization Activities is not merited. Regardless of the outcome of this meeting, the University may still proceed with conducting an Investigation and the scheduling of a campus Hearing. Through an interim action or during an interim suspension, a student may be denied access to University facilities/events. As determined appropriate by the Managing Director, or designee this restriction may include University activities or privileges for which the student organization might otherwise be eligible. Student organizations are informed of interim actions or of an interim suspension by the official notice procedures outlined in Part I, section A.3 of the Code of Student Conduct. Interim action(s) or an Interim Suspension of Student Organization Activities are not sanctions. Interim actions are taken in an effort to protect the safety and wellbeing of the Complainant, Respondent, and/or other members of the University Community. Interim action(s) is/are preliminary in nature; and are in effect only until the conduct process has been completed. However, violations of interim action may result in additional allegations

of the Code of Student Conduct.

c. No Contact Order

When initial inquiry indicates persistent and potentially escalating conflict between members of the University community, a No Contact Order may be issued as a remedial, non-punitive deterrent to further conflict or situational complication. A No Contact Order will be issued by the Office of Student Conduct or designee via the student's official Texas Tech email. The notice serves as an official directive that the student(s) have no contact with the other listed parties. Contact cannot occur in person, by telephone, email, text message or other electronic means of communication, or through a third party (other than an attorney). Should contact need to occur, the student should coordinate with the Office of Student Conduct. This notice may also come with other information related to changes in class schedule or other restrictions to facilitate the no contact order. Failure to comply with the no contact order is considered retaliation and will result in disciplinary action, including possible suspension of Student Organization Activities during the completion of the conduct process. The term of a No Contact Order is one year from the date of issuance, or the graduation of one or both parties, whichever comes first.

- d. Interim Suspension of Student Organization Activities
 - Under the *Code of Student Conduct*, the Managing Director or designee may, when the student organization represents a threat or serious harm to others that is deemed a continuous threat, or is facing allegations of criminal activity, impose restrictions, including, but not limited to temporarily suspending the activities of a student organization pending the outcome of the University's and/or Headquarters, sponsoring department or organization (where applicable) conduct process. The purpose of an interim suspension of activities is to protect students, preserve the integrity of an Investigation, to preserve University property and/or to prevent disruption of, or interference with, the normal operation of the University. Examples of conduct or incidents that may result in an Interim Suspension of Student Organization Activities, include but are not limited to, hazing, organization events and activities resulting in allegations of sexual misconduct, criminal felony charges, severe disruption, retaliatory harassment; alcohol/drug policy violations occurring during

recruitment or social events; and cease and desist directives from inter/national or regional organizations. A student organization who receives an Interim Suspension of Student Organization Activities may request a meeting with the Managing Director or designee to discuss the rationale for the action. During an Interim Suspension of Student Organization Activities, the student organization is limited to minimal functions in order to conduct the Investigation only. Failure or refusal to follow the Interim Suspension of Student Organizations will be informed of interim actions pursuant to the official notice procedures outlined in Part I, section A.3. of the *Code of Student Conduct*. An interim action is not considered a sanction.

In the event an Immediate Suspension of Student Organization Activities is issued, a student organization may request a review of the Immediate Suspension of Student Organization Activities by the Managing Director or designee.

2. <u>Referral Meeting</u>

A University official may request a meeting with a student organization spokesperson (in most cases, the President of the Organization) in order to discuss a referral made to the Office of Student Conduct or other administrative department when the referral may not be deemed a violation of the *Code of Student Conduct*, but when the Investigator or designee determines the referral warrants a discussion. The purpose of the discussion is to clarify concerns of the involved parties, to offer assistance to all involved parties, and to explain to the student organization that repeated referrals may warrant an Investigation which may warrant adjudication.

3. Voluntary Resolution

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

4. The Conduct Process for Student Organizations

a. Notice of Investigation/Notice of Involvement

A student organization will be given notice of the organization's involvement in a referral or report received by the University related to the *Code of Student Conduct* by receipt of a "Notice of Investigation/Notice of Involvement" letter which will include an invitation for the student organization spokesperson to meet with an Investigator. In a case of a student organization's dangerous misconduct, serious injury, and/or death, The Managing Director or designee may issue an interim suspension of all organizational activities. In the event that a student organization fails to respond to written notification, interim actions and/or restrictions may be implemented by the Managing Director or designee. Failure to comply with or respond to a notice issued as part of conduct procedure and/or failure to appear will not prevent an Investigator from proceeding with the conduct process. Likewise, failure of a student organization to respond to notification to appear may result in additional alleged violations and result in a charge of Failure to Comply.

The Investigator may notify a student organization's advisor, Headquarters, sponsoring department or organization (that a referral was received by the University.

The Managing Director or designee may proceed with the conduct process (even if the complainant chooses not to participate) on a case by case basis if the alleged behavior involves pattern, predation, threat, or violence that may significantly impact the campus community and others.

b. Rights & Responsibilities

Prior to the formal Investigation process, the student organization spokesperson will be provided a Student Organization Rights & Responsibilities document to review and sign prior to an interview with the Investigator. Additionally, each individual student involved in any capacity with a student organization Investigation will be provided the Student Rights and Responsibilities document detailed in Part I, Section

C.3.b. The Rights & Responsibilities document informs the student organization of rights to be exercised before and during the conduct process. Information gathered during the course of the Investigation and student conduct process may be shared with faculty, staff, students, and/or advisors who are directly involved in the incident or necessary to the student conduct process. Information gathered may also be disclosed in compliance with a judicial order or lawfully issued subpoena.

A student organization has the right to:

- 1. A prompt, fair, and equitable process;
- 2. Be accompanied by one advisor at any conduct or related proceeding. An "advisor" can be any one of the following: a member of the Texas Tech community (faculty, staff, or student), a parent or legal guardian, a relative, or in situations involving criminal legal proceedings, an attorney. An advisor's role is that of support he or she may not speak on behalf of the organization and does not have an active, participatory role in the conduct process. If an advisor for the organization is an attorney, an attorney from TTU Office of General Counsel may attend on behalf of the University. Student organizations should select an advisor whose schedule allows attendance at the meeting, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of the Investigator and with advanced notice. Student organizations are reminded that the organization's advisor of choice is only permitted to accompany a student in a conduct or related proceeding if they are chosen by that student as that student's advisor of choice.

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

3. Refrain from making any statement relevant to the Investigation. Student organizations are expected to cooperate with the University conduct process, but may elect not to participate in the Investigation process, either in part or entirely. However, a student organization's refusal to participate in the Investigation, in whole or in part, lasts for the duration of the conduct process. In other words, if a student organization chooses not to provide information during the Investigation, they will not be allowed to present new information during the Hearing; similarly, if a student organization provides only limited information during the Investigation (i.e., answering some of the Investigator's questions but not others), then during the Hearing, the student organization will only be permitted to speak to the information provided, with no additional commentary, The rationale for this

policy is to prevent parties from presenting new evidence at the Hearing that was available during the investigative process for the purpose of disadvantaging the other party.

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

- 4. Provide information and evidence in support of the case;
- 5. Know if they have been issued any allegations of misconduct;
- 6. Know the range of sanctions that may be imposed for a conduct violation, if one is alleged and found to have occurred;
- 7. Know the Texas Tech University conduct policies and procedures, and where to find them;
- 8. Know that any information provided by the student organization may be used in a conduct proceeding;
- 9. Know that if the student organization spokesperson, or members of the organization, makes any false or misleading statements on behalf of the organization during the student conduct process, the student organization could be subject to further disciplinary action.

It is the Student Organization's Responsibility to:

- 1. Appoint one organizational spokesperson. In most cases, the organization's spokesperson is the President of the organization. However, organizations may appoint an alternate spokesperson to formally represent the organization. A student organization spokesperson must be a currently Texas Tech University student who is a member of the responding organization. The spokesperson may not be an alumni advisor, chapter advisor, faculty/staff advisor, national or international Headquarters volunteer or staff member, or coach. Student organizations may only appoint one spokesperson for each case and must inform the University in the event that the appointed spokesperson is not the President of the organization. The student organization spokesperson is responsible for making all official responses on behalf of the organization during any student organization conduct preceding. In the event that the student organization spokesperson is not be able to speak on behalf of the local advisory board to the student organization, a representative from the local advisory board may speak on behalf of the local advisory board. Be responsive to all communications from the University;
- 2. Provide information relevant to the incident or situation;
- 3. Be honest and provide true and accurate information during the Investigation;
- 4. Review the *Code of Student Conduct* in order to fully understand all aspects of the student conduct process.
- c. Investigation

The Managing Director or designee will appoint an Investigator to conduct a thorough, reliable, and impartial Investigation of the reported concern. Reported allegations of misconduct under the *Code of Student Conduct* have varying degrees of complexity and severity.

Therefore, the Investigation procedures described below may vary.

1. Partnership Process

At all times, the Managing Director or designee retains the discretion to investigate a

referrals of student organization misconduct. However, in the initial meeting with the Investigator, a student organization may indicate their preference to conduct an internal Investigation as a part of a Partnership Process with the Office of Student Conduct and/or Center for Campus Life.

Student organizations participating in a Partnership Process must commit to the deadlines and formatting requirements provided by the Managing Director or designee Upon the conclusion of the internal Investigation, the student organization spokesperson shall present a written report of its internal Investigation findings to the Managing Director or designee If the Managing Director or designee determines that no further action is necessary, he/she may conclude the investigative process, and consider the matter closed.

Upon completion of the internal Investigation, the Managing Director or designee has the discretion to approve and/or adopt the internal investigative report, in whole or in part, as the Final Investigation Report. An internal Investigation may be rejected, in whole, or in part for reasons including, but not limited to, the following:

- The student organization obstructed the process, or provided false, incomplete, or inaccurate information;
- The student organization did not conduct its Investigation or provide a report in a timely manner;
- The student organization violated Interim Actions imposed by the Managing Director or designee; or
- The Office of Student Conduct receives additional referrals of misconduct against the student organization during the pendency of the internal Investigation.

If the internal Investigation Report is accepted by the Managing Director or designee the assigned Investigator may proceed to assign allegations of the *Code of Student Conduct* to the student organization. If information contained in the internal Investigation Report indicates that there is insufficient evidence to support organizational allegations, but that individual organization members may be responsible, the Investigator may proceed with the conduct process for individual students. In order to proceed with the conduct process for individual students, the names of individuals involved must be provided in the internal Investigation Report.

In the event the internal Investigation Report is rejected, in whole or in part, the Managing Director or designee may proceed with a University Investigation (Part I, Section D.3.c.2).

Note: Student organizations conducting any internal Investigation may be subject to Interim Actions that may be imposed upon the student organization by the Managing Director or designee.

2. University Investigation Process Should a student organization not complete the Partnership Process, the Managing Director or designee may proceed with the University Investigation Process.

Investigations of student organization conduct may include the requirement for student organization members to attend an Investigation meeting as a group or as individuals. Students may be asked to complete written questionnaires related to the Investigation. Regardless of the nature of the Investigation, students and student organizations should be aware of their rights and Responsibilities in the conduct process and recognize that any information shared during the course of the student conduct Investigation may be used in formal conduct processes against the student organization or the individual student. Students can always decline to participate in a collaborative Investigation meeting and meet only with the Investigator instead of meeting together with other Investigators. The identities of individuals who issue statements in organizational conduct Investigations, may be withheld from Investigation Reports at the discretion of the Managing Director or designee.

During the investigative process, the student organization spokesperson is responsible for providing all information or evidence that they believe should be considered.

Once the investigative process is complete, the Investigator will compile the relevant information and evidence into an Investigation Report, which will include the allegations of the Code of Student Conduct and may include a timeline of the event(s), statements from the interviews, physical and electronic evidence, a breakdown of the discrepancies in the various interviews, and credibility considerations. The Investigator will document any physical or electronic evidence in a manner that is conducive and does not obstruct concurrent or forthcoming police Investigations. The student organization spokesperson will have access to review the completed Investigation Report and/or investigative materials relevant to the Investigation after the Investigative Process has concluded. ,In order to protect confidentiality, the student organization spokesperson may be given an electronic password protected copy of the investigation report which may be redacted. Allegations of potential violations of the Code of Student Conduct, if appropriate, are assigned at the conclusion of the Investigation at which point the Investigator explains the options for resolution to the involved parties. Should a student organization not participate in the Investigative Process, the conduct process may continue without their participation. The Investigator may assign allegation(s) to the Respondent based on the information that the Investigator collected without the student organization's participation, if appropriate.

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

An In Absentia decision may be rendered by the appointed hearing body after proper

notice has been given to the student organization representative, and the student organization representative has failed to respond within the allotted time frame to meet with an investigator.

d. Informal Conference (Partnership Process)

If after the Investigation, the responding student organization accepts responsibility for the allegation(s) of *The Code of Student Conduct* outlined in the Final Investigation Report, the student organization may be eligible to resolve the issue informally. Student organizations participating in the Informal Conference process must commit to the deadlines and formatting requirements of requested documentation and as provided by the "Managing Director" or designee. The student organization spokesperson is responsible for preparing the Informal Conference, which will include proposed sanction(s), corrective actions, and educational enhancement plans for the student organization. The student organization spokesperson is encouraged to consult appropriate University staff in the Center for Campus Life, the Office of Student Conduct, the appointed Investigator, the Office of Student Conduct, the appointed Investigator, the Office of Student Conduct, and/or governing council representative to develop an Informal Conference that is appropriate, effective, and is proportionate to the severity of the incident and the cumulative conduct history of the student organization.

Upon timely receipt of the Informal Conference, the Managing Director or designee may adopt, reject, or supplement, in whole or in part, the sanction(s) proposed in the Informal Conference presented by the student organization. In the event the proposed Informal Conference is rejected, in whole or in part, the student organization's alleged violations of the *Code of Student Conduct* may be resolved pursuant to the Pre-Hearing process outlined in Part I, Section D.3.e and the Formal Hearing process as outlined in Part I, Section D.4.

There is no appeal of signed Informal Conferences. Once completed, the Informal Conference completes the conduct process for student organizations. The case will only be reopened if new materials, previously unavailable are presented.

Written notification of the outcomes and sanctions, if applicable, of the Informal Conference will be provided to the student organization and appropriate University Administrators within five (5) University working days of the effectuation of the Informal Conference.

Findings and sanctions agreed upon through the Informal Conference Partnership Sanctioning Process, are final and cannot be appealed.

e. Pre-Hearing Process

In cases involving an Administrative or Panel Hearing, the Pre-Hearing Process will be followed. Once the investigative process is complete, the student organization will be given notice of a Pre-Hearing Meeting. Should student organizations not participate in the Pre-Hearing, the conduct process may continue without their participation, including the assignment of allegations and the completion of an Administrative or Panel Hearing. During this meeting, student organizations will be given the opportunity to review the Investigation Report, relevant evidence, and other documents to be used in the Administrative or Panel Hearing. Other documents include notification of Respondent's allegations, Hearing Panel composition, and Hearing script. Following the Pre- Hearing, student organizations will be notified, via the notification procedures, outlined in Part I, Section A.3 of a date, time, and location of the Hearing.

While students may identify errors in their own statements during the Pre-Hearing, they are not able to add additional information to the Investigation Report unless that information, in the judgment of the Investigator, was unavailable during the investigative process and is pertinent to the consideration of the case. If a student discovers new, previously unavailable information during the time after the Pre-Hearing but before the Administrative or Panel Hearing, the student should inform the Investigator immediately. If the new information is pertinent to the consideration of the case, the Investigator will determine whether the new information should be included in the Investigation Report or presented verbally during the Administrative or Panel Hearing. If there is new evidence introduced, other involved parties would also be given the opportunity to provide a response to any new evidence that will be presented in the Administrative or Panel Hearing.

The conduct process is designed to be non-adversarial. Student organization representatives will be permitted to question the statements and evidence presented by the other involved parties, but may not do so directly. After reviewing the Investigation Report, during the Pre-Hearing, Complainants and Respondents will have the opportunity to question the statements and evidence presented by the other involved parties, via the Investigator, who will pose the questions and supplement the Investigation Report.

Questions that are deemed objectionable, inappropriate, and/or irrelevant by the Investigator may be rejected.

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

Student organizations may indicate whether an Administrative Hearing or Panel Hearing is preferred. However, the Investigator has the sole discretion in all cases to designate whether an Administrative Hearing or Panel Hearing will be held notwithstanding the student's preference.

In cases requiring a Hearing Panel, the Investigator will share the pool of faculty, staff, and students trained for Hearing Panels. Student organization representatives will be given the opportunity to request to strike any member of the Hearing Panel whose impartiality may be in question. In order to strike a member of the Hearing Panel, the student organization representative must provide the Investigator with a reasonable and substantiated rationale for the request. Once the composition of the Hearing Panel is set, the Investigator will schedule the Panel Hearing.

At the discretion of the Managing Director or designee, a review of the conduct case may occur at any point during the investigation or conduct process for clarification of procedural processes and may remand back to investigation if deemed necessary.

5. Hearings

Upon completion of the initial inquiry/Investigation, after the allegation(s) have been assigned, and proper notice has been given to the student organization, the University may proceed to conduct either an Administrative or a Panel Hearing and issue a finding and accompanying sanctions, if applicable. The Administrative Hearing or Panel Hearing may be held and a decision made, regardless of whether the student organization responds, fails to respond, attends the Hearing, or fails to attend the Hearing. Should the student organization fail to attend the Administrative or Panel Hearing, the Investigator or the Hearing Panel may consider the information contained in the Investigation Report and render a decision. Student organization conduct processes are typically adjudicated by a Hearing Panel.

Hearings are closed to the public. Complainants and Respondents have the right to be present at the formal Hearing; however, they do not have the right to be present during deliberations. Arrangements will be made so that complaining and responding students are not present in the Hearing room at the same time.

Student organizations are represented by the student organization spokesperson. In situations where the organization no longer has a current student representing the organization, the conduct process will continue with the information available at the time. Organizations with inter/national, regional, or local advisory staff or volunteers with a long-term interest in the organization's recognition at the University may be allowed to participate in the resolution of conduct processes when a current student is no longer able to represent the organization.

a. Administrative Hearing

An Administrative Hearing is the process of adjudicating allegations of violations of the *Code of Student Conduct* by an Administrative Hearing Officer. The Administrative Hearing Officer in an Administrative Hearing may be the Investigator that completed the Investigation Report, or Administrative Hearing Officer assigned by the Managing Director or designee. The Administrative Hearing Officer makes the decision of responsibility and assigns a sanctions, as appropriate. Written notification of the outcomes of the Administrative Hearing will be provided to the student within five (5) University working days of the conclusion of the Administrative Hearing. Decisions made through the Administrative Hearing may be appealed by students by utilizing the Disciplinary

Appeal Procedures outlined in Part I, Section D.14.

b. Panel Hearing

For each Panel Hearing, a Panel of three (3) members will be chosen from the available pool by the Managing Director or designee. The Panel will usually be comprised of one

student, one faculty member, and one staff member or Administrative Hearing Officer. Availability may determine a different composition for the Panel. In cases involving Part I, section B.1 (Academic Misconduct), the Panel will be comprised only of students and faculty. In cases involving Part I, section

B.2 (Actions against Members of the University Community and Others), or other sensitive issues, the Managing Director or designee will appoint three Administrative Hearing Officers for the Panel.

Administrative Hearing Officers who served as Investigators for the case being heard by a Hearing Panel may not serve as either a member of the Panel as a voting participant or as the non-voting Resource Person, and will participate only as the Investigator in the Panel Hearing.

All Hearing proceedings, excluding the deliberations of the Hearing Panel, will be recorded by the University.

The Director of the Office of Student Conduct, or designee, appoints a Resource Person in each Panel Hearing who facilitates the Hearing. The Resource Person is a non-voting participant in the Hearing and is selected from the pool of Administrative Hearing Officers. The Resource Person assures that University/College procedures are followed throughout the Hearing. The Panel Resource Person may:

- Prepare the Administrative Panel Hearing materials;
- Record the Administrative Panel Hearing proceedings;
- Escort participants into the Hearing room, grant breaks for participants, and distribute evidentiary materials;
- Ensure proper decorum throughout the Administrative Panel Hearing;
- Ensure the procedural soundness of the Administrative Panel Hearing;
- Provide student conduct history of the Respondent, during the sanctioning phase, if necessary;
- Transcribe the findings of the Administrative Panel Hearing;
- Compile the post-Hearing documentation,
- Deliver notification to student parties.

The Investigator presents the Investigation Report, evidence, witnesses, allegation(s), and questions for deliberation. The Complainant and Respondent have the right to make an opening statement about key points of the case. During the opening statement phase of the conduct process, the Complainant and the Respondent do not have the right to make character statements about themselves or others and do not have the right to make impact statements. Likewise, the Complainant and Respondent have the right to add or make additional comments about the facts of the case. The Panel may ask questions of the Investigator, Complainant, Respondent, and any witnesses. The Complainant and Respondent may not question each other or witnesses directly, but may pose questions through the Investigator. Should new evidence be presented without prior discussion

with the Investigator, the Hearing may be halted to consider the inclusion of this information. Impact statements will also be halted if they are shared prior to the sanctioning phase of the Hearing. In the event the Resource Person of the Hearing removes a student due to misconduct (Complainant, Respondent, or witnesses), the alleged misconduct will be forwarded to the Office of Student Conduct for additional processing, as appropriate.

Following the Hearing, the Hearing Panel will deliberate and render a decision regarding the alleged misconduct, as well as decide any sanctions, if applicable. The Investigator would provide information during sanctioning related to any previous conduct history, self-sanctioning occurring with the organization, and general information about the organization's activities and participation at TTU to help inform sanctioning.

Should the Hearing Panel have any questions for the Investigator, the Complainant, and/or the Respondent during deliberations, the Hearing will reconvene so that all parties have the opportunity to hear and respond to other parties' responses.

Outcomes of the Panel Hearing will be provided to the student(s) in writing within five (5) University working days of the Panel Hearing. Decisions made through the Panel Hearing may be appealed by students utilizing the Conduct Appeal Procedures outlined in Part I, section C.5.

c. Sanction Only Hearing

If the student organization accepts responsibility for the allegations issued in the Investigation Report, the student organization may request a Sanction Only Hearing, by either a Hearing officer or a Hearing Panel. During a Sanction Only Hearing, the Investigation Report and finding are presented to the Hearing body by the Investigator. During presentation of the Investigation Report and finding, the Respondent and the Complainant are not allowed to dispute the facts or details of the case. Both the Respondent and the Complainant may be present and both the Respondent and the Complainant may provide impact statements prior to sanctioning. Mitigating factors as well as a character statement may also be presented by the student organization spokesperson and may be considered by the Hearing body. Written notification of the outcome of the Sanction Only Hearing will be provided to the student organization within five (5) University working days of the conclusion of the Sanction Only Hearing. Decisions made through the Sanction Only Hearing may be appealed by student organizations by utilizing the Conduct Appeal Procedures outlined in Part II, section C.5. In Sanction Only Hearings, students may appeal the sanction(s), and can only appeal on the following grounds, "the sanction imposed substantially varies from the range of sanctions normally imposed for similar infractions." A student organization may only choose a Hearing Panel for Sanction Only Hearings for potentially separable offenses. Prior to the sanctioning phase of a hearing, the complainant and/or respondent are allowed to give an impact statement. The investigator may assist the Resource Person or

Committee Chairperson during the hearing

6. Sanctions

An Investigator, Administrative Hearing Officer, or a Hearing Panel may impose sanctions as a result of an Informal Conference, Administrative Hearing, or Panel Hearing, when a student organization is found responsible. The potential sanctions are listed in the Student Organization Sanction Grid in the Student Handbook Appendix. The grid is provided only as a guideline for administering sanctions by the Investigator, Administrative Hearing Officer or the Hearing Panel.

The cooperation of an organization during the Investigation and conduct process as well as any self-sanctioning or other required sanctioning will also be considered in the determination of sanctions.

Implementation of the sanctions will not begin until either the time for a conduct appeal has expired or until the conduct appeal process is exhausted. Upon the judgment of the Managing Director or designee, some cases resulting in sanctioning of suspension and expulsion may begin prior to the completion of the conduct appeal process.

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

- a. Disciplinary Reprimand The Disciplinary Reprimand is an official written notification that the action in question was misconduct. The disciplinary status of the organization is still good standing.
- b. Disciplinary Probation

Disciplinary Probation is a period of time during which the organization's conduct will be observed and reviewed. The organization must demonstrate the ability to comply with University policies and any other conditions / requirements stipulated for the period of probation. Further instance of misconduct during this time period may result in additional sanctions, conditions, and/or restrictions.

c. Time-Limited Disciplinary Suspension

Time-Limited Disciplinary Suspension is a specific period of time in which a student organization's registration with the University is suspended, including the privileges and benefits of registration. All organizational activity, whether on or off campus, official or unofficial, must immediately cease until the conclusion of the suspension. Suspended student organizations may not hold events or activities on campus, may not solicit or utilize University grounds or services to promote organizations or events or to recruit members, and may not utilize any other benefits or services provided to registered student organizations. The suspension will not commence for purposes of calculating the end date of such suspension until all activity of the organization has completely ceased, and such end date will be extended for any time in which such activities resume and/or continue during the suspension. If an inter/national or regional organization suspends the charter of an organization, the time-limited suspension for the student organization will

be the time period of the suspended charter. Notification of disciplinary suspension of a student organization will indicate the date on which it begins and the earliest date the student organization's application for registration will be considered. The Managing Director or designee may deny an application for registration if the organization's misconduct during suspension would have warranted additional disciplinary action. If the student organization has failed to satisfy any sanction that was imposed prior to application for registration. On a denial of student organization, the Investigator or Managing Director or designee will set a date when another application for registration may again be made.

d. Disciplinary Expulsion

Disciplinary Expulsion occurs when the student organization is permanently separated from the University with no opportunity for future registration as a student organization.

e. Conditions

A condition is an additional component of a disciplinary sanction, usually an educational element assigned to occur in conjunction with a period of probation or deferred suspension or assigned to occur prior to returning from time-limited suspension. Examples include, but are not limited to

- Hosting educational programs or initiatives for the organization or community related to the misconduct
- Requirements for additional training or advisement from TTU staff, advisory boards, or other appropriate parties
- Requirements for membership to complete online education programs or other activities
- Requirements for community service or other activities beneficial to the membership and associated with remedying the impact of behavior on the community
- Restitution or compensation for loss, damage or injury, which may take the form of appropriate service and/or monetary or material replacement
- Requirements for completion of membership reviews and providing updated rosters
- Requirements to submit information about updated and improved organizational processes such as new member education plans, or social event plans
- f. Restrictions

A restriction is an additional component of a disciplinary sanction, usually an educational restriction on organization activities that occurs during a time period of probations or deferred suspension or upon return from time-limited suspension. Examples include, but are not limited to

• Revocation of organization benefits such as eligibility for SGA funding, eligibility to reserve rooms, eligibility to solicit or hold events on campus

- Denial of participation or restrictions associated with participation in University activities as a student organization such as homecoming, intramurals, recruitment activities
- g. Required Notifications

Some organization misconduct requires additional notifications. Texas Education Code, Chapter 51.936 indicates that institutions of higher education shall distribute to each student enrolled at the institution no later than the 14th class day of each fall and spring semester a copy of, or an electronic link to a copy of, a report on hazing committed on or off campus by an organization registered with or recognized by the institution.

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

- 1. Information regarding each disciplinary action taken by the institution against an organization for hazing, and each finding of responsible of hazing by an organization, during the three years preceding the date on which the report is issued or updated, including:
 - A. The name of the organization disciplined or found responsible;
 - B. The date on which the incident occurred or the citation was issued, if applicable;
 - C. The date on which the institution's investigation into the incident, if any, was initiated;
 - D. A general description of:
 - i. The incident;
 - ii. The violations of the institution's Code of Student Conduct;
 - iii. The findings of the institution;
 - iv. Any sanctions imposed by the institution on the organization;
 - E. The date on which the institution's disciplinary process was resolved;
- 2. The report must be updated to include information regarding each disciplinary process not later than the 30th day after the date on which the disciplinary process is resolved; and
- 3. The report may not include personally identifiable student information and must comply with the Family Educational Rights and Privacy Act of 1974 (FERPA).

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

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

7. Conduct Appeal Procedures

- a. A student organization may appeal the decision of a formal Hearing or the sanction(s), condition(s), and restriction(s) imposed following a formal Hearing by submitting a written petition for appeal to the to the Managing Director or designee within three (3) University working days of receiving the written decision.
- b. The Managing Director, or designee, will select an appeal officer in each case. The designated officer will be a trained University staff or faculty member who was wholly uninvolved in the original Conduct Process and will render a neutral, impartial, and unbiased decision.
- c. Petitions for appeal must clearly identify the grounds for the appeal, together with the evidence upon which the appeal is based. A disagreement with the decision alone shall not constitute grounds for appeal.
- d. The only proper grounds for appeal are as follows
 - Procedural or substantive error that significantly impacted the outcome of the Hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
 - Discovery of new evidence, unavailable during the original Hearing or review of the case, which could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; and
 - The sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions.
- e. In cases involving alleged misconduct involving Part I, section B.2 (Actions

against Members of the University Community and Others), either the Complainant or Respondent may appeal the decision of the Office of Student Conduct. In such cases, the Office of Student Conduct will provide the request for appeal to the other party and provide opportunity for one response. Responses must be provided within three (3) university working days.

- f. The designated appeal officer will first review the appeal to determine if the appeal is timely and properly sets forth the appropriate grounds for appeal, with adequate accompanying evidence. If any of these requirements are not met, the appeal will be dismissed, and the decision will be final. The Hearing Body and/or a representative of the Hearing Body may provide a response to the appeal upon request of the appellate officer within three (3) university working days
- g. If the designated appeal officer determines that the sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions, the appeal identifies a procedural/substantive error or new evidence that was unavailable at the original Hearing, the appeal officer will then determine whether the error or new evidence would have substantially impacted the decision of the Administrative Hearing Officer or Hearing Panel. If the designated appeal officer determines that the error or new evidence would have substantially impacted the decision, they may:

- Modify the finding and/or increase, decrease, or otherwise modify the sanctions;
- Remand the case to the original Hearing Body;
- Remand the case to a new Hearing Body.
- h. The Office of Student Conduct or designee shall make all reasonable efforts to notify the student organization of the status of the appeal throughout the appellate process and shall make all reasonable efforts to notify the student organization of the result of their appeal using the written notification procedures outlined in Part I, section A.3 within ten (10) University working days of receipt of all responses. If necessary, the Designated Appeal Officer will notify the student organization should they need additional time to determine the outcome of the appeal. The decision of the designated appeal officer is final and cannot be appealed.
- i. If the designated appeal officer remands the decision to a new Hearing Body, the decision of that Hearing Body is final and may not be appealed.

8. Student Organization Records

- a. All records concerning a student organization related to conduct processes will remain on file with the University for a minimum of seven (7) years from the date of the completion of the case via Informal Conference, formal Hearing, and/or conduct appeal processes.
- b. Student organization records do not impact the content of individual student records for student organization members. Findings of responsibility of misconduct for student organizations does not indicate a finding of responsibility for individual students. Individual students are subject to their own conduct processes separate from the student organization process.
- c. Student organization conduct decisions and finding are shared with the student organization's Headquarters, sponsoring department, or organizations as appropriate.

PART II

COMMUNITY POLICIES

SECTION A. ALCOHOL POLICY & INFORMATION a. <u>Alcoholic Beverage Provisions in the Code of Student Conduct</u>

SECTION B. ACADEMIC INTEGRITY a. <u>Texas Tech University Statement of Academic Integrity</u>

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 I, section B of the *Code of Student Conduct*. If there are questions of interpretation of academic integrity policies or about what might constitute an academic integrity violation, students are responsible for seeking guidance from the faculty member teaching the course in question.

c. Instructor Responsibilities

Any person becoming aware of alleged violations of academic integrity should report the allegation to the instructor of record in the course. The instructor in a course is responsible for initiating action in each case of dishonesty or plagiarism that occurs in that class. The instructor should contact the Office of Student Conduct to discuss the nature of the violation and the student's record of academic integrity violations.

Instructions for reporting allegations of academic dishonesty are available in the *Code of Student Conduct*. The instructor should attempt to discuss the matter with the student and receive a response from the student about the allegations. Then, the instructor may notify the student of possible academic sanctions including, but not limited to assigning a paper or research project related to academic integrity, make-up assignment that is different than the original assignment, issue no credit for the original assignment, reduce the grade for the assignment and/or course, issue a failing grade on the assignment, and/or issue a failing grade for the course. The academic penalty will not be implemented or assigned until all disciplinary procedures are complete. All academic integrity violations should be referred to the Office of Student Conduct as a central clearinghouse of violations and for adjudication as a *Code of Student Conduct* violation where disciplinary sanctions will be assigned.

d. Withdrawal and Assignment of Grades

- 1. Once a student has been notified of an academic integrity allegation, the student may not drop the course until the academic integrity processes are complete. If a student drops or withdraws, the student will be reinstated to the course in question. A student should continue attending class and participating in course work until the disciplinary process is complete. If it is determined that the student was not responsible for academic integrity violations and/or the referring faculty member allows the student to withdraw from the course, the student may file a request with the Vice Provost for Student Affairs for approval to drop the course or withdraw from the University retroactively. Any student found responsible for an academic integrity violation and assigned an academic penalty of F in the course may not drop the course during the semester in which the violation occurred.
- 2. If a referring faculty member must submit a final course grade before an Academic Integrity Violation allegation is resolved, the faculty member should notify the Department Chair and the Associate Academic Dean of the intention to assign a grade of F and/or leave the final grade blank. The involved student may be given a temporary grade of X by the Office of the Registrar, which does not affect the student's GPA, until the academic integrity adjudication process is complete. When the academic integrity adjudication process is complete, the final grade will be assigned through the appropriate academic channels and the completion of a grade change form. All appeals related to academic integrity violations should follow the process outlined in Part I, section C. (Conduct Appeals Procedures).

e. Academic and Disciplinary Penalties

The academic and disciplinary penalties will not be implemented until the disciplinary procedure and appeal process has been exhausted. In cases in which a student is found not responsible for academic dishonesty, the student will be entitled to the grade he/she would have received in the absence of an academic integrity violation. In addition, the student will be allowed to continue in the particular course without prejudice.

f. Referrals to the Office of Student Conduct

In addition to the assignment of academic sanctions by the instructor of record, a referral of the academic integrity violation should also be made to the Office of Student Conduct for the assignment of disciplinary sanctions. Instructions for reporting academic dishonesty violations are available in the *Code of Student Conduct*. A student referred to the Office of Student Conduct for alleged violations of academic misconduct is entitled to all substantive and procedural guarantees provided in the *Code of Student Conduct*.

Law students are subject to discipline procedures as described in the <u>Honor Code of the</u> <u>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>

SECTION C. ANTI-DISCRIMINATION POLICY

The university does not tolerate discrimination or harassment based on or related to <u>sex</u> (including pregnancy), race, color, national origin, religion, age, disability, protected veteran status, genetic information, sexual orientation, gender identity, gender expression, or other protected categories, classes, or characteristics per TTU System Regulation 07.10. <u>sex</u> (including pregnancy), race, color, national origin, religion, age, disability, protected veteran status, genetic information, sexual orientation, gender identity, or other protected categories, classes, or characteristics. (http://www.depts.ttu.edu/opmanual/OP40.02.pdf)

1. Discriminatory Harassment

a. DiHarassment. Harassment based on a person's protected class under this regulation is a form of discrimination. Harassment is verbal or physical conduct that is directed toward an individual because of sex (including pregnancy), race, color, national origin, religion, age, disability, protected veteran status, genetic information, sexual orientation, gender identity, gender expression, or other protected categories, classes, or characteristics, when such conduct is sufficiently severe or pervasive that it has the purpose or effect of unreasonably interfering with an individual's academic or work performance or of creating a hostile academic or work environment. Examples of inappropriate behavior that may constitute unlawful Harassment include, but are not limited to, the following, if related to an individual's protected category, class, or characteristic: scriminatory harassment is verbal or physical conduct that showshostility toward an individual based on or related to sex, race, color, national origin, religion, age, disability, sexual orientation, gender identity, genetic information, or other protected categories, classes, or characteristics and that 1) Creates anintimidating, hostile, or offensive working or educational environment; 2) Has the purpose or effect of unreasonably interfering with an employee's or student'seducational performance; 3) Adversely affects an employee's employmentopportunities or student's educational opportunities; and 4) Is severe or pervasive.

Examples of inappropriate behavior that may constitute unlawful Harassment include, but are not limited to, the following, if related to an individual's protected category, class, or characteristic: Examples of inappropriate behavior that may constitute discriminatory harassment include, but are not limited to:

- a.Derogatory, disparaging, or disrespectful remarks, comments, slurs, or jokes about a particular person or protected category, class, or characteristic of persons based on, about, or because of a protected category, class, or characteristic;
- b. Display of explicit or offensive posters, pictures, drawings, cartoons, calendars, correspondence, digital or broadcast content (including images, videos, or audio), or any other physical, digital, or multimedia materials in any form that reflect disparagingly upon a category, class, or characteristic of persons or a particular person in a protected category or class;

- c.Loud or angry outbursts or obscenities in the workplace directed toward a member of the University Community;
- d. Disparate treatment without a legitimate business reason; <u>or;</u>
- b.e. other threats, discrimination, hazing, bullying, stalking, or violence.
- i.Slurs and jokes about a protected class of persons or about a particular person based on protected status, such as sex or race;
- ii. Display of explicit or offensive calendars, posters, pictures, drawings, cartoons, screen savers, e-mails, or other multi-media materials in any format that reflects disparagingly upon a class of persons or a particular person in a protectedcategory;
- iii. Derogatory remarks about a person's national origin, race or other ethniccharacteristics;
- iv. Disparaging or disrespectful comments if such comments are madebecause of a person's protected status;
- v. Loud or angry outbursts or obscenities in the academic environmentdirected toward another student, faculty, staff, or visitor;
- vi. Disparate treatment without a legitimate business reason; or
- vii. Other threats, discrimination, hazing, bullying, stalking, or violence based
 - on a protected category, class, or characteristic.

2. <u>Sexual Harassment</u>

- a. Unwelcome sex-based verbal, or physical conduct that: 1) In the employment context, unreasonable interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment. To constitute an intimidating, hostile, or offensive working environment, the complained of conduct must be either severe, persistent, or pervasive; or 2) In the educational context, is sufficiently severe, persistent, or pervasive that the conduct unreasonably interferes with a student's ability to participate in or benefit from educational programs or activities.
- b. Examples of inappropriate behavior that may constitute sexual Harassment include, but are not limited to:
- i. Sexual teasing, jokes, remarks, or questions;
- ii. Sexual looks and gestures;
- iii. Sexual innuendoes or stories;
- iv. Communicating in a manner with sexual overtones;
- v. Inappropriate comments about dress or physical appearance;
- vi. Gifts, letters, calls, e-mails, online posts, or materials of a sexual nature;
- vii. Sexually explicit visual material (calendars, posters, cards, software, internet, or other multimedia materials);
- viii. Sexual favoritism;

- ix. Pressure for dates or sexual favors;
- x. Inappropriate discussion of private sexual behavior;
- xi. Non-consensual video or audio-taping of sexual activity;
- xii. Exposing one's genitals or inducing another to expose their genitals;
- xiii. Unwelcome physical contact (touching, patting, stroking, rubbing);
- xiv. Nonconsensual Sexual Intercourse, Sexual Assault, or rape;
- xv. Stalking;
- xvi. Domestic or Dating violence;
- xvii. Other gender-based threats, discrimination, intimidation, hazing, bullying, Stalking, or violence.

Note: While not appropriate, not all rude or offensive comments or <u>conductconstitute</u><u>conduct</u><u>constitute</u><u>misconduct</u>, sexual harassment, or unlawful discrimination.

See Part I, Section B: Misconduct, C. Sexual Misconduct of the Code of Student Conduct

3. Submitting a Report

Students wishing to report an incident of discrimination or harassment, including gender- based discrimination, sexual harassment, or sexual assault, should contact the Title IX Administrator or the Office of the Dean of Students. If the complaint is against an employee the student may also contact the Office of Equal Opportunity. Additional reporting information, including how to make a confidential report, can be found at <u>titleix.ttu.edu/, https://www.depts.ttu.edu/dos/</u>, or <u>http://www.texastech.edu/offices/equal-employment/</u>.

Students reporting discrimination or harassment in their employment capacity should contact the Office of Equal Opportunity. Information on reporting may be found here: http://www.texastech.edu/offices/equal-employment/.

Note: The State of Texas requires Texas Tech University employees, including student employees, to report an incident of sexual harassment, sexual assault, dating violence, or stalking that is alleged to involve a student enrolled at or an employee of the University at the time of the incident. For more information, please see: <u>TTU System Regulations 07.10</u>, 07.06, and 07.06B

4. Office of Civil Rights Complaints

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

5. Retaliation

Retaliation Retaliation against a person who reports a potential violation under this regulation, 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 regulation is strictly prohibited and will not be tolerated. Retaliation includes, but is not limited to threats, intimidation, reprisals, and/or adverse actions related to an individual's employment or education. The University will take appropriate steps to assure that a person who in good faith reports, complains about, or participates in an investigation pursuant to this regulation 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 regulation. Individuals who are found to have retaliated under this regulation will be subject to disciplinary action, up to and including termination of employment, expulsion from the university, or being barred from University premises and events. is strictly prohibited against a person who files a complaint of discrimination or harassment in good faith, assists someone in reporting a complaint, or participates in any manner in an investigation or in the resolution of a complaint. Retaliation is defined as any intentional, adverse action taken by an individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant [or supporter of a participant] in a conduct process, civil rights grievance proceeding, or other protected activity.

6. Confidentiality

Confidentiality of both the involved parties will be honored by the University to the extent possible without compromising the University's commitment and obligation to investigate allegations of discrimination or violations of law, to protect the university community, and to the extent allowed by law. The willful and unnecessary disclosure of confidential information by the involved parties may affect the integrity of the investigation and may result in appropriate disciplinary measures against the offending party.

7. Faculty/Staff and Student Relationships

Texas Tech University is committed to the promotion of professional and educational relationships and open channels of communication among all individuals. The faculty/staff and student relationship is of the highest value and impacts a student's educational experience. Consensual relationships, including affectionate liaisons or other intimate or close relationships between faculty and students in a faculty members class or with whom the faculty member has an academic or instructional connection are prohibited. Faculty/staff with direct or indirect teaching, training, research oversight or direction, supervisory, advisory, or evaluative responsibility over the student should recognize and respect the ethical and professional boundaries that must exist in such situations. If questions arise about situations involving faculty/staff and student relationships, they can be directed to the student's Academic Dean, Provost's Office or the Dean of Students.

8. Grievance or Complaint Processes

A grievance is a formal complaint pertaining to adverse actions taken on the basis of unlawful discrimination, violation of federal or state law, or TTU policy. A violation of a University policy alone does not necessarily constitute a violation of law or an action prohibited by law. Employees, students, or third parties with a complaint against an employee should contact the TTUS Office of Equal Opportunity (EO). Employees, students, or third parties with a complaint of discrimination and/or harassment based on sex only (as opposed to discrimination on other bases, such as race, national origin, etc.) against a student should contact the Title IX Administrator. Employees, students, or third parties with a complaint of discrimination and/or harassment against a student based on a protected class other than sex (such as race, national origin, etc.) should contact the Office of the Dean of Students or the Office of Students Rights and Resolution. For additional information regarding the complaint process, see TTU Operating Policies <u>40.02 and 40.03</u>.

9. <u>Student Initiated Grievances or Complaints and Investigations – Involving</u>

Employees, Whether Faculty, Staff, or Students

- a. This grievance or complaint process is applicable to all students who choose to complain about discrimination, harassment, or other violations of the law that adversely affect their educational environment and the responding party is acting in his/her capacity as an employee, whether faculty, staff, or student.
- b. All grievance or complaint investigations and procedures will be non-adversarial in nature. These procedures are entirely administrative in nature and are not considered legal proceedings.
- c. The filing of a grievance or complaint shall not affect the ability of TTU to pursue academic and disciplinary procedures for reasons other than the student's filing of a grievance or complaint.
- d. A student may consult with the Office of the Dean of Students to determine if they wish to file a formal grievance or complaint. Students wishing to file a grievance or complaint should complete the grievance or complaint form located at <u>www.depts.ttu.edu/dos/</u>. However, even if a formal grievance or complaint is not filed, the Dean may notify key personnel at their discretion about the allegation, and other action may be taken by TTU as deemed appropriate. Other actions include, but are not limited to, conferring with supervisors or other administrators concerning inappropriate behavior occurring within their area of responsibility and informing the responding party of TTU's policies and educating departments and supervisors as needed on this and other policies.
- e. If the grievance or complaint involves the Dean of Students, the grievance or complaint should be presented to the Office of Equal Opportunity.
- f. Student grievances or complaints of discrimination or harassment by an employee will be investigated jointly by the Office of the Dean of Students or Title IX Administrator and the Office of Equal Opportunity.
- g. The investigation may consist of the review of the grievance or complaint and any supporting documentation, examination of other relevant documentation, and interviews with relevant individuals. The extent of the investigation and its procedures will be determined by and at the discretion of the Dean of Students or Title IX Administrator and the Office of Equal Opportunity. Any findings in the investigation will be based upon a preponderance of the evidence.
- h. After the investigation is complete, the Office of the Dean of Students or the Title IX Administrator and the Office of Equal Opportunity or designee will provide a written determination to the student who has filed the grievance or complaint, the responding party and the appropriate administrators.
- i. The finding of the Office of the Dean of Students or the Title IX Administrator and the Office of Equal Opportunity is final and not appealable.
- j. In the event a finding of a violation <u>of this policy, TTU OP 40.02 or 40.03, or TTU</u> <u>System Regulation-07.06A, 07.06B, or 07.10 of this policy or TTU OP 40.02 or 40.03</u> is made, appropriate disciplinary action will be taken as determined by the appropriate administrator.
- k. If there is a finding of a violation of gender discrimination <u>under TTU OP 40.02 or</u> <u>TTU System Regulation 07.10</u> <u>under TTU OP 40.02</u> or any violation under <u>TTU OP</u>

<u>40.03, TTU System Regulation 07.06A, or System Regulation 07.06B, TTU OP 40.03</u>either party may appeal the imposed disciplinary action or lack thereof as provided under <u>as provided under the TTU OP or TTU System Regulation.</u> <u>TTU OP 40.03</u>. For all other violations, only the responding employee may appeal the disciplinary action as provided in other TTU policies. At the conclusion of the investigation, the student shall be advised that if the discrimination or unlawful activity persists the student should contact the Office of Equal Opportunity. Likewise, in the event the student believes unlawful retaliation for filing a grievance or complaint has taken place, the student should contact the Office of the Dean of Students, Title IX Administrator, or the Office of Equal Opportunity, and/or file a grievance or complaint for retaliation.

SECTION D. CLASS ABSENCES

1. Class Absences

Responsibility for class attendance rests with the student. Regular and punctual attendance at all scheduled classes is expected, and the University reserves the right to address at any time individual cases of non-attendance. In case of an illness requiring an absence from class for more than one week, the student should notify his/her academic dean. Texas Tech University Operating Policy 34.04 provides complete information regarding class attendance and reporting student illness and emergencies.

1.a. Student Absence due to Pregnancy and Childbirth

Under the Department of Education's (DOE) Title IX regulations, an institution that receives federal funding "shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom." Students needing assistance related to pregnancy/childbirth absences should contact the Title IX Administrator, the Title IX Case Manager, the Dean of Students Office, or fill out a report at http://www.depts.ttu.edu/titleix/students/Report an Incident.php

2. Religious Holy Day Absences

A student who intends to observe a religious holy day should make that intention known in writing to the instructor prior to the absence. More information is available in Texas Tech University Operating Policy 34.19.

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

- a. According to the Undergraduate and Graduate Catalog, faculty, department chairpersons, directors, or others responsible for a student representing the University on officially approved trips should notify the student's instructors of the departure and return schedules in advance of the trip. The instructor so notified must not penalize the student, although the student is responsible for material missed. Students absent because of University business must be given the same privileges as other students (e.g., if other students are given the choice of dropping one of four tests, then students with excused absences must be given the same privilege).
- b. According to Texas Tech University Operating Policy 34.06, students will be

responsible for making their own individual arrangements with instructors for class work missed while participating in an off-campus trip.

SECTION E: COMPLAINT PROCESSES

1. Complaints/Grievances

Texas Tech University has various procedures for addressing written student complaints/grievances. Students may seek assistance from the Office of the Dean of Students as they go through a written complaint/grievance process. The Office of the Dean of Students helps students understand all of the steps of the process as well as what information they may want to include in their written complaint/grievance.

2. Academic Status Complaints

Policies and processes related to academic status are found in the Undergraduate/Graduate Academic Catalog as well as in Operating Policy 34.07 Undergraduate Academic Status, Operating Policy 34.15 Grade Replacement Policy, and Operating Policy 64.04 Academic Probation and Suspension of Graduate Students.

- **3.** <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. Disability-Related Complaints

- a. Complaints related to disabilities are guided by Operating Policy 40.04 Access for Individuals with Disabilities and Section 504 of the Rehabilitation Act (Section 504) and Operating Policy 34.22 Establishing Reasonable Accommodation for Students with Disabilities.
- b. Any students seeking remedy on the basis of a disability must register as a disabled student with Student Disability Services and must provide all required documentation of a disability. Students who are denied services or denied a specific accommodation request by a Student Disability Services counselor may appeal the decision to the Managing Director of Student Disability Services. The ADA Campus Coordinator for Students is the Managing Director of Student Disability Services, 335 West Hall, (806) 742-2405.
- c. Students who wish to appeal the decision beyond the Managing Director of Student Disability Services can appeal to the Vice Provost for Student Affairs. The Vice Provost for Student Affairs will be the final decision.

6. Student Record Complaints & FERPA

Guidelines governing student access to personal records and the procedures for challenging information in these records are contained in the student records policy that is detailed in the <u>Student Handbook</u> Part II, section P. The Registrar's Office provides oversight for student records and student record complaints.

7. Disciplinary Action

The University disciplinary appeals process is outlined in the <u>Student Handbook</u> Part I, section C. Conduct Procedures relating to the School of Law Honor Code violations are contained in the <u>Honor Code of the School of Law</u>. School of Law Students are also subject to the code of student conduct. Procedures relating to the School of Medicine, School of Nursing and the School of Health Professions are contained in the <u>School of Medicine Student Handbooks</u>, <u>School of Nursing Student Handbook</u>, and the School of Health Professions <u>Student Handbooks</u>.

8. Employment

A student wishing to pursue a grievance concerning employment with the University and who has not found satisfaction or resolution with their immediate supervisor or the person in charge of that department may contact Human Resources or the Office of Equal Employment Opportunity in accordance with the grievance procedures outlined in the University Operating Policy 70.10 Non-Faculty Employee Complaint Procedures, TTUOperating Policy 40.02 Non-Discrimination and Anti-Harassment Policy and Complaint Procedure, and System Regulation-07.10 Non-Discrimination and Anti-Harassment Policy and Complaint Procedure. Operating Policy 40.02 Non-Discrimination and Anti-Harassment Policy and Complaint Procedure, and TTU System Regulation 07.10 Non-Discrimination and Anti-Harassment Policy and Complaint Procedure.rating Policy 40.02 Non-Discrimination and Anti-Harassment Policy and Complaint Procedure, and TTU System Regulation 07.10 Non-Discrimination and Anti-Harassment Policy and Complaint Procedure.erating Policy 40.02 Non-Discrimination and Anti-Harassment Policy and Complaint Procedure, and TTSystem Regulation 07.10 Non-Discrimination and Anti-Harassment Policy and Complaint Procedure.perating Policy 40.02 Non-Discrimination and Anti-Harassment Policy and Complaint Procedure, and TSystem Regulation 07.10 Non-Discrimination and Anti-Harassment Policy and Complaint Procedure.and Operating Policy-40.02 (formerly 70.28) Anti-Discrimination Policy and Grievance Procedure for Violations of **Employment and Other Laws.**

9. Grades

The instructor assigned to a course has the responsibility for determining a grade and for judging the quality of academic performance. A grade can be formally appealed only when there is demonstrable evidence that prejudice, arbitrary or capricious action on the part of the instructor has influenced the grade. The burden of proof that such an unfair influence has affected a grade rests with the student who appeals the grade. The complete student grade appeal policy and procedure is listed in Operating Policy 34.03 Student Grade Appeal. A copy of the grade appeal procedures may be obtained from any academic college dean's office or from the Office of the Provost. Also, refer to the <u>Student Handbook</u> Part I, section B.1 (Academic Misconduct).

10. Parking Citations

Students may appeal a campus parking citation online at www.parking.ttu.edu.

Transportation & Parking Services rules and a description of the three-tiered appeals process is described in the *Traffic and Parking Regulations* available online at <u>http://www.depts.ttu.edu/parking/PDFsandDocuments/rulesandregs.pdf</u>.

11. Graduate School Requirements

- a. Graduate student complaints related to academic standing and performance follow processes outlined in Operating Policy 64.07 Graduate Student Appeals. Such matters include, but are not limited to, disputes concerning comprehensive and qualifying examinations, theses and dissertations, academic probation and suspension, and graduate assistantships.
- b. Appeals of course grades are made through the dean of the college in which the course is offered and are guided by process in Operating Policy 34.03 Student Grade Appeal.

<u>12.</u> Housing Complaints

Housing regulations and processes are provided annually in the University Student Housing Contract Guide, on the University Student Housing website. University Student Housing oversees the resolution of complaints related to student housing.

13. Online and Distance Student Complaints

Students enrolled in distance learning courses utilize the same complaint procedures as students enrolled in traditional courses. In accordance with the Higher Education Opportunities Act of 2008, Texas Tech University provides a website related to enrollment in distributed education courses or programs and complaint processes for filing with the accrediting agency and other appropriate state agencies at http://www.depts.ttu.edu/elearning/complaint-process/.

12.14. Tuition, Fee, and Financial Aid Complaints

Tuition, fee, and financial aid complaints are guided by Student Business Services and Student Financial Aid processes. Information is available on both department websites. Students with complaints related to tuition, fee, and financial aid may submit concerns through an online system.

Housing regulations and processes are provided annually in the University Student Housing Contract Guide, on the University Student Housing website. University Student Housing oversees the resolution of complaints related to student housing.

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14. Tuition. Fee. and Financial Aid Complaints

Tuition, fee, and financial aid complaints are guided by Student Business Services and Student-Financial Aid processes. Information is available on both department websites. Students with complaints related to tuition, fee, and financial aid may submit concerns through an onlinesystem.

SECTION F: STUDENT SUPPORT SERVICES

The University has designated a Support Services Liaison staff member to assist students. The Liaison will connect students to resources available on campus to address a variety of needs. Resources available include but are not limited to: medical and behavioral health services; public benefit programs, including programs related to food security and housing security; program benefit case management assistance and counseling; parenting and child care resources; employment assistance; financial counseling and tax preparation assistance; transportation assistance; student academic success strategies; and other support resources available to students.

A comprehensive listing of online reporting options has been established in a central location to assist students, faculty, staff, and the general community with the option to submit reports of observed or known concerns surrounding a student. When a report is received, staff will review the details of the report, will determine a response that may include available campus resources, and will ask the appropriate staff to respond to the reported concerns. For a complete list of reporting options available, please visit the Office of the Dean of Students website: http://www.depts.ttu.edu/dos/reportaconcern.php

Additionally, the Behavioral Intervention Team (BIT), Campus Inclusion Resource Team (CIRT), and Student Threat Assessment Team (STAT) have been established to assist with reports related to students of concern, students in crisis, and/or imminent threat of harm directed at one or more others.

Behavioral Intervention Team (BIT)

Under the auspices of the Office of the Dean of Students, BIT is a team of professionals uniquely situated to address elevated student behavior concerns and serves as a central repository for the Texas Tech University community to report student behaviors of concern. As warranted, BIT facilitates early intervention, risk assessment and referrals to help promote student success while paying special attention to the safety and security needs of members of the University Community.

Campus Inclusion Resource Team (CIRT)

In cooperation with the Division of Diversity, Equity & Inclusion and under the direction of the Office of the Dean of Students, the CIRT is a team of professionals uniquely situated to address concerns surrounding expressive activities involving a student(s). CIRT is a non-adjudicative body that addresses concerns surrounding student behavior through appropriate use of University resources and support mechanisms. When behavior does not rise to the level of a policy violation or violation of law, a member(s) of CIRT may request to meet with individual students involved or named in the report to provide education and resources.

Members of CIRT will assist students in understanding what constitutes allowed expressive activities, what expressive activities are not allowed, where to seek information or assistance surrounding inclusive practices, how to seek referrals for on-campus support resources, and how to become involved on campus with programs and organizations who are engaged in inclusive practices.

The Campus Inclusion website will track reports including general descriptive information, appropriate responding office(s), and related outcome(s). Providing details about specific incident information is limited by policies/laws, including but not limited to the Family Educational Rights and Privacy Act of 1974 (FERPA). A CIRT report may be filed on the Diversity Equity & Inclusion, the Office of the Dean of Students, and the RISE websites or via Raiders Report; http://www.depts.ttu.edu/dos/reportaconcern.php

Student Threat Assessment Team (STAT)

Under the direction of the Dean of Students, the STAT is a team of professionals specially trained on acts that may constitute threatening behavior and is a subsidiary of the Behavioral Intervention Team. The STAT responds to reports of imminent threat(s) involving a student.

Support Services Liaison

Please contact the Assistant Dean of Students in the Office of the Dean of Students to access support resources available to students: (806) 742-2984; <u>deanofstudents@ttu.edu</u>

SECTION G. FINANCIAL RESPONSIBILITY

1. Financial Responsibility of Students

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

students may check on the presence of holds by accessing their records at <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>.

SECTION H. FREEDOM OF EXPRESSION 1. Freedom of Expression Activities

a. Texas Tech University recognizes freedom of speech and expression as a fundamental right and seeks to ensure free, robust, and uninhibited debate and deliberation by students enrolled at TTU as well as other persons. Expressive activities on the TTU campus are governed by Texas Tech University System <u>Regulation 07.04</u>. The terms of such Regulation shall control in the event of any conflict between the provisions set forth in this Handbook and the terms of such Regulation. Additional information regarding events on University property is available in Part II, Section Q - Use of University Space.

SECTION I. GENDER-BASED HARASSMENT, SEXUAL MISCONDUCT, DISCRIMINATION, AND TITLE IX

Texas Tech University (TTU) has established policies and grievance procedures providing for prompt and equitable resolution of student complaints of discrimination and harassment, including sexual harassment, sexual violence, and other forms of sexual misconduct. In the event a student believes their rights under Title IX or other laws have been violated, TTU Operating Policies 40.02 and 40.03 (https://www.depts.ttu.edu/opmanual/OP40.02.pdf), - TTUSystem_ Regulation 07.10, System Regulation 07.06A, System Regulation and07.06B. and 40.03_-(http://www.depts.ttu.edu/opmanual/OP40.03.pdf) set forth procedures for filing, investigating, and resolving complaints of harassment and discrimination. Additional information regarding gender-based harassment, sexual misconduct, discrimination, and <u>Title IX re</u> can be found at titleix.ttu.edu. Further information and definitions may be found in Section D: Title IX Procedures for Students, Section C. anti-Discrimination Policy, and Appendix A.

SECTION J: STUDENT HOUSING REQUIREMENTS

1. Student Housing Information

- a. University Student Housing (USH) is located on the west side of the Wiggins Complex next to the Hospitality Services.
- b. USH contact information: Phone: (806) 742-2661, Email: housing@ttu.edu, Website: housing.ttu.edu.
- c. Hospitality Service contact information: Phone: (806) 742-1360, Email: hospitality@ttu.edu, Website: hospitality.ttu.edu.

1. Student Housing Information

a. University Student Housing is located in Wiggins on the west side of the building

adjacent to Hospitality Services and can be found on the TTU Campus Maphttp://www.ttu.edu/map/. The main phone number is 806-742-2661 and the websiteaddress is <u>http://www.depts.ttu.edu/housing/</u>.

- b. The University Student Housing Contract Guide located at <u>http://www.depts.ttu.edu/housing/contracts/index.php</u> can provide information about the contracting process and specifics about the residence halls.
- c. Policies and procedures, (http://www.depts.ttu.edu/housing/contracts/hallpolicies.php), safety information, staffing, and how to get involved in the halls can be found on our website at <u>http://www.depts.ttu.edu/housing/</u>.

2. Housing-First Year Student Residency On-Campus Requirement

- a. National research indicates that students living on campus maintain a higher-grade pointaverage and are more likely to graduate. Therefore, the Board of Regents of Texas Tech-University supports the On-Campus Residence Requirement to give new students a greater chance of achieving their educational goals.
- a. The On-Campus Residence Requirement applies to students enrolled in more than sixhours for the fall and spring semesters, and/or enrolled for three hours per summer session. More information can be found at-

http://www.depts.ttu.edu/housing/contracts/residencerequirement.php and http://www.depts.ttu.edu/housing/exemptions.php.-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.

- b. The On-Campus Residence Requirement applies to students enrolled in more than six hours for the fall and spring semesters, and/or enrolled for three hours per summer session.
- <u>c.</u> Compliance with the university housing policy is a condition of enrollment, as set forth in the Student Catalog approved by the Board of Regents and Operating Policy 30.25. Failure to comply with the On-Campus Residence Requirement will result in the student being placed in a "Non-Compliance Status" and charged for all applicable Housing and Dining Plan fees.
- d. It is the responsibility of the student to update any incorrect information regarding place of residence with the Office of the Registrar.
- e. On-campus housing for married couples or individuals with children is not provided.
- b.f. Registered sex offenders and students convicted of any felony are not permitted to live in university-owned housing. The information submitted is subject to verification.
- 3. <u>Housing Residency Requirement Exception Process</u>On-Campus Residence Exemption <u>Process</u>
 - a. Subject to verification and authorization by the university, students may be eligible to live off campus provided any one of the 11 exemption categories listed below is satisfied:
 - i. A student is currently residing and will continue 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 (or legal guardian) must have established their primary 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.

- ii. A student presents sufficient evidence of an extreme financial hardship condition based on guidelines similar to those required for Financial Aid.
- iii. A student is married or has dependent children living with the student.
- iv. A student is 21 years of age or over on or before the first day of classes of the initial semester of enrollment.
- v. 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, SAT) and hours received from concurrent high school credit are not considered.
- vi. 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, board, tuition, fees, and textbooks (as estimated by the Student Financial Aid Office) during an academic school year. 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.
- vii. A student is enrolled in the Graduate School or Law School.
- viii. A student has served in active military service, as verified by a discharge certificate (DD214).
- ix. A student presents sufficient evidence of an extreme medical condition, as documented by her/his treating physician, for which on-campus accommodations cannot be made.
- <u>x.</u> A student presents sufficient and satisfactory evidence of extreme or unusual hardship that will be intensified by living in the residence halls.
- xi. 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 and receives confirmation of approval from University Student Housing.
- b. Subject to verification and authorization by the University Student Housing, students may be eligible to have their housing hold temporarily removed, and not be required to live on campus for the given term, provided any one of the 3 conditions listed below is satisfied:
 - i. A student is enrolled in online classes only;
 - ii. A student is taking less than six hours during the academic year; or
 - iii. A student enrolled for a Texas Tech University or Texas Tech University Health Sciences Center at a campus other than the Lubbock campus.
- c. To request approval to live off-campus, the student must submit an Exemption Form along with all required documentation. USH staff will review and send denial/approval notices to the student's TTU email account.
- d. No exemptions will be approved once the student has moved into the residence halls.
- e. In conjunction with the university's support of academic integrity, evidence of deliberate falsification of information, data, or any materials submitted, or providing false or erroneous information in connection with an application for exemption from the on-campus housing requirement will be grounds for disciplinary action. Such action may include, but is not limited to, revocation of a previously approved exemption, restitution of up to a semester's room and

dining plan fees, or probation, as determined by the Department of Student Judicial Services and in accordance with the Code of Student Conduct of Texas Tech University.

 <u>f.</u> Signing an off-campus lease will not relieve the student of contractual obligations that may have been assumed with the University. It is the responsibility of the student to comply with all provisions of the signed contract.

4. Housing Signup Process

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a. We understand not every first year student is able to live in the <u>Residence Halls</u> at Texas Tech. Even though institutional research indicates that students who live on campus perform better academically, there are provisions for students that need to live off campusif they meet the requirements. Students are encouraged to read <u>OP 30.25</u> for a full list of requirements when requesting to live off campus. Students that meet one of these requirements need to fill out the <u>Exemption Form at http://www.depts.ttu.edu/housing/</u> and send any other necessary documentation to University Student Housing. We will respond via email within three to five business days with a notice of eligibility, ineligibility, or a request for further information. All responses will be sent to the student's official Texas Tech email address. Please send all documents to <u>housing@ttu.edu</u>, faxthem to 806-742-2696, or upload them using the electronic form.

b. Common reasons a student may be eligible to live off campus:

- Student has 30 hours post high school credit. (Advance Placement, CLEP, ACT, SAT, dual-credit, and/or concurrent-credit do not count toward this requirement)
- Student has lived on campus for 2 or more semesters. (Fall and Spring semesters only.) *Proof of Residence from Previous Institution Form is required.*
- Student will continue to reside in the established primary residence of their parent or legal guardian within a 60-mile radius of Lubbock and has been there for at least the previous six months. *Sworn Statement of Commuting Status Form is required.*
- Student has extreme financial hardship, similar to guidelines set forth by the Student Financial Aid office. *Financial Hardship Addendum and personal* statement are required.
- Student has a medical hardship which may be intensified by living on campus. <u>Medical Hardship Addendum and personal statement are required.</u>
- Student is 21 years of age, has served in the military, is married, and/or has dependent children-
- c. More requirements and Exemption forms can be found at <u>http://www.depts.ttu.edu/housing/exemptions.php</u>. The exemption application process is not a request to cancel a housing assignment and contract. All exemption requests and results must be completed prior to the official Move-In date for the current academic year.
- d. In conjunction with the University's support of academic integrity, evidence of deliberate falsification of information, data, or any materials submitted, or providing false or erroneous information in connection with an application for exemption from the on-campus housing requirement will be grounds for disciplinary action. Such

action may include, but is not limited to, revocation of a previously approvedexemption, restitution of up to a semester's room and dining plan fees, or probation, as determined by the Office of Student Conduct and in accordance with the *Code of Student Conduct* of Texas Tech University.

- e. University Student Housing and Hospitality Services Contracts can be signed for the early, late or full summer session or the academic year (fall and spring semesters). Any-student wishing to move off campus should consult the Residence Hall Contract for the provisions applicable to cancellation of the contract or to the website <u>http://www.depts.ttu.edu/housing/contracts/deposit.php</u>.
- f. Signing a lease for off-campus housing does not relieve the student of contractual obligations that may have been assumed with the University for housing in the residence halls. It is responsibility of the student to comply with all provisions of the contract.
 - It is the responsibility of the student to update any incorrect information, regarding place of residence with the Office of the Registrar.
 - No exemptions will be approved once the student has moved into the residence halls.
 - 4. Room and Dining Plan Fees and Advance Payments
 - a. A \$75 non-refundable Application Fee is required at the time of application. A \$400-Initial Deposit is due at the time of application. The Initial Deposit will automatically beapplied after the spring portion of the contract is completed, or the student may chooseto roll this payment over to the next fall contract period during Priority Room Selection in October. Refund of the \$400 Initial Deposit, due to cancellation prior to occupancy isonly applicable prior to May 1 before the fall Move In term. Students are required to contract for a Dining Plan in addition to a room.
 - b.Once the contract has been signed, even if it is signed after the May 1 deadline for cancellations, it becomes a binding agreement, a contract between the student (and his/her Guarantor, if required) and the University. All cancellation requests must be submitted to University Student Housing in writing by the student.
 - c. Residents who reserve space in Carpenter/Wells, Murray Hall, Gordon Hall, Talkington-Hall, West Village, or Honors Hall are required to pay a \$250 Additional Deposit, in addition to the \$400 Initial Deposit. It is due at the time a contract is completed. This fee is **non-refundable** if the contract is cancelled at any time before the end of the contract period.
 - d.Both the Initial Deposit and the Additional Deposit will automatically be applied as a credit after the spring portion of the contract is completed, or the student may choose to roll this payment over to the next fall contract period during Priority Room Selection in October.
 - a. Residence halls, like all other services and facilities of Texas Tech University, are available to all students regardless of race, creed, national origin, age, sex, or disability. Applications for admission to the university and applications for residence hall accommodations are separate processes. To sign up for housing at Texas Tech University, students must first be admitted to the university. Students are encouraged to sign up for housing as soon as they are notified of

their admission status and receive and activate their eRaider account information. To complete the housing sign-up process, please visit the USH website.

- b. Students sign a University Student Housing and Hospitality Services Contract for the academic year (fall and spring semesters), a 12-month contract (fall, spring, and summer), or a summer only contract. Any student wishing to move from the residence halls should consult the University Student Housing and Hospitality Services Contract for the cancellation provisions.
- c. Housing and dining plan rates are based on a per person charge. Rates will be established by The University Board of Regents. All rates are subject to change, with appropriate notice. The most recent rates are posted on the USH and Hospitality Services websites.
- d. A \$75 non-refundable application fee is required with all housing applications. This is a onetime fee. A \$400 Initial Deposit is required for all housing room reservations for all residence halls including traditional spaces and suite/apartment/pod style spaces and is due with the signed contract. The \$400 Initial Deposit is potentially refundable (less any fees or billed charges) if the contract is completed or properly cancelled as outlined in the contract. A \$250 Additional Deposit is required for a housing room reservation in a suite/apartment/pod style space (Talkington, Gordon, Carpenter/Wells, Murray, Honors Hall, and West Village) and is due with the signed contract if selecting a suite/apartment/pod style space or when student elects to upgrade to a suite/apartment/pod style space. The \$250 Additional Deposit is potentially refundable (less any fees or billed charges) if the contract is completed or if the student never reserves a suite/apartment/pod styles space. The \$250 Additional Deposit is nonrefundable if the contract is cancelled at any time before the end of the contract period. For additional information on fees, deposits, and cancellation procedures, please review the housing contract on the USH website.
- e. The University agrees to provide a room and dining plan only after the student has submitted the required application, properly signed the University Student Housing and Hospitality Services Contract, and paid the application fee and applicable deposit(s). The student agrees to pay the housing and dining plan fees and any billed charges (i.e., damage charges, lock change charges, late/improper check-out charges, etc.) at the time scheduled by The University. All housing and dining plan fees and charges are billed in a combined account with The University tuition and fees. These accounts are managed by The University AD Services.
- <u>f.</u> Students with academic year or 12-month contracts are charged 60% of the academic year housing and dining plan rate for the fall semester and 40% for the spring semester. Students entering the residence halls for the spring semester with an academic year contract are charged 50% of the academic year rate.
- e.Additional contact and payment information can be found at http://www.depts.ttu.edu/housing/contracts/deposit.php.

SECTION K. SOLICITATIONS, ADVERTISEMENTS AND PRINTED MATERIALS

1. General Policy

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

except as provided below or as provided by law.

2. Definitions

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

3. University Name, Document and Records

a. The use by any person or organization of the University's name in connection with any program or activity, without the prior written permission of the Office of the Vice Chancellor for Institutional Advancement, or any unauthorized use of University documents, records or seal is prohibited. Information is also available in Operating Policy 01.06 Use of Texas Tech University Name or Logo for Private Business Purposes, Operating Policy 72.23 Licensing and Use of TTU Registered Names, Logos, and Trademarks, and Operating Policy 68.03 Visual Identity Guidelines.

4. <u>Jurisdiction</u>

- a. All solicitation requests should be directed to the Outdoor Events Coordinating Committee for review. Complete and submit the Grounds Use/Solicitation Request form at www.depts.ttu.edu/centerforcampuslife/ Requests must be submitted at least six (6) University working days before intended use.
- b. All regulations pertaining to on-campus solicitations by students and registered organizations shall be administered by the Managing Director of the Center for Campus Life.
- c. All regulations pertaining to on-campus solicitations by University departments and staff shall be administered by the Senior Vice President of Administration and Finance.
- d. All regulations pertaining to on-campus solicitations by academic departments and faculty shall be administered by the Provost and Senior Vice President of Academic Affairs.
- e. Solicitation of all gifts, donations, and non-contractual grants from private philanthropic sources (e.g., individuals, foundations, and corporations) are administered by the Vice Chancellor of Institutional Advancement and in accordance with OP 02.02.

5. Solicitation Processes

- a. Solicitations by registered student organizations and students are prohibited on Texas Tech University grounds and facilities except for:
 - Activities supporting the educational mission of the institution;
 - Promotion of organizational activities consistent with organization mission;
 - Recruitment of members or membership drives;

- Accepting donations on behalf of altruistic or charitable projects;
- Scholarship and/or fundraising projects in support of organization mission;
- The regulating offices may grant special permission for solicitation purposes or places not listed above in exceptional circumstances.
- b. Permission will not be granted for any activity which promotes the use of alcoholic beverages, infers sponsorship by Texas Tech University or violates any federal, state and/or local laws and/or University policies.
- c. In order to solicit in University buildings, authorization is required via the Outdoor Events Coordinating Committee and appropriate building manager.
- d. Registered student organizations may use the University's registered marks when used in connection with a student organization activity, provided items are acquired from a licensed vendor. A sample or drawing needs to be provided showing how the University's registered marks are to be used before production of the merchandise can proceed. This sample will be submitted by the licensed vendor selected by the registered student organization. For additional information on licensing and use of Texas Tech University registered names, logos and trademarks, refer to OP 54.03 or contact the Office of Intercollegiate Athletics External Operations.
- e. Requests for permission to solicit are granted for a specified period. To be eligible to solicit, an individual must present current student identification and submit a Grounds Use/Solicitation request form to the Outdoor Events Coordinating Committee (OECC) in Student Union Room 304. A permit to solicit may be revoked if the solicitation violates any of the regulations pertaining to solicitations and advertising or sale, display, or distribution of printed materials.
- f. Decisions by the Outdoor Events Coordinating Committee rejecting or revoking permission of students or registered student organizations to solicit may be appealed to the Director of the Center for Campus Life.
- g. A written appeal describing the objections to the denial to the Director of the Center for Campus Life must be filed no later than five (5) University working days after receipt of notice of denial from the Outdoor Events Coordinating Committee.
- h. The Director of the Center for Campus Life will convey the appeal decision, in writing, to the student or registered student organization and to the Outdoor Events Coordinating Committee within five (5) University working days from the receipt of the written appeal.
- i. The student or registered student organization may not appeal beyond the Director of the Center for Campus Life.

6. Advertisements

a. Advertisements by commercial organizations, either as groups or through student representatives, are not allowed on the campus unless they advertise specific registered student organization functions. This implies sponsorship and/or co- sponsorship, which minimally includes, but is not limited to, direct participation

in planning, coordination and implementation by members of the sponsoring

organizations.

- b. Individuals and commercial organizations attempting to display or distribute unauthorized materials on campus, or use campus facilities for such activity, will be removed from the campus by the Texas Tech Police and will be subject to appropriate legal action.
- c. Advertisement is not permitted on the exterior side of residence hall room doors or within public areas of the residence halls.
- d. Amplification equipment may not be used to advertise or promote sales in conjunction with any approved solicitation activity unless authorized in advance by the Outdoor Events Coordinating Committee.

7. Printed Materials & Digital Signage

The following policies apply to the display and distribution of printed materials and digital signage in all areas of the University campus:

- a. Only individuals affiliated with the University (i.e. students or student organizations) may distribute handbills, leaflets or any other type of printed materials, except as provided by law;
- b. Students and registered student organizations do not need prior approval concerning the content or distribution of materials such as leaflets and handbills; however, students may be required to provide verification of current student status upon request;
- c. Solicitation and Advertising materials must conform with the provisions stated above;
- d. Student election campaign literature must conform to the procedures outlined in the Student Election Code of the Student Government Association;
- e. Use of the Texas Tech campus that results in the need to utilize University personnel for litter collection, crowd control, repair/replacement of University property, etc., may necessitate repayment to the University by the responsible party;
- f. Printed materials may not be placed on vehicles parked in University parking lots or on vehicles in motion without permission of the vehicle owners;
- g. Printed materials such as handbills and leaflets may not be distributed within University buildings;
- h. Printed materials and digital signage content shall not violate any local, state, or federal law; Printed materials shall not include the use of obscenities, libelous statements, or "fighting words" as defined by law.
- i. Registered student organizations and University departments are allowed to hang banners within the Student Union at the discretion of the Director of the Center for Campus Life. A list of requirements regarding the banners is available in the Center for Campus Life.

8. Use of Bulletin Boards & Digital Signage

a. Posters, signs, and announcements may be displayed only on University announcement bulletin boards and approved digital signage designated specifically for use by students and registered student organizations. The University announcement bulletin boards and approved digital signs may be used only 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 L. STUDENT IDENTIFICATION

1. Student Identification

- a. The student identification card is the property of the University.
- b. Students shall not allow their student identification to be used by other persons.
- e.—Students shall not alter their student identification in any way.

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d. Students should carry their student identification card with them at all times. On request, students must present their student identification to any member of the University faculty, staff, administration, or police. On request, students must present their student identification to any member of the University faculty, staff, administration or police.

<u>d.</u>

- e. The first ID card a student receives will incur a one-time charge of \$25 that will be billed to the student's tuition. Students are responsible for monitoring their tuition statements regularly.
- e.<u>f.</u> A student must pay a replacement charge for lost, <u>stolenstolen</u>, or damaged student identification cards. Upon issuance of a replacement student identification card, previous cards cannot be reactivated.
- g. Identification cards are only valid when the bearer is a registered student, employee, or guest of the University.
- f.h. For further information, please view the RaiderCard user agreement at www.raidercard.ttu.edu.

SECTION M. STUDENT INVOLVEMENT & REPRESENTATION

1. Student Government Association

The Student Government Association (SGA) is the official organization representing student interests and voicing concerns to administration. SGA provides programs and activities directed to enhance and develop premier leadership and career success through education.

2. Toreador Media

Located on the first floor of the Media & Communication Rotunda, Toreador Media provides out of classroom learning opportunities for students to use academic training obtained at Texas Tech in practical settings of publishing daily digital media at www.dailytoreador.com and the weekly student newspaper, The Daily Toreador. Texas Tech University recognizes the editorial independence and press freedom of all student-edited campus media, specifically the digital and print editions of *The Daily Toreador*. Both print and digital publications are considered out-of-classroom learning opportunities, free from administrative censorship. Student editors of *The Daily Toreador* have the authority to make all content decisions; consequently, they bear the responsibility for the decisions they make. Toreador Media employs 30-50 students each semester as collegiate editors, reporters, photographers, videographers, graphic designers, print, & digital advertising account executives, and members of the delivery staff and street team. Many Toreador Media students are Media & Communication majors while others may study other disciplines. Students interested in the fields of advertising, journalism, marketing, public relations, photography, and broadcast are encouraged to apply for positions on the digital and print newspaper, multimedia, and advertising staffs at www.dailytoreador.com. See TTU Operating Policy 30.27.publishing the student newspaper, The Daily Toreador; digital media at www.dailytoreador.com; and the campus vearbook. La Ventana. Texas Tech University recognizes the editorial independenceand press freedom of all student-edited campus media, specifically The Daily Toreador and La Ventana. Both print and digital publications are considered out-of-classroom learningopportunities, free from administrative censorship. Student editors of The Daily Toreador and La Ventana have the authority to make all content decisions; consequently, they bear the responsibility for the decisions they make. Toreador Media employs 30-50 students each semester as collegiate editors, reporters, photographers, videographers, graphic designers, print, & digital advertising account executives, and members of the delivery staff and street team. Many Toreador Media students are Media & Communication majors while others maystudy other disciplines. Students interested in the fields of advertising, journalism, marketing, public relations, photography and broadcast are encouraged to apply for positions on the newspaper, multimedia website, and yearbook staffs at www.dailytoreador.com. See TTU-**Operating Policy 30.27.**

3. Military & Veterans Programs

Military & Veterans Programs (MVP) is here to assist veterans and their families in achieving academic and personal success. The department serves as a resource to connect veterans and their family members to the University and surrounding community. MVP oversees the certification of Veterans Educational Benefits such as:

a. The exemption for Texas Veterans under the Hazlewood Act which provides an education benefit to honorably discharged or separated Texas veterans and to

eligible dependent children and spouses of Texas veterans.

 b. The educational programs such as the various educational benefits offered through the Department of Veteran Affairs.
 Connect with Military & Veterans Programs by visiting <u>www.mvp.ttu.edu</u>

SECTION N. STUDENT ORGANIZATIONS

Student Organizations at Texas Tech University are an integral component of the student involvement experience. Students are encouraged to be involved on campus and joining a student organization is one option.

Texas Tech University defines a student organization as a group consisting of five (5) or more students (president, treasurer, and a minimum of three members) joining together for a common mission, purpose, cause, and/or any other association. Only currently enrolled TTU students are eligible to be a member of student organizations at TTU.

As a representative of the university, student organizations and members of those organizations should, at all times, exhibit behaviors that epitomize the Texas Tech University <u>Statement of Ethical</u> <u>Principles</u>. Those values include mutual respect, cooperation in communication, creativity and innovation, community service and leadership, pursuit of excellence, public accountability, and diversity. Additionally, student organizations and members are responsible for adhering to university policies and procedures.

1. Registered Student Organizations

- a. To be considered a registered student organization, student organizations must meet the guidelines and expectations for a registered student organization and complete the annual registration process through the Center for Campus Life. Registered student organizations are bound by the expectations set forth by the Center for Campus Life and receive all rights and responsibilities outlined by TTU.
- b. Generally, student organizations are broadly categorized all under as one of the following categories:

Academic-Agricultural Sciences and Natural Resources, Academic-Architecture, Academic-Arts and Sciences, Academic-Business, Academic-Education, Academic-Engineering, Academic-Human Sciences, Academic-Media and Communications, Academic-Visual and Performing Arts, Advocacy/Activism, Campus Departmental Support, Cultural/International, Fraternity/Sorority, Graduate, Hobby/Leisure/Recreation, Honor, Law School, Political, Pre-Law, Pre-Professional, Residential, Service/Philanthropy, Spiritual/Faith Based, and Sport Club.

c. Sport Clubs

1. Recreational Sports is responsible for the oversight of the Texas Tech Sport Club Program. This program exists to promote and develop interest in sports. Sport club members learn new skills, engage in competition and enjoy the recreational and social fellowship of sport.

- 2. A student organization seeking sports club status must first be a registered student organization, subject to the rules and regulations of the University. Typically, a student organization must be registered with the Center for Campus Life for at least a full academic year before full consideration for Sport Club status.
- 3. Following the annual student organization registration process via the Center for Campus Life, an organization should request a meeting with Recreational Sports to initiate the application process for sports club affiliation. After obtaining Sport Club status, groups must also comply with the guidelines of Recreational Sports.

d. Social Fraternities/Sororities

- 1. The Center for Campus Life is responsible for the oversight of Social Fraternities and Sororities at Texas Tech University. A group seeking single-sex social fraternity or sorority status must first be recognized by one of the four governing councils for social fraternities and sororities: Interfraternity Council, Multicultural Greek Council, National Pan-Hellenic Council, and College Panhellenic Council.
- 2. All student organizations registering as a single-sex social fraternity or social sorority must show proof of their Title IX exemption by uploading to their registration, a letter from their national affiliate with their IRS 501(c) 7 number.

2. Unregistered Student Organizations

a. Student organizations that are unregistered with the Center for Campus Life may not access University resources; however, unregistered student organizations shall be subject to the TTU Code of Student Conduct and Community Policies (Student Handbook).

3. Student Organization Policies

- a. The annual registration process, administered by the Center for Campus Life, will open at the Student Org Academy each spring semester and need to be completed for the future academic year (fall start) by May 1st.
- b. Organizations may register between the opening date in the spring and the first day of classes in the fall semester. After the deadline has passed, organizations can re-register their organization after submitting a Reinstatement Request and attending the required training.
- c. A student organization is eligible for registration if it does not deny membership on the basis of race, color, religion, national origin, gender, age, disability, citizenship, veteran status, sexual orientation, gender identity, or gender expression, except that: a registered student organization created primarily for religious purposes may restrict the right to vote or hold office to persons who subscribe to the registered student organization's religious beliefs; and a registered student organization may restrict membership based on the provisions of Title IX of the Education Amendments of 1972.
- d. Faculty and staff may hold associate membership to the extent allowed by the student organization's constitution and/or bylaws.
- e. The student organization shall not duplicate the purposes and functions of a previously or currently registered student organization unless the need for duplication is substantiated with the Center for Campus Life.
- f. All funds allocated to a registered student organization from University-controlled sources

must be maintained in a University account. Additional resources acquired by fundraising may be kept in an off-campus organizational account.

- g. The student organization shall show initiative in effectively meeting its stated purpose and be lawful and peaceful in its activities. The Center for Campus Life is available to assist in organizational development.
- h. The student organization shall be free from control by any other non-student individual or organization. Alumni and affiliate/ associate members should not be granted voting privileges nor can they hold executive officer positions. To preserve the governing integrity of a student organization, these privileges can only be vested in currently enrolled students at Texas Tech University.
- i. Registered student organizations shall not use the name, logo or symbols of the University in print, online, and on social media as part of its name or in its publications. In addition, the organization shall not advertise or promote functions or activities in a manner that suggest sponsorship by the University. Registered student organizations are permitted to use the word "Tech" or "Raider" as a part of their names or to use the complete statement "a registered student organization at Texas Tech University." Approval of the use of logos or symbols protected by Texas Tech University is under the discretion of the Director of Digital Media, Trademark Licensing, and Special Projects in the Athletic Department of Texas Tech University.
- j. Solicitation is prohibited on campus by registered student organizations that may abridge any contractual agreements of Texas Tech University. To avoid violations, registered student organizations should seek clarification on any solicitation initiatives or materials in the Center for Campus Life. Any student organization wishing to solicit on campus must follow the policies and procedures listed in the current TTU Solicitation Policy.
- k. All registered student organization resources must be used to advance and support the organization's purpose, identified goals, and/or mission.
- 1. All registered student organizations must comply with University rules, standards, and policies.
- m. Student organization registration does not imply University approval of either the organization or its functions or activities.

4. Registration Process - Currently Registered Student Organizations

The registration process must be completed annually for student organizations, fraternities and sororities, and sport clubs to maintain registration status. Student Organizations must be registered to participate in summer organization fairs and the first day of the fall semester to avoid being Frozen. Organizations that are Frozen will still be able to access and register their organization but will not be listed as an organization to the public and do not have the benefits of a registered student organization. Once the organization has submitted their registration and has been approved, they will be removed from Frozen status.

- Registration occurs by going to the TechConnect website at <u>https://ttu.campuslabs.com/engage/</u> and follow the process established by the Center for Campus Life.
- b. To complete the online process, student organizations must provide the following:
 i. List of Officers (must include president and treasurer).
 - ii. List of full membership, must have a minimum of three (3) members in addition to a president, treasurer (total minimum organization size of five).

- iii. List an on-campus address, also known as a Mail Stop or box number.
- iv. Submit updated copy of constitution and/or bylaws and constitution and/or bylaws of any other local, state or national affiliate organization (if applicable). An organization's constitution and/or bylaws should address a minimum of these areas:
 - name and purpose, membership requirements, selection process, accountability and removal process, anti-discrimination statement, officer titles, duties, election and removal process, departmental and/or external relationships, financial procedures, procedures for decision making (quorum and voting), faculty/staff advisor selection process and expectations, and parliamentary authority. It is recommended to include the organization's risk management policy into the bylaws or upload it to the organization's TechConnect portal.
- v. The president or organization must meet with the TTU Faculty/Staff advisor and have them sign a "Advisor Agreement Form" (Electronic signatures are not accepted.)
- vi. Upload a signed copy of the Advisor Agreement Form on the last page of registration to complete the process.

5. Registration Process - New and Reinstating Student Organizations

- a. A student may submit the "intent to form" request, a new student organization application on TechConnect or a "reinstatement" request form, an application on TechConnect for students wanting to reinstate a frozen or inactive student organization. The student is then contacted to attend a required training with the Student Involvement Staff to discuss the registration process. After the form for new student organizations has been submitted and the student has attended the training with the Student Involvement Staff the non-registered group will be placed on a 30 day temporary status, which will allow the group the privileges of the University facilities and publicity venues common to registered student organizations. The 30-day time period should be used to recruit new members, develop a constitution and bylaws and obtain a permanent full-time faculty/staff advisor. A student organization may choose to register within the 30-day time period, if they have met all of the requirements to register.
- b. Extensions of the "intent" status are possible under extenuating circumstances and requests should be addressed to the Student Involvement Staff.
- c. New student organizations registering as a single-sex, social fraternity or social sorority must show proof of their Title IX exemption. Upon filing their registration application, groups must submit a letter from their national affiliate with their IRS 501(c) 7 (Internal Revenue Code) tax exemption number from the Internal Revenue Service. This is the mechanism the government uses to verify eligibility for single-sex exemption.

6. Benefits of Registered Student Organizations

a. Benefits include: space reservations in the Student Union, opportunity to reserve

rooms in academic space (i.e. classrooms), Grounds Use application, mailbox in the Student Union, organization information published online, posting on campus, use of University logo (with permission by the Athletic Department Director of Digital Media, Trademark Licensing, and Special Projects), leadership training, student org resources, access to Involvement Center, and opportunity for storage lockers through the Student Union Main Office.

- b. Registered student organizations may apply for funding through the Student Government Association (SGA) each year provided they are registered as a student organization with the Center for Campus Life and have completed the annual risk management requirement prior to the application deadline. Registered student organizations that are not funded by SGA may apply for funding from the Core Values Fund each year...
- c. Sport clubs are entitled to all of the benefits of a registered student organization. In addition, each club receives administrative and financial support from Recreational Sports. Organizations that affiliate with Recreational Sports are not eligible for SGA funding but may receive funding from Recreational Sports.

7. Requirements to Maintain Registration Status

- a. To maintain its active registration status throughout the academic year, a registered student organization must meet the following criteria:
 - i. Organizations must update the "Roster" on TechConnect at <u>https://ttu.campuslabs.com/engage/</u> within ten (10) University working days of any of the following:
 - Election of or change in officers outside of a registration period;
 - Change of full-time faculty or staff advisor;
 - ii. Conduct its affairs in a lawful manner as a collaborative entity, in accordance with the constitution and bylaws it has on file, and applicable policies, rules, regulations and standards of the University and/or federal, state, and/or local statutes.
- b. Solicitation on campus by registered student organizations may not abridge any contractual agreements of Texas Tech University. To avoid violations, registered student organizations should seek clarification on any solicitation initiatives or materials with the Student Involvement Staff.
- c. Ensure off-campus individuals or organizations whose appearance on campus is sponsored by the organization observe all applicable policies, rules, regulations and standards of the University.
- d. Center for Campus Life and/or Office of Student Conduct may suspend the registration of an organization for noncompliance with the regulations and/or standards as set forth in the <u>Student Handbook</u>, Part I, Section D

8. Training Opportunities and Requirements

The Center for Campus Life is committed to providing a variety of training opportunities to the student leaders, members, and advisors of the registered student organizations. The purpose of training is to further educate student organization leaders, members, and advisors on policy and procedures as well as develop leadership/advising skills.

- a. Student training opportunities include but are not limited to the following:
 - i. Student Org Officer Welcome Back Bash This event takes place at the start of the fall semester to provide student organization officers the opportunity to make sure their organization is up to date, and aware of programs, opportunities and requirements for the academic year.
 - Leading a Successful Organization workshops These workshops are hosted 2-3 times a semester on topics that help students lead their organizations successfully throughout the academic year. Topics can include but are not limited to: constitutions and bylaws, parliamentary procedure, elections and officer transition, being an inclusive leader, and conflict management.
 - iii. President Mixer This event is hosted once every semester as an opportunity for presidents of student organizations to come together and network with their peers and to make sure their organization is meeting the deadlines throughout the academic year.
 - iv. Student Org Academy (REQUIRED) This program is hosted once every academic year in the spring to open the registration for the new year, provide resources for operational success, and to facilitate the annual risk management training for student organizations. It is required that student organizations have one officer (preferably the president) in attendance for the entire program.
 - v. Student Org Risk Management Training (REQUIRED) In accordance with Texas Education Code, Section 51.9361, all registered student organizations are required to attend training sessions on the topic of risk management as it relates to individuals, organization functions, and/or activities and complete the required assessment. Social fraternities and sororities are required to attend additional Clay R. Warren Risk Education Programming annually.
 - vi. Additional student organization trainings may be deemed necessary<u>-and &</u> required by the Center for Campus Life and/or the University for organizations to attend.
- b. Advisor training opportunities include but are not limited to the following:
 - i. New Advisor Orientation This program is recommended for new and returning advisors who would like to learn more about their role as a student organization advisor and student organization policies and procedures. This program is hosted at the beginning of each semester.
 - ii. Advisor Roundtable This program is an opportunity for student organization advisors to come together and discuss topics they are experiencing with their organization, network with other advisors, and gain resources.
 - iii. Advisor EDU workshops These workshops are offered twice a semester and cover topics that help the advisors successfully support and guide organizations through their day to day operations.
 - iv. Student Org Advisor Risk Management Training (REQUIRED) In accordance with Texas Education Code, Section 51.9361, student

organization advisors are required to attend training sessions on the topic of risk management as it relates to individuals, organization functions, and/ or activities. Student Organization advisors are required to attend once but are welcome to attend again if desired. If the university makes changes to the training, advisors will be requested to re-attend.

v. Additional advisor trainings that may be deemed necessary <u>& and -required</u> by the university and/or Center for Campus Life for advisors to attend.

9. Faculty or Staff Advisor

- a. Each registered student organization shall have a full-time TTU faculty or staff advisor available to the officers and members for consultation regarding the affairs of the organization. Attendance at organizational meetings and functions is encouraged to incorporate the advisor into the organization's program planning and decisionmaking. The advisor is recommended to certify the organization's expenditures by cosigning all checks or vouchers. The advisor must oversee adherence to University standards, rules and/or policies as well as the organization's constitution and bylaws.
- b. Registered student organizations may have additional advisors, i.e. coaches (typical of sport clubs) or alumni advisors, to the extent permitted by their constitution and/or bylaws; however, one advisor must be a full-time Texas Tech University faculty or staff member as required and identified in the registration process.
- c. Any individual who is a secondary advisor or coach who is not affiliated with the University or is not a full-time Texas Tech employee should also be included when filling out the registration application, complete with names, addresses, telephone numbers and emails.
- d. Certain student organizations do not choose their advisor(s); rather, they are assigned a full-time faculty or staff person by the department to oversee the administration of those areas, groups and resources.
- e. Established full-time TTU University faculty or staff members, who reduce employment hours below full-time status and maintain an office on-campus, may continue to function as the "Primary" advisor of a student organization with the approval of the Center for Campus Life.

10. <u>Conduct Procedures for Student Organizations</u>

a. All student organizations, registered and operating as a registered organization are held accountable for the *Code of Student Conduct* to include but not limited to academic integrity, sexual misconduct, hazing, and federal/state/local laws (a lack of conviction in any criminal proceeding of members of the organization or the student organization does not preclude the University from proceeding with TTU conduct processes). The student organization conduct process is outlined in Part I Code of Student Conduct, Section D, including processes for the interim suspension and denial of registration for student organizations.

SECTION O. STUDENT RIGHT TO KNOW

In compliance with federal guidelines, Texas Tech University provides all students, employees, and prospective students up-to-date information about campus crime statistics, six-year graduation rates

of students and student athletes, and campus services such as tuition and fee rates, housing options, withdrawal procedures, study abroad programs and disability services. Links to current information are available at <u>http://www.depts.ttu.edu/studentconduct/right-to-know.php</u>.

SECTION P. STUDENT RECORDS

1. General Policy

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

2. Address of Record

Students must maintain an accurate permanent address with the Office of the Registrar. The address is used for official notifications including billing and notification of official University requirements. Students should maintain a current local address and telephone number that is used by University officials, and/or student organizations and the campus community. Students may update their contact information at <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. Upon written requests, students may obtain copies of their educational records at their expense and pending resolution of administrative holds.
- c. The University will respond to all requests for explanations and interpretations of records or information, if the response does not violate the Family Educational Rights and Privacy Act of 1974, as amended.
- d. A student may waive the right of access to confidential letters of recommendation in the areas of admissions, job placement and receipt of awards. Additionally, recommenders who submit a letter to a student's credential file at the University Career Center may indicate whether they wish the student to have access to said letter. Directory information may be disclosed without the student's permission, unless the student has requested confidentiality See_ <u>http://www.depts.ttu.edu/registrar/Academic_Information.php</u> for more information.
- e. Non-directory information such as personal conduct, grade point average, academic progress, etc., shall not be released to non-authorized personnel without the consent of the student.

4. <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. Students needing a copy of their medical records may contact the Medical Records Office at (806) 743-2608. While not considered "education" records under the Family Educational Rights and Privacy Act of 1974, as amended, the mentioned statute still allows the patient, in most instances, access to his/her records. The general rule of confidentiality contains an exception when the patient or someone authorized to act on his/her behalf submits a written consent. Consent must be in writing and signed by the patient (or a parent or legal guardian if the patient is a minor). A physician shall furnish copies of medical records requested in accordance with the consent provided, except if the physician determines that access to the information would be harmful to the physical, mental or emotional health of the patient.
- d. Medical and/or psychological information submitted to Student Disability Services for the purpose of determining eligibility and services are not releasable. Students may obtain the original information from the sources.

5. Authorized Non-Student Access to Student Records

Educational records, including non-directory information and personally identifiable information within a record, may be released without the written consent of the student to:

- a. Officials, faculty and staff employed by the University if they have a legitimate educational interest.
- b. Officials of other educational institutions in which the student intends to enroll or seeks to enroll so long as the disclosure is for purposes related to the student's enrollment or transfer.
- c. Authorized representatives of federal, state or local educational authorities.
- d. Individuals needing this information in connection with a student application for, or receipt of, financial aid.
- e. Organizations such as Educational Testing Service administering predictive tests, student aid programs and improving instruction. The organizations must not show the personally identifiable information to outsiders and the information must be destroyed when no longer needed for audit, evaluation or compliance with federal requirements.
- f. Accrediting organizations.
- g. Parents who certify a student is carried as a dependent for federal income tax purposes. This certification must be reviewed and documented by the Office of the Registrar.
- h. Appropriate persons, if necessary, to protect the health or safety of the student or other persons.

i. Individuals requiring such information by means of a judicial order or any lawfully issued subpoena.

6. Challenge of Record Information

Students have the right to challenge records and information directly relating to them. This section does not include procedures for students challenging individual grades. Grade appeal procedures are described in the <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 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. <u>Release of Student Directory Information</u>

- a. Directory information of students who have not elected to restrict their directory information may be released to third parties upon request.
 - Student Name
 - Permanent and Local Addresses
 - Place of Birth
 - Classification
 - Major Field of Study
 - Dates of Attendance
 - Degrees, Awards, and Honors Received

- Specific Enrollment Status
- Full-time, Part-time, Half-time
- Undergraduate, Graduate, Law
- Participation in Officially Recognized Sports and Activities
- Height/weight of members of Athletic Teams
- Previous Institution(s) Attended
- b. This information will be released by various campus offices periodically, or on request, unless the student stipulates that directory information (as defined above) be withheld. Students may request that directory information be withheld in writing in West Hall, room 103, or by restricting personal directory information at <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 personal identifying information obtained from an individual for the purpose of the emergency alert system of an institution of higher education, including an e-mail address or telephone number, is confidential and not subject to disclosure under Section 552.021, Government Code.

8. Destruction of Records

The University constantly reviews the "educational records" it maintains and periodically destroys certain records. The University will not destroy records if prohibited by state or federal law. The student's basic scholastic record is kept and maintained permanently in the Office of the Registrar. Disciplinary records are maintained for at least seven years in the Office of Student Conduct. In cases resulting in Time-Limited Disciplinary Suspension or Expulsion, records will be kept indefinitely. Student Disability Services records are maintained for three years after the last date of enrollment.

9. Letters of Recommendation

- a. Students may review recommendations used in application for employment or for admission to any educational agency or institution, or information concerning honors awarded, except when the student waives, in writing, the privilege of examination.
- b. Appropriate forms are available in the <u>University Career S</u>Center for students using the credentialing service to store letters of recommendation for future employment purposes. These forms provide the student with several options concerning the use and confidentiality of letters of reference and recommendation. Under the Family Educational Rights and Privacy Act 1974, as amended, the student does not have access to confidential letters and statements of recommendation which were placed in the educational records before January 1, 1975, if the letters or statements are used for purposes for which they were specifically intended.

SECTION Q. USE OF UNIVERSITY SPACE

1. General Policy

Freedom of expression is critical and fosters free, robust, and uninhibited debate and deliberations by students enrolled at TTU as well as other persons. The purpose of this section

is to establish the approval process for the use of University grounds, facilities, and amplification equipment for faculty, staff, academic, and administrative departments. With the exception of expressive activities outlined under Texas Tech University System <u>Regulation</u> <u>07.04</u>, the space and facilities of the University are available according to the following priorities: the support of the instructional programs of the institution; the programs sponsored and conducted by University academic and administrative departments or organizations affiliated with those departments; the use of campus space and facilities for activities that have as their purpose, service or benefit to the Texas Tech University community, and that are sponsored by registered student organizations, students, faculty, and employees. Notwithstanding any other provision set forth in this section or elsewhere in this Handbook, in the event of any conflict between the terms of TTUS Regulation 07.04 shall control.

Except as specifically provided in TTUS Regulation 07.04 or elsewhere in this section, University facilities may not be used by individuals or organizations not connected with the University. An individual who is not a student, faculty, or staff member may attend public functions or activities held on University property, but to be eligible for the use of campus facilities, the function or activity must be sponsored by and affiliated with a University department or registered student organization. There may be a charge for attendance at some events. Sponsorship and/or co-sponsorship minimally include, but are not limited to, direct participation in planning, coordination and implementation by members of the sponsoring organizations. A department, student or registered student organization may not reserve space or facilities on campus and permit it to be used by a non-registered organization or off-campus group or person. Except as otherwise permitted under Texas Tech University or Texas Tech University System policies, non-registered organizations or off-campus groups or persons not sponsored by a department or registered organization will not be permitted to reserve facility spaces on campus. State law requires that University facilities and property not be used for private gain.

2. Reservation Requirements

- a. Reservations must be made for the use of facilities under the control of the University. Requests for reservations will be granted according to the priorities of the designated area. Requests must be made to the appropriate office. Requests from registered student organizations must be signed by the organization's president and full-time faculty/staff advisor. Requests from individuals must be signed by the person applying for the use of the space or facilities.
- b. If the use of facilities is for programs or activities involving minor children, the sponsoring group must comply with Texas Education Code § 51.976, which requires sexual abuse and child molestation training, certification, and reporting for program employees. Documentation of timely reporting to the Texas Department of State Health Services of such training should be received before reservation of space or facility will be confirmed.

3. Use of Facilities by Student Organizations

a. Student organizations must be registered to use University facilities or grounds.

b. These meetings must be held within a 30 calendar-day time period from the date the Center for Campus Life Staff notifies the Student Union for the petitioning organization's intent to register. Academic campus facilities may be reserved by "-petitioning-" student organizations for one meeting only, if their full-time faculty or staff advisor agrees to be present at their event. Petitioning student organizations are also allowed to submit unlimited grounds use requests during the 30-day time period. If the petitioning student organization does not have a faculty/staff advisor yet the staff in the Center for Campus Life can sign off. Additional reservations will not be approved until the student organization is registered.

4. Procedure and Priorities for Designated Facilities

a. Student Union

Priority for use of space in the Student Union is given to programs and activities which are conducted by the various departments within the Student Union. Secondary priority is given to registered student organizations and University departments. Reservations must be made in the Student Union Office Room 203.

b. Academic Buildings

Any registered student organization may request the use of space in academic buildings for specific purposes. These purposes may include, but are not limited to, regular meetings of honorary or professional organizations, lectures, seminars or workshops and special programs and functions. The space must be reserved through the Operations Division Planning and Administration. All requests must be submitted by an active member of the student organization using the online request form in Ad Astra Schedule at <u>https://www.aaiscloud.com/TXTechU</u> or in person at the Operations Division Planning and Administration office. A link to the scheduling site and complete instructions can be found on the department website at

http://www.depts.ttu.edu/odpa/spi/eism

All requests must include the full name, department, and phone number of the student organization's full-time faculty or staff advisor. Recurring space assignments may be made for one semester only. All space assignments are made on the basis of use consistent with the purposes of the University and of available space. Space assignments for student organizations will not be scheduled on weekends, holidays, during final examination periods, or during Individual Study Day. Academic use by departments and colleges has priority over other uses and organizational assignments may be changed or canceled if conflicts with regular academic programs develop.

Academic space will be assigned on a limited basis if:

- The intended use is in keeping with the educational purposes of the University.
- The intended use does not conflict with the use by academic programs or academic organizations.
- The intended use does not conflict with normal security and maintenance schedules.
- c. Residence Halls

Enrolled students who live in the residence halls and participate in the residence hall governments have first priority for use of all residence hall facilities. Facilities may also be provided for individuals or groups whose activities are sponsored by, or affiliated with, University Student Housing.

University departments or registered student organizations may use residence hall facilities during the summer, or at times when space is available, for workshops, institutes, short courses and conferences. However, space availability is limited, and requests for the use of residence hall space must be made to the Managing Director of University Student Housing.

d. Intercollegiate Athletic Facilities

Texas Tech University complies with ADA standards and ensures access and accommodations for guests to all facilities listed. The Jones/AT&T Stadium Athletic Complex, Fuller Track and Field, Rip Griffin Park, McLeod Tennis Center, Rocky Johnson Field, John Walker Soccer and other athletic fields are owned and maintained by the University for the primary use and benefit of the intercollegiate athletic programs of the University, of allied non-University athletic activities consistent with such programs and of official academic events of the University. The use of these facilities shall be limited to these purposes unless otherwise authorized by the Intercollegiate Athletics Office. Requests for use of all intercollegiate athletic facilities must be made to the Intercollegiate Athletics Office. Texas Tech University complies with ADA standards and ensures access and reasonable accommodations for guests to all facilities listed in items e-i below.

e. Recreational Facilities

The Robert H. Ewalt Recreational Center, Aquatic Center, Leisure Pool, recreation fields, gazebos, tennis courts, racquetball courts and basketball courts are intended primarily for student recreational and instructional use on an organized group and individual basis. Recreational Sports is responsible for scheduling the use of these facilities.

f. McKenzie-Merket Alumni Center

The McKenzie-Merket Alumni Center, located on the southeastern corner of the Texas Tech campus, directly west of the Kent R. Hance Chapel, is the home for all Texas Tech Alumni and friends. This facility boasts a ballroom that can seat 300-plus for a banquet and more than 500 in a theatre setting. Two separate courtyards provide space for outdoor events. Booking of this facility is coordinated by the Texas Tech Alumni Association at (806) 742-0400.

g. Frazier Alumni Pavilion

The Frazier Alumni Pavilion, situated just southwest of Jones AT&T Stadium is a 6,000square foot facility designed to host large banquets but can be configured for weddings, press conferences, and other events. It also has a 10,000-square foot outdoor porch area that can be used to increase the size of your event. To book this venue, contact the Texas Tech Alumni Association at (806) 742-0400.

h. Kent R. Hance Chapel A 6,879-square foot, 250-seat, non-denominational Spanish Renaissance chapel is capable of supporting a broad range of services and events. To book this venue, contact the Texas Tech Alumni Association at (806) 742-0400.

i. United Supermarkets Arena

The United Supermarkets Arena is a 15,000-seat multi-purpose facility and is host to a variety of entertainment and athletic events, including Texas Tech University basketball and volleyball, commencement ceremonies, concerts and numerous meeting room events. Facilities available for lease within the United Supermarkets Arena include the four meeting rooms in the City Bank Conference Center, Club Red, the arena concourse, the arena floor and the arena bowl area.

Registered student organizations receive rental discount for the City Bank Conference Center meeting rooms. Texas Tech University Commencement, Texas Tech University Health Sciences Center Commencement, Texas Tech basketball and volleyball games and major arena events, such as concerts, have priority in booking the United Supermarkets Arena. Space in the United Supermarkets Arena is reserved through the Arena Management Office.

5. Use of Campus Grounds

With the exception of expressive activities under TTUS <u>Regulation 07.04</u>, or as otherwise outlined in this section, university grounds are available for use only in accordance with the following policies and procedures:

- a. Selected grounds area (other than those described above) are available for activities that are sponsored and approved by University departments, registered student organizations or individual faculty, students and employees. Academic use by departments and colleges has priority and assignments may be changed or canceled if conflicts with regular academic programs develop.
- b. Students or registered student organizations desiring to use campus grounds must register for grounds use with the Outdoor Events Coordinating Committee (OECC) in Student Union Room 304. Faculty, staff, or departments of the University desiring to use campus grounds must register for grounds use with the Outdoor Events Coordinating Committee (OECC) in Student Union Room 304 as well. In accordance with the University's Operating Policy 61.02 regarding Use of University Grounds, Facilities and Amplification, each use must be approved in writing by the Outdoor Events Coordinating Committee (OECC). Requests must be submitted at least two (2) weeks before the intended use. Recurring use assignments shall not be permitted.
- c. The Outdoor Events Coordinating Committee (OECC) will coordinate all grounds use applications and shall grant only grounds use requests that are consistent with applicable University regulations and local, state, and federal law.
- d. A permit granting grounds use shall specify the boundaries of the area to be used, the date for which the use is approved, the time at which the proposed activity may begin, the time at which the reservation for the use expires and any special provisions concerning the use of the space. No request will be approved for activities occurring during individual study days and/or final examination period.
- e. Students or registered organizations using a designated area are subject to the following requirements:

- Use of amplification equipment must comply with the guidelines below.
- A structure may not be erected on campus grounds without prior written approval that will include arrangements for securing the structure and cleaning up after the event.
- If any expenses will be incurred in the course of an event, the sponsor or cosponsor will be required to supply a University account number before the activity can be approved by the Outdoor Events Coordinating Committee.
- Violations of these campus grounds use regulations are subject to the disciplinary sanctions and procedures outlined in the *Code of Student Conduct*.
- Students or registered student organizations desiring grounds use may be required to provide evidence of appropriate liability insurance in accordance with recommendations from the General Counsel's Office, Risk Management Office, other University departments or others as necessary prior to approval from the Outdoor Events Coordinating Committee.
- Participants in, and/or sponsors for, events may be required to sign a "Hold Harmless" release.
- The sponsor shall contact the Environmental Health and Safety Department to make necessary arrangements for any event that includes concessions or a mobile concession stand. In order for any person, vendor, or organization to operate a temporary food service or mobile unit on Texas Tech property, the Environmental Health and Safety Department must issue a valid Temporary Food Service Permit.
- The sponsor should contact Transportation & Parking Services to make necessary parking arrangements for the event.
- If the use of University grounds is for programs or activities involving minor children, the sponsoring group must comply with Texas Education Code § 51.976, which requires sexual abuse and child molestation training, certification, and reporting for program employees. Documentation of timely reporting to the Texas Department of State Health Services of such training should be received before reservation of space or facility will be confirmed.

6. Expressive Activities

Expressive activities on the TTU campus are governed by Texas Tech University System <u>Regulation 07.04</u>. Notwithstanding any other provision set forth in this section or elsewhere in this Handbook, in the event of any conflict between the terms of TTUS Regulation 07.04 and the provisions of this Handbook, the terms of TTUS Regulation 07.04 shall control.

- a. Students or other persons engaged in freedom of expression activities may be subject to discipline under the *Code of Student Conduct* for the following actions <u>related to time</u>, <u>place and manner restrictions applicable to expressive activities in the University</u> <u>outdoor common areas</u>:
 - Activities that are illegal.
 - Interference with the expressive activities of others.
 - Activities that deny the rights of other students, faculty and staff of the-

University as afforded by policy or state, federal law.

- Activities that substantially obstruct or restrict the free movement of persons on any part of the University campus, including the free entry or exit from University facilities.
- Activities that deny the use of office or other facilities to the students, faculty, staff or guests of the University.
- Activities that threaten or endanger the health or safety of any person on the University campus.
- Activities that include the use of hate speech, libelous statements, or "fighting words" as defined by law.
- Activities that result in damage to or destruction of University property.
- Activities that attempt to prevent a University event or other lawful assembly by the threat or use of force or violence.
- i. Activities that are unlawful or that materially and substantially disrupt the normal operations of the University are prohibited.
- ii. Activities that materially and substantially prevent other individuals or groups from carrying out an expressive activity are prohibited.
- iii. Activities that substantially interfere with vehicular or pedestrian traffic including the ingress or egress of University facilities are prohibited.
- iv. Activities that substantially interfere with fire protection, law enforcement, or emergency or medical services are prohibited.
- v. Activities that threaten or endanger the health or safety of any person on University grounds are prohibited.
- vi. Activities that result in damage or destruction of University property are prohibited. Nothing may be affixed to or written on University property or grounds. vii. Activities that inherently lose First Amendment protection (e.g., defamatory statements, true threats/fighting words, obscenity [as defined by law]) are prohibited.
- viii. Expressive signage, posters, displays, or structures (herein "displays") must be handheld, no larger than 3 feet in height by 3 feet in width. Displays, literature, and other items may not be left unattended.
- ix. Amplified sound shall not exceed 80 decibel levels near University buildings, as measured at the outdoor edge of such buildings closest to the amplified sound. Any amplification device must be hand-held.
- x. No open flames are permitted on the University campus without the express written permission of the University. 07.04 Freedom of Expression Page 3 of 3
- xi. Any activities that are subject to licensing, code, or ordinance requirements/permits must have the proper licenses/permits and satisfy such codes and ordinances (e.g., serving food and beverages).
- b. b. Additional Restrictions. The above list of reasonable time, place, and manner restrictions is not intended to be all-inclusive. The University reserves the right, as necessary, to impose additional reasonable time, place, and manner restrictions as circumstances arise.
- c. c. Restrictions Are Viewpoint-Neutral. The University's decisions will not be based on political, religious, philosophical, ideological, or academic viewpoints.

- <u>d. Relocation, Limitation, and Prohibition. The University reserves the right to relocate, limit, or prohibit</u> <u>individuals or groups engaged in expressive activities in University outdoor common areas based on</u> <u>reasonable time, place, and manner restrictions.</u>
- 7. Appeals of Ground Use Request Denials

Students or registered student organizations, whose requests for the use of campus grounds or non-academic space are denied, may appeal to the Director of the Center for Campus Life as follows:

- a. A written appeal describing the objections to the denial presented to the Director of the Center for Campus Life must be filed no later than five (5) University working days after the receipt of notice of the denial from the Outdoor Events Coordinating Committee.
- b. The Director of the Center for Campus Life will convey the appeal decision, in writing, to the student or registered student organization and to the Outdoor Events Coordinating Committee within a reasonable time from the receipt of the written appeal.

8. Use of Amplification Equipment

- a. Use of Amplification Equipment for Expressive Activities
 - Amplified sound shall not exceed 80 decibel levels near University buildings, as measured at the outdoor edge of such buildings closest to the amplified sound. Any amplification device must be hand-held, see TTU System Regulation 07.04.
 - Use of Amplification Equipment around University facilities. Students and registered student organizations may use handheld amplification equipment (e.g. megaphone) for expressive activities from 8:00 am to 5:00 pm Monday through Friday.
 - Use of Amplification Equipment in All Other Outdoor Areas. Students and registered student organizations may use amplification equipment for expressive activities in all other outdoor areas of the campus after 5:00 pm Monday through Friday and weekends.
 - Use of amplification equipment is subject to all rules concerning the time, place, and manner of expressive activities outlined in TTUS <u>Regulation 07.04</u>.
 - No amplification of sound is permitted during the final exam period.
 - The volume and direction of amplification equipment shall be controlled so as not to interfere with classes in session, examinations, or other campus community activities.
 - Use of amplification equipment shall not create a sustained or repeated noise disturbance that substantially interferes with the normal activities of the University community.
- b. Other Use of Amplification Equipment
 - The use of loudspeakers, any other type of amplification equipment (e.g. portable stereo devices, portable studios, etc.), or amplified musical instruments on University grounds by students and/or registered student organizations for any purpose other than expressive activities as set forth in section 6, above, is by

permission only.

- Applications from individuals, departments, and organizations for permission to use amplification equipment must be made on the Grounds Use and Solicitation Request form provided by the Outdoor Events Coordinating Committee and the management of Operations Division Planning and Administration.
- Applications must be submitted at least two weeks before the intended use.
- The Outdoor Events Coordinating Committee and the management of Operations Division Planning and Administration may prescribe rules concerning scheduling, maximum sound levels, location and direction of speakers, and other rules to facilitate the use of amplified sound to mediate any conflict with University functions, classes in session, examinations, other nearby activities, and the campus environment.
- The use of amplification equipment for solicitation purposes must conform to all campus grounds use provisions, as well as policies governing solicitation and commercial activities.
- The use of such equipment or loudspeakers is not permitted in the vicinity of classrooms during regularly scheduled class hours without written permission from Operations Division Planning and Administration.
- Sound equipment must not be disruptive, and the volume and direction of amplification equipment shall be controlled so as not to interfere with classes in session, examinations, or other campus community activities.
- Special events such as dances, pep rallies, ceremonies, or recreational activities that include the use of bands or amplification equipment may be held in approved locations only with prior approval of the Outdoor Events Coordinating Committee (OECC).
- Outdoor dances utilizing sound amplification devices may be held only on Friday and Saturday nights, and must terminate by 1:00 a.m. Bands may use their own equipment on such dates.
- c. Academic Use
 - The appropriate use of loudspeakers for official University activities inside academic buildings, or on the campus as a part of the academic instructional program, is determined and approved by the Office of the Provost.
 - Permission for use of the victory bells or carillon bells in the towers of the Administration Building must be requested through the Office of the Provost at least one University working day before time of intended use. Use of the bells must not interfere with the normal functions and programs of the University. See OP 30.21.

SECTION R. WITHDRAWALS

1. Voluntary Withdrawal from the University

a. According to the Undergraduate and Graduate Catalog and OP 34.05, students who

find it necessary to withdraw from the University during a semester or summer term must submit a request to withdraw at https://db.reg.ttu.edu/withdraw prior to the term withdrawal deadline. The request to withdraw will be reviewed by the Office of Student Success and Retention and the student may be contacted regarding options to help stay enrolled. If the student has not rescinded the withdrawal in three business days, the withdrawal will be processed for the date the student submitted.apply to the-Office of the Registrar prior to the term withdrawal deadline - A student wishing to drop to zero hours must withdraw from the institution. If a student withdraws on the 13th class day or after, a W will be recorded for all classes that semester or term, and these W's will not be counted toward the six state-defined permitted drops. International students must receive clearance from the Office of International Affairs as a part of the withdrawal procedure. Student athletes must receive clearance from their Athletic Academic Advisor. Withdrawal and re-enrollment procedures vary for School of Law students. Students enrolled in the School of Law and seeking withdrawal information should contact the Associate Dean for Academic Affairs at the School of Law for assistance.

- b. Students considering withdrawal for medical reasons may contact the Office of the Dean of Students to discuss additional University resources and services. Law students considering withdrawal for medical reasons may contact the Associate Dean for Academic Affairs at the School of Law.
- c. There may be financial implications to withdrawal. If a student receives financial aid or is living in TTU student housing, he/she should first contact those offices before applying for the withdrawal. If a registration hold exists on the student's record, it must be cleared before the withdrawal can be processed. To check your student record for registration holds, log on at <u>www.raiderlink.ttu.edu</u> and select the MyTech (for Students) tab. Law students considering withdrawal must contact the Senior Financial Aid Advisor at the School of Law.
- d. Refunds

The Undergraduate and Graduate Catalog indicate that students withdrawing to zero hours at their request or those who have been withdrawn due to University action may be eligible to receive a refund of paid tuition and fees. A tuition and fee refund schedule is listed in the Undergraduate and Graduate Catalog and at <u>http://www.depts.ttu.edu/registrar/</u>. School of Law students must contact the School of Law's Senior Financial Aid Advisor to discuss eligibility for refunds.

 e. Returning to the University after a Voluntary Withdrawal Application materials and deadlines for former Texas Tech students are available at www.gototexastech.com. Official transcripts from all institutions attended subsequent to Texas Tech re-enrollment must be submitted by the application deadline. All returning students must have a minimum of a 2.0 GPA on work taken since leaving Texas Tech. Please visit the following for more information: <u>http://www.depts.ttu.edu/formertech/</u> School of Law students must contact the Associate Dean of Academic Affairs to discuss the process of returning to school.

2. Involuntary Withdrawals

- a. When a student poses a direct threat to the health or safety of others, and the direct threat cannot be eliminated or reduced to an acceptable level through the provision of reasonable accommodations where required, a student may be involuntarily withdrawn from the University.
- b. Notice

Notice regarding students who may be direct threats (both self-reports and third-party reports) should be made to the Office of the Dean of Students or designee.

- c. A "direct threat" means
 - There is a high probability (not just a slightly increased, speculative, or remote risk)
 - of substantial harm
 - Based on observation of a student's conduct, actions, and statements.
- e. The Dean of Students or designee will review the information presented in the notice, including what attempts, if any, have been made to reduce or eliminate the direct threat, such as the student's voluntary compliance with medical or counseling assistance.
- f. The Dean of Students or designee will notify the student of the concern.
- g. The Dean of Students or designee will request a meeting with the student to inform the student that an initial individualized, objective assessment will be scheduled in order to determine whether the student poses a direct threat to him/herself or others. The meeting may include, but is not limited to discussion of:
 - Involvement of parents or significant others;
 - Academic progress;
 - Living arrangements;
 - Previously granted accommodations;
 - Confidentiality waivers;
 - Other possible accommodations, care and support resources including medical or counseling assistance; and
 - Withdrawal implications such as financial aid, health insurance, visas, and academic timelines.

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. During the involuntary withdrawal process, if the Vice Provost for Student Affairs or designee determines that an immediate direct threat exists against others or an overt disruption of the campus community has occurred, the student may be temporarily suspended pending a final decision on the involuntary withdrawal as long as the student has received notice of the concern, and had an opportunity to address the concern, and the student is afforded a Hearing and right to appeal the final decision. During a temporary suspension, the

student may not attend classes, use University services and/or resources (except those expressly permitted by the Vice Provost for Student Affairs or designee), and may not be on campus until the proceedings have been resolved. If the student needs to return to campus, the visit must be coordinated through the Vice Provost for Student Affairs or designee and the Texas Tech Police Department.

h. Involuntary Withdrawal Assessment

An individualized, objective assessment will be completed to determine whether a direct threat exists, and if so, whether the student should be permitted to remain enrolled at the University.

The assessment will be based in part on reasonable medical judgment, using current medical knowledge, or the best available objective information, to assess the student's ability to safely participate in the University's programs. Additionally, the assessment may include but not limited to information related to the student's threat to self or others, non-compliance with University requirements or expectations, and/or lack of Academic progress. Students with disabilities have the right to have their disability considered during the Committee's review. However, the student must adhere to all academic requirements and technical standards set forth by their department or college. The student must be able to meet the requirements with or without accommodations for their disability. The assessment will be in the form of a written report containing the findings and recommendations of the medical and other professionals performing the assessment.

Within five (5) University working days from the initial meeting with the student or five University working days from the date of notice regarding the meeting, the student will be scheduled for an assessment with a medical doctor, a licensed counseling or clinical psychologist, and other professionals as appropriate. If applicable, this assessment would include a psychiatrist from Student Health Services and a psychologist from the Student Counseling Center. The student may provide information from other medical professionals as part of the assessment.

If a student elects not to participate in this assessment, the process will continue with the information that is otherwise available to consider.

The assessment will determine:

- The nature, duration, and severity of the risk;
- The probability that the potentially threatening injury will actually occur; and
- Whether reasonable modifications of policies, practices, or procedures will sufficiently mitigate the risk.
- i. Involuntary Withdrawal Committee

The assessment report will be forwarded to the Involuntary Withdrawal Committee for review.

The Involuntary Withdrawal Committee is comprised of the following voting members: the student's Associate Academic Dean, Director of the Student Counseling Center, Medical Director of Student Health Services, Director of Student Disability Services, and Dean of Students. If the student resides in campus housing, the Director of Student Housing will also serve as a voting member of the committee. The Dean of Students or designee will chair the committee. If the student is a law student, the Associate Dean for Student Life will also serve as a voting member of the committee. A non-voting resource person may be assigned from the Vice Provost for Student Affairs to present information and assist the committee. The Involuntary University Withdrawal Committee will meet with the student in an informal, non-adversarial Hearing to review the information collected throughout the process, and discuss the assessment with the student. The student will be permitted an opportunity to address the evidence being considered by the Involuntary Withdrawal Committee.

The Hearing will be scheduled by the Office of the Dean of Students within five (5) University working days of the completion of the individualized assessment. The student will be provided the information to be considered at the Hearing by the Dean of Students in advance of the Hearing. The student may elect to attend the Involuntary Withdrawal Committee Hearing and present information on their behalf. The student may be accompanied by one or more advisors. A non-voting resource person will present information and act as a recorder for the committee. When deliberating a decision, the Involuntary Withdrawal Committee will meet in closed session with only voting members and the resource person present. Following the Hearing, the Involuntary Withdrawal Committee will recommend one of the following:

- the student may remain enrolled at the University with no restrictions;
- 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.
- j. Review of Committee Recommendation

The Dean of Students or designee will notify the student in writing of the decision within five University working days.

k. Appeals Process

The student may appeal the decision of the Dean of Students or designee by submitting a written appeal to the Vice Provost for Student Affairs within five (5) University working days. The student will be notified in writing of the final decision within five (5) University working days of receipt of the appeal.

1. Final Decision

Upon completion of the appeal process or with no receipt of an appeal, the student who is involuntarily withdrawn may not attend class or use University facilities, must vacate University housing within 48 hours and may not return to campus unless approved by the Vice Provost for Student Affairs. Referrals will be made for the student upon request to appropriate community resources, i.e. medical care and housing. The student may be entitled to refunds of prorated tuition, fees, and room and board charges as a result of involuntary withdrawal. A registration hold will be placed on the student's record at the direction of the Dean of Students or designee, limiting any subsequent registration until approval is given by the Dean of Students or designee.

m. Eligibility for Readmission Students are eligible for consideration of readmission following an involuntary withdrawal after one calendar year. At that time, the student should present documentation to the Office of the Dean of Students for review. Documentation may include, but it is not limited to, current psychological evaluation, demonstration of ongoing medical care, and a plan for care upon re-enrollment. The documentation shall be presented to the Involuntary Withdrawal Committee for recommendation to the Dean of Students or designee. Readmission requests and documentation must be presented by February 1 for summer enrollment, May 1 for fall enrollment, and October 1 for spring enrollment. Readmission will be contingent upon demonstration or documentation that the student is no longer a direct threat, and upon meeting admission deadlines and requirements.

APPENDIX A

DEFINITIONS

Academic Work, Test, Ouiz, or Other Assignment

The terms "academic work, test, quiz, or other assignment" includes any required or optional academic work that is assigned. Examples include, but are not limited to, exams, quizzes, tests, homework, case studies, essays, research papers, group work, extra credit assignments, class attendance, experiential learning activities, internship or externship components, resumes, comprehensive exams, and thesis and dissertation drafts and submissions.

Administrative Hold

The term "administrative hold" refers to the indicator placed on a student's record preventing access to such University procedures as registration, release of transcripts, and course add/drops until the student meets the requirements of the University office placing the indicator as described in the Undergraduate/Graduate Catalogs.

Behavioral Intervention Team (BIT)

Under the auspices of the Office of the Dean of Students, BIT is a team of professionals uniquely situated to address elevated student behavior concerns and serves as a central repository for the Texas Tech University community to report student behaviors of concern. As warranted, BIT facilitates early intervention, risk assessment and referrals to help promote student success while paying special attention to the safety and security needs of members of the University Community.

Complainant

Also known as the "Complaining Party", the "Complainant" refers to a person who is the subject of an alleged violation of misconduct.

Conduct History

The term "conduct history" is a compilation of records related to any student or student organization's behavior that resulted in a finding of Responsible through the University conduct process outlined in the *Code of Student Conduct*.

Consent

Mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly conveys permission for a specific activity. *For the full definition of Consent, see Section D: Title IX Procedures for Students.*

Coercion

Sexual coercion is defined as the use of violence or threats of violence against a person or the person's family or property; depriving or hindering a person by any means, substance, object or clothing; attempting to intimidate a person by threats or force; or when committed with the intent to compel a person to do or abstain from doing an act that the person has the right to do or abstain from

doing. Coercion is more than an effort to persuade, entice, or attract another person to have sex. In evaluating whether coercion was used, the University will consider: (i) the frequency of the application of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the duration of the pressure.

Dating Violence

Abuse or violence, or a threat of abuse or violence, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complaining Party. The existence of such a relationship will be determined based on the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. A casual acquaintanceship or ordinary socializing between two individuals does not constitute a romantic or intimate relationship. This definition does not include acts covered under Domestic or Family Violence.

Designee

The term "designee" refers to the Managing Director of the Office of Student Conduct or could include but is not limited to an individual staff member, Office of the Dean of Students staff, Office for Student Rights & Resolution Staff, Title IX Administration, and members of the Behavior Intervention Team.

Disciplinary Good Standing

The term "disciplinary good standing" is defined as a student not currently on disciplinary probation, deferred disciplinary suspension, or any level of disciplinary suspension/expulsion and who has fulfilled in a timely manner, if any, sanctions imposed.

Discipline Body

The term "discipline body" means any University official or group of officials authorized by the Director of the Office of Student Conduct to determine whether a student has violated the *Code of Student Conduct* and to recommend imposition of sanctions.

Domestic Violence

The term "Domestic Violence" includes acts of domestic/family, dating violence, interpersonalviolence (IPV) which is includes forms of relationship violence. Domestic or Family Violence. Physical, sexual, or verbal abuse or violence committed by a current or former spouse or intimate partner of the Complaining Party, by an individual with whom the Complaining Party shares a child in common, by an individual with whom the Complaining Party is cohabiting (or has cohabited) with a spouse or intimate partner, by an individual similarly situated to a spouse of the Complaining Party under the Domestic or Family Violence laws of the state of Texas, or by any other individual against an adult or youth victim who is protected from that individual's acts under the Domestic or Family Violence

Employee

The term "employee" means any person who receives a W-2 or 1042-S from the university, including full-and part-time faculty, staff, and students.

Hearing Body

A "Hearing body" is the individual or individuals that make the determination of responsible or not responsible and issue sanctions upon a responsible finding in an Administrative Hearing or Panel Hearing.

Investigation Report

An "Investigation Report" is a formal or informal report of all of the evidence and/or information gathered by the Investigator.

Investigator

The term "Investigator" means a University designee authorized by the Director of the Office of Student Conduct, Dean of Students and/or the Director of University Student Housing pursuant to the *Code of Student Conduct* to adjudicate alleged violations of the *Code of Student Conduct*.

Managing Director

The term Managing Director refers to the Managing Director of the Office of Student Conduct" or designee who has oversight of implementation of the *Code of Student Conduct* to include but is not limited to determination of Investigation of incidents, all notification procedures, interim actions/suspensions, Investigation procedures, adjudication procedures and appellate procedures.

Member of the University Community

The term "member of the University community" includes any person who is a student, faculty or staff member, University official or any person employed by the University or campus visitors.

Official Academic Record

The term "official academic record" includes, but is not limited to applications for admission, the awarding of a degree, grade reports, test papers, registration materials, grade change forms, and reporting forms used by the Office of the Registrar.

Organization

The term "organization" means a fraternity, sorority, association, corporation, order, society, corps, club, or student government, a band or musical group or an academic club, athletic, cheerleading, or dance team, including any group or team that participates in National Collegiate Athletic Association competition, or a service, social, or similar group, whose members are primarily students.

Policy

The term "policy" is defined as the written regulations, standards and/or rules of the University.

Policy Clarification

The term "policy clarification" refers to written notice to a student when it is determined that the information reported does not warrant an allegation, but may warrant notice to the involved parties to clarify the policy in question.

Preponderance of Evidence

The term "preponderance of evidence" is the standard of proof used by Student Conduct Hearing Officers, Office of Student Conduct and University Student Housing. It is defined as a circumstance in which the evidence as a whole shows that the fact(s) for which proof is being sought are more likely than not.

Religious Holy Day

The term "religious holy day" means a holy day observed by a religion whose places of worship are exempt from property taxation under Texas Tax Code § 11.20.

Respondent

The term "Respondent" refers to the party responding to the complaint or concern reported regarding their behavior or actions.

Retaliation

The term "Retaliation" is defined as any intentional, adverse action taken by any party to the matter, absent legitimate nondiscriminatory purposes, against a participant [or supporter of a participant] in an investigation and/or conduct process, civil rights grievance proceeding, or other protected activity. Retaliation is strictly prohibited against a person who files a report through appropriate university reporting mechanisms made in good faith, who assists someone in filing a report, or participated in any manner in the investigation and/or conduct process.

Simultaneous(lv)

The term "simultaneous" or "simultaneously" is defined as soon as feasibly possible and does not necessarily mean instantaneous.

Sponsorship and/or co-sponsorship

The term "sponsorship and/or co-sponsorship" is defined as minimally including, but not limited to, direct participation in planning, coordination and implementation by members of the sponsoring organizations.

Student

The term "student" includes all persons admitted to or enrolled in courses at the University, either full time or part time, pursuing undergraduate, graduate or professional studies, and/or those who attend postsecondary educational institutions other than Texas Tech University and who reside in University residence halls. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered "students".

Student/Student Organization Conduct History

The term "student/student organization conduct history" includes, but is not limited to any responsible finding in a conduct proceeding.

Student Organization

Texas Tech University defines a student organization as a group consisting of 5 or more students (president, treasurer, and a minimum of three members) joining together for a common mission, cause, and/or any other association. Only currently enrolled students are eligible to be part of student organizations at TTU. TTU registers student organizations annually through the Center for Campus Life. Registered student organizations are bound by the expectations set forth by the Center for Campus Life and receive all rights and Responsibilities outlined by TTU (Section N. Registered student organizations 1.a). Student organizations that are unregistered may not access University resources however, unregistered student organizations shall be subject to the TTU Code of Student Conduct.

Student Threat Assessment Team (STAT)

Under the direction of the Dean of Students, The STAT is a subsidiary of the Behavioral Intervention Team that responds to reports of imminent threat(s) involving a student.

<u>University</u>

The term "University" means Texas Tech University and Texas Tech University Health Sciences Center.

University Official

The term "University official" includes any person employed by Texas Tech University or Texas Tech University Health Sciences Center while performing assigned administrative or professional Responsibilities.

University Premises

The term "University premises" includes all land, buildings, facilities and other property in the possession of or owned, used or controlled by the University (including adjacent streets and sidewalks)

ATTACHMENT

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4

TTUHSC Student Handbook, Code of Professional Conduct 2021-2022 with proposed revisions (Consent Item f.)

TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER STUDENT HANDBOOK

CODE OF PROFESSIONAL CONDUCT <u>2020-2021</u> – <u>2021-2022</u>

GRADUATE SCHOOL OF BIOMEDICAL SCIENCES SCHOOL OF HEALTH PROFESSIONS SCHOOL OF MEDICINE SCHOOL OF NURSING JERRY H. HODGE SCHOOL OF PHARMACYSCHOOL OF PHARMACY

Revised 0504/0123/20202021

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STATEMENT OF ACCREDITATION

The Texas Tech University Health Sciences Center (TTUHSC) is accredited by the Southern Association of Colleges and Schools Commission on Colleges 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. The Texas Tech University Health Sciences Center (TTUHSC) is accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) to award baccalaureate, masters, doctoral, and professional degrees. Questions about the accreditation of TTUHSC may be directed in writing to the Southern Association of Colleges and Schools Commission on Colleges at 1866 Southern Lane, Decatur, GA 30033-4097, by calling (404) 679-4500, or by using information available on SACSCOC's website (www.sacscoc.org).

PART I. FOREWORD

A. GENERAL POLICY

As a comprehensive health sciences center, the Texas Tech University Health Sciences Center's (TTUHSC) mission is to enrich the lives of others by educating students to become collaborative healthcare professionals, providing excellent patient care, and advancing knowledge through innovative research.

TTUHSC's has five strategic goalsstrategic plan can be viewed at the following link: https://www.ttuhsc.edu/administration/strategic-plan.aspx

- Provide innovative educational programs that prepare students to be competent and caring healthcare professionals and researchers.
- Advance our research portfolio with emphasis on areas of strength and collaboration.
- Improve overall health and access to healthcare for communities in our region through the provision
 of patient care services and community outreach.
- Create a sustainable, values-based culture.
- Ensure the operations and infrastructure effectively and efficiently support the mission of the institution.

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, 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 TTUHSC.

The TTUHSC 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 policies set forth in this Student Handbook, the TTUHSC Operating Policies and Procedures, the individual Schools' catalogs, and any other official University publications. Registered student organizations must also follow these standards, rules and policies.

The Texas Tech University Health Sciences Center reserves the right to change, modify, amend, or rescind, in whole or in part, the Student Handbook at any time without prior notice. The most recent Handbook supersedes all previous editions. See updates at <u>www.ttuhsc.edu/student-affairs</u>. The provisions of the 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, <u>School of PharmacyJerry H.</u> Hodge School of Pharmacy, School of Nursing, or the Graduate School of Biomedical Sciences.

B. TOBACCO-FREE ENVIRONMENT

As a health care institution, TTUHSC is committed to the establishment and enforcement of a tobacco-free environment. TTUHSC OP 10.19, Tobacco-Free Environment Policy, includes regulation and assessment.

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.

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 official(s) the President designates. <u>The Office of the Provost</u>, <u>under the Office of Student Affairs</u>, is the principal designee for the administration of student conduct.

All references to the Chancellor and/or President of the University, the Provost or their 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 sex, including pregnancy, race, color, religion, national origin, age, disability, genetic information, status as a protected veteran, or any other legally protected category class or characteristic, and that equal opportunity and access to facilities shall be available to all. The University is committed to providing educational programs, activities, facilities, or ser- vices that are free of unlawful discrimination. For more information, see <u>TTUHSC OP 51.01</u>, Equal Employment Opportunity Policy and Affirmative Action Program and <u>TTUHSC OP 51.02</u>, Non-Discrimination and Anti- Harassment Policy, and Part IV of the Student Handbook below.

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 <u>TTUHSC OP 67.01</u>, *Publication Guidelines*.

F. DEFINITIONS

- "Accused <u>Student</u>" is 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" is a day in which the University normally carries on business or business operations, but excludes weekends and official University holidays.
- 3. "Complainant" is 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" is 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" see definition for "Student Conduct Board" (item 22).
- 6. "Disciplinary Good Standing" is defined as relating to a student not currently on disciplinary probation; or, a student, whose disciplinary suspension, dismissal, or conditions and/or restrictions imposed, if any, have been totally fulfilled in a timely manner.
- 7. "Faculty member" is 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" is 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" is any person who is an enrolled student, faculty, or staff member, University official, any other person employed by the University, volunteer (including high school students), or campus visitors.
- 11. "Policy" refers to the written regulations, standards, and/or rules of the University as found in, but not limited to: the TTUHSC Student Handbook; School of Nursing Handbook and catalog; School of Medicine catalog; School of Health Professions catalog; School of PharmacyJerry H. Hodge School of Pharmacy catalog; the Graduate School of Biomedical Sciences Catalog; and/or the TTUHSC operating policies.
- 12. "Department Chair" is the individual 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 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, referred to the appropriate student conduct administrator for each school.
- 13. "Registered Student Organization" see definition for "Student Organization" (item 25).
- 14. "Religious Holy Day" is a holy day observed by a religion whose places of worship are exempt from property taxation under Texas Tax Code § 11.20. Religious Organizations. The term "Religious Holy Day" generally means a day on which the tenets of said religion prohibit class attendance or the completion of specific assignments on designated dates. See Texas Education Code § 51.911. Religious Holy Days.
- 15. "Representative" is 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 Conduct.
- 16. "School" refers to the School of Medicine, School of Nursing, School of PharmacyJerry H. Hodge 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. "State Law" exclusively refers to the State of Texas.
- 20. "Student" refers to 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."

- 21. "Student Code" refers to 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.
- 22. "Student Conduct Administrator" is the 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. Graduate School of Biomedical Sciences Assistant Dean
 - b. School of Medicine Associate Dean for Academic Affairs
 - c. School of Nursing Associate Academic Dean for Admissions, Student Affairs, and Enrollment Management
 - d. School of Health Professions Associate Dean for Admissions and Student Affairs
 - e. <u>School of PharmacyJerry H. Hodge School of Pharmacy</u>: Academic violations Senior Director for Student Affairs; professional violations Associate Dean for Professional Affairs.
- 23. "Student Conduct Board" or "Board" refers to 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 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.
 - 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 will appoint a Student Conduct Board comprised of the following:
 - ii. One (1) faculty member of the SHP Office of the Dean who will serve as Chair;
 - iii. Two (2) faculty members not directly involved with the case; and
 - iv. Two (2) students not directly involved with the case.
- e. For the <u>School of PharmacyJerry H. Hodge School of Pharmacy</u>, the Student Conduct Board shall be the appropriate Honor Council members pursuant to the School of Pharmacy OP 77.27.
- 24. "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.
- 25. "Student Handbook" or "Handbook" refers to the TTUHSC Student Handbook.
- 26. "Student Organization" refers to a group of students who have complied with the formal requirements for Texas Tech University Health Sciences Center student organization registration.
- 27. "University" means Texas Tech University Health Sciences Center (inclusive of all regional sites and their components) or Texas Tech University System.
- 28. "University Official" is any person employed by Texas Tech University System, Texas Tech University or Texas Tech University Health Sciences Center performing assigned administrative or professional responsibilities.
- 29. "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).
- 30. "User" is any member of the University community who uses any University computing and/or networking resources.
- 31. "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 has developed standards of behavior pertaining to students and 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 for becoming familiar with the various regulations of the University and meeting the various requirements outlined below. Written policies are described in University publications such as this Handbook and the Schools' 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 suspension, dismissal, or expulsion, as may be deemed appropriate for failure to abide by such rules and regulations.
- 4. Each student is responsible for their own integrity, and is likewise responsible for reporting possible violations of this Student Code by other students. Faculty and staff are also responsible for reporting violations.

B. DISCIPLINARY JURISDICTION

- 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 professional and ethical standards of each school to which a student is enrolled and/or the missions of the University and/or pursuit of its objectives. On a case-by-case basis, the Dean and their designee of each respective School, in their sole discretion, shall determine whether the Student Code should be applied to conduct occurring off premises.
- 2. All students are expected to comply with the professional and ethical standards of each school in which they are enrolled and the TTUHSC Student Code. Such compliance shall be implicit upon accepting admission to the University. Each student shall be responsible for their conduct from the time of the application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and 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 either the criminal and/or civil law and/or this Student Code (that is, multiple violations may result from the same factual situation) without regard to the pendency or conclusion of civil litigation or criminal arrests or charges. 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.

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.

D. MISCONDUCT

Any student or student organization found to have committed the following misconduct is subject to disciplinary sanctions, conditions, and/or restrictions. 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.

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.
- 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. TTUHSC OP 10.30 outlines regulations for the carrying of concealed handguns by licensed holders.

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:

- i. TTUHSC will comply with all necessary laws and regulatory requirements regarding safety and security on its campuses;
- ii. 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;
- iii. TTUHSC will communicate safety policies to stakeholders through all appropriate means.

4. Theft, Damage, or Unauthorized Use

a. Attempted or actual theft of property of the University, students, 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.
- 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 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 that endangers the health or safety of any person, including, but not limited to, a member of the University community.
- c. Behavior that disrupts the normal operation of the University, including, but not limited to, a member of the University community; or conduct that otherwise interferes with or creates a hostile or intimidating environment for a member of the University community's academic pursuits or work environment. Such conduct does not necessarily have to be in violation of the law to violate this section.
- d. 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 other misconduct based on sex.
- e. 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.
- f. Actions involving freedom of expression are covered in Parts VII and VIII of this Handbook and governed by O.P. 61.07, Use of TTUHSC Premises and Amplification Equipment.

6. Gambling, Wagering, or Bookmaking

a. Gambling, wagering, or bookmaking on University premises is prohibited.

7. Hazing

- a. Any intentional, knowing or reckless act directed against a student, occurring on or off campus, by one or more individuals acting alone or collectively, that endangers the mental or physical health or safety of a student for the purpose of pledging or associating, being initiated into, affiliating with, holding office in, seeking, and/or maintaining membership in any organization whose members are, or include, students. Consent or acquiescence by a student or students subjected to hazing is not a defense in a disciplinary proceeding. Hazing includes, but is not limited to:
 - i. Any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;
 - 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 the student;
 - iii. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;

- iv. Any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described in this subdivision;
- v. Any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code;
- vi. 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;
- vii. 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 commit or assist in the commission of hazing; or,
- viii. Any act that is unlawful as designated by local, state, or federal government. See Texas Education Code, Sections 37.151-37.157 and Section 51.936.

8. False Alarms or Terrorist Threats

a. Intentionally or recklessly sounding a false alarm of any kind or character; making a false emergency call or terrorist threat; issuing a bomb threat; constructing mock explosive devices; improperly possessing, tampering with or destroying fire equipment, Automatic External Defibrillators (AED), or emergency signs on University premises.

9. Financial Irresponsibility

a. 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.
- d. Use of the University's name to advertise or promote events or activities in a manner that suggests sponsorship by the University without prior written permission.

11. Traffic and Parking

- a. Violation of TTUHSC Parking Services regulations.
- b. Obstruction of the free flow of vehicle, pedestrian, or other traffic on University premises.

12. Failure to Comply with Reasonable Directions or Requests of University Officials

a. Failure to comply with the reasonable directions or requests of a University official acting in the performance of their duties.

13. Failure to Present Student Identification

a. The failure to present student identification to any University official upon request and identify oneself to a University official acting in the performance of their 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.

14. Abuse, Misuse or Theft of University Computer Data, Programs, Time, Computer or Network Equipment

(OP 56.01 - Acceptable Use of Information Technology Resources)

- 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).
- i. Allowing another person, either through one's personal computer account, or by other means, to accomplish any of the above.

15. Providing False, Misleading, or Untrue Statements Misuse of Records

a. Knowingly providing to the University, or a University official in the performance of their duties, either verbally, or through forgery, alteration or misuse of any University document, record, or instrument of identification.

16. Skateboard, Roller Blades, or Similar Devices

a. 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. Also refer to TTUHSC OP 76.32, Traffic and Parking Regulations.

17. 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 of this Handbook). Failure to do so may result in disciplinary action. Faculty and staff are likewise responsible for reporting 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 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 or 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 instructor 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 the written 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, or electronic devices.
- 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 that work as one's own work for an academic credit or requirement. When a student presents the works of another (published or unpublished) in their academic work, the student shall fully acknowledge the sources according to methods prescribed by their 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 the School handbook.

18. 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.

19. Violation of any Provisions of Federal, State and/or Local Laws

20. Abuse of the Discipline System

- Failure by an accused student to comply with or respond to a notification to appear before the Dean of their 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, 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 sanctions, conditions, or restrictions imposed under this Student Code.
- i. Influencing or attempting to influence another person to commit an abuse of the discipline system.

j. Retaliation against any person or group who files a complaint of misconduct in accordance with the Student Code or grievance under the applicable School grievance policy.

E. OTHER PROFESSIONAL AND ETHICAL SCHOOL STANDARDS

In addition to the misconduct identified in Part II.D of this Handbook, each School shall prescribe professional and ethical standards in their School handbook, the violation of which may form the basis of a disciplinary action.

GRADUATE SCHOOL OF BIOMEDICAL SCIENCES

All students entering the Graduate School of Biomedical Sciences are required to subscribe to the Student Handbook Code of Professional Conduct as well as the policies and standards described in the Graduate School of Biomedical Sciences Catalog. GSBS students will make every effort to embrace the Values-Based Culture with conduct that is ethical, honest, respectful, and professional to all.

SCHOOL OF MEDICINE

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.

SCHOOL OF NURSING

All students entering into the TTUHSC SON are required to subscribe to the standards and codes of the profession.

SCHOOL OF PHARMACYJERRY H. HODGE SCHOOL OF PHARMACY

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.

SCHOOL OF HEALTH PROFESSIONS

As a student of the School of Health Professions at the Texas Tech University Health Sciences Center, I will use my knowledge and skills responsibly to improve the quality-of-life tor those we serve. I will seek in all academic, professional and personal endeavors to demonstrate ethical behavior, honesty, integrity and respect for others.

F. DISCIPLINARY PROCEDURES

Academic issues, such as grading and promotion issues, should be addressed by each school's policies and procedures.

 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
 - Any faculty, staff, or student of TTUHSC may file a Complaint against a student or a student organization for violation 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, a student grievance should be completed and submitted at https://www.ttuhsc.edu/student-affairs/grievances.aspx https://www.ttuhsc.edu/student-affairs/grievances.aspx https://www.ttuhsc.edu/student-affairs/grievances.aspx https://www.ttuhsc.edu/student-affairs/grievances.aspx https://www.ttuhsc.edu/student-affairs/grievances.aspx https://www.ttuhsc.edu/student-affairs/grievances.aspx https://www.ttuhsc.edu/student-affairs/grievances.aspx https://www.ttuhsc.edu/student-affairs/grievances.aspx https://www.ttuhsc.edu/student-affairs/grievances.aspx https://www.ttuhsc.edu/student-services/grievances.aspx by the Complainant. 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.
 - c. The Student Conduct Administrator may conduct an informal meeting to determine if the complaint may be disposed of 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.
 - 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.
 - If the Accused Student admits violating institutional rules, but does not agree to sanctions, a Student Conduct Board Hearing shall be conducted in accordance with Part II.F.4, but shall be limited to recommending the appropriate sanctions 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, and
 - iii. Summary statement of the charges, or a copy of the complaint.
 - 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.** Both the Accused Student and 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 challenging party shall with specificity, and clarity detail each reason for such challenge. The burden of proving the impartiality or inability of a Conduct Board member to serve lies solely upon the challenging party. If the challenging party establishes that the challenged members cannot serve with fairness and objectivity such member 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 their 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);
 - 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 accused 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 their advisor, at their 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. <u>An attorney from the Office of General Counsel shall be provided for the Student Conduct Board as the Student Conduct Board Chair deems necessary. The University will provide legal counsel for the Student Conduct Board as the Student Conduct Board Chair deems it necessary.</u>
 - i. The Complainant and the Accused Student are responsible for presenting their 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. Questioning of witnesses will first be conducted by mMembers of the Student Conduct Board may question all witnesses, followed by the parties. Questioning by the Complainant and the Accused Student may be limited by in the sole discretion the Chair of the Student Conduct Board for such issues as preserving the civility of the hearing, avoiding redundant and irrelevant questioning, and providing for the efficient administration of the Hearing. Witnesses are permitted to attend the Student Conduct Board Hearing only while they are providing testimony, they are being questioned by the Complainant, the Accused, or the committee unless the Student Conduct Board Chair, in their sole discretion determines otherwise.
 - i. Party 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 solely responsible for arranging for the voluntary attendance of their own witnesses. The hearing will not be rescheduled to accommodate party witnesses.
 - ii. Board Witnesses. In its sole discretion, <u>T</u>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 wishes to call witnesses, the Board shall notify the Chair of the Student Conduct. The Chair will then arrange for the voluntary attendance of the witnesses identified by the Student Conduct Board. The Chair shall notify the Accused 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 is responsible for forwarding such information to the Complainant, the Accused, and the Student Conduct Board prior to the Hearing. Throughout this process, Board members shall have no communication with any witnesses, except in the Hearing with the Accused 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. Once the Student Conduct Board receives all information, 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 and then vote whether the Accused has violated any section of the Student Code which the student is charged with violating. If the Student Conduct Board finds violations 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. No inference may be drawn against an the 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, opinions may be written by those who differ with the majority's findings and recommendations. The Chair will forward the findings and recommendations, including differing opinions, 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 from the Student Conduct Hearing along with the audio recording and supporting documents, and transmit their 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 five (5) business days of receipt of the decision of the Dean, if either party believes that their due process procedures have been violated or that new information has become available, an appeal may be made in writing to the President Provost of the University. The President Provost or their designee will review the case and notify all parties of their decision within five (5) business days. If a written appeal is not submitted within five (5) ten (10) business days following receipt of the Dean's letter, the right to appeal is waived and the Dean's decision will be finalized.

The Accused Student or Complainant may only raise, and the President Provost or their designee shall only consider, the following on appeal:

- i. Whether a procedural deviation occurred that substantially affected the outcome of the case;
- ii. 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 or facts were not known to the person appealing at the time of the original Student Conduct Board Hearing.

iii.<u>q. Provost's Review.</u> The President Provost or their designee will review the findings and recommendations and, at their sole discretion, the record from the Student Conduct Hearing and supporting documents, and transmit their decision in writing to the Accused Student, the Complainant, the Student Conduct Administrator, the Chair of the Student Conduct Board, and the Dean. The PresidentProvost or their designee's decision shall be final.

G. SANCTIONS

- 1. Any student found to have engaged in misconduct may be assigned sanctions. The sanctions are designed to engage students in critical reflection of their choices, as well as educate and develop students through a process of accountability that promotes integrity, responsibility, and growth. The Dean of the School will consider the nature of the misconduct, the impact of the misconduct on the University community, the circumstances surrounding the misconduct, and previous sanctions assigned to others for similar misconduct in determining sanctions. Repeated misconduct may result in more serious sanctions, including suspension or expulsion.
- 2. 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, 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 regulations 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 disciplinary file or other related discretionary assignments.
 - g. Non-Academic Dismissal. 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 (<u>Non-Academic Dismissal E</u>ligible to Re-Enroll or <u>Non-Academic Dismissal –</u> Ineligible to Re-Enroll).
 - h. **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.
 - Expulsion. Permanent removal from the University. An expelled student will be permanently barred from enrollment and permanently prohibited from entering any University premises. Expulsion may prohibit the student from being admitted to, enrolling at, or entering the campus of another component institution of Texas Tech University System without prior written approval of the [position] of the institution at which the student wishes to attend or be present. An expelled student's good standing is permanently removed. Expulsion is permanently noted on the student's transcript (Expulsion: Ineligible to Re-Enroll). An expelled student may request reconsideration based on new information that was not available at the time of conference.
 - j. Revocation of Admission or Degree. Any aAdmission to or a-degree awarded granted 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. Revocation of degree is notated on the student's transcript.
 - k **Withholding Degree.** The University may withhold awarding a degree otherwise earned until the completion of the process set forth in the Student Disciplinary Procedures.

- L **Criminal Trespass.** In accordance with Texas Education Code, Section 51.242, a student who has been suspended or disarmed after a Student Conduct Board Hearing for disrupting the orderly operation of the campus or facility of the institution as a condition of the suspension or dismissal may be denied access to a University campus or facility, or both, for the period of suspension, and in the case of dismissal, for a period not to exceed one year.
- m. **Other Sanctions.** Any other sanctions which may be appropriate under the particular circumstances of the violation.
- n. **Multiple Sanctions.** More than one of the sanctions listed above may be imposed for any single violation.
- 3. 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. Student disciplinary records shall be kept separate from the student's education records by their School's Office of the Dean. Exceptions to this rule include dismissal from the University and revocation or withholding of a degree. This section shall not prevent the University from complying with any regulatory agency or licensure board requirements regarding the reporting of disciplinary actions and/or student behavior.

*State law mandates that the student's transcript a) may be withheld pending investigation and b) include a notation regarding ineligibility to return due to disciplinary processes (e.g., withdrawal, dismissal, suspension, expulsion); See TX HB 449 and 1735 (2019).

- 4. Education records shall include any records of the disciplinary process involving any accused, registered student organization, and student claiming to be the victim of misconduct. 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.
- 5. The following sanctions may be imposed upon registered student organizations 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 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 their 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 <u>President Provost</u> 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 <u>President Provost or their designee</u> 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. Threats of destruction to University premises;
 - b. Physical or emotional injury to human life on University premises; or,
 - c. Threats 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 their consent to be in attendance at the University or on University premises be withdrawn when there is reasonable cause to believe that the student has willfully disrupted the orderly operation of University premises and that their presence on University premises will constitute a substantial and material threat to the orderly operation of the University premises, in accordance with Texas Education Code, Section 51.233.
- 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 their 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.
- Whenever consent is withdrawn by the Dean, the Dean shall submit a written report to the President
 Provost 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** PROVOST

- If the <u>President Provost</u> or their designee, upon reviewing the <u>Dean's</u> written report <u>described above</u> 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 <u>their the student's</u> presence on University premises will constitute a substantial and material threat to the orderly operation of the campus or facility, <u>they the</u> <u>Provost or their designee</u> may enter written confirmation upon the report of the action taken by the Dean. Texas Education Code § 51.236 (b).
- If the <u>President Provost</u> or their 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 <u>President_Provost</u> 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 PresidentProvost or their designee shall grant the request and immediately mail a written notice of the time, place, and date of the hearing, along with pertinent records, exhibits and written statements to the student. A hearing will be conducted not later than three (3) days from the date that the PresidentProvost receives the request for hearing. The Hearing Committee will be appointed by the PresidentProvost or their designee and will be comprised of members from the respective Schools other than that in which the Aaccused is enrolled.
 - b. *Representation.* The student may be represented by counsel. The University will be represented by the Office of General Counsel.
 - c. Witnesses. Both the student and the Department Chair who recommended consent be withdrawn have the right to call, question witnesses, and 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. Following the hearing, Tthe student shall be advised of the content of the statements from witnesses, and the names of the persons who made them, at the hearing.
 - d. *Evidence*. All matters evidence 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.* The 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 <u>PresidentProvost</u>. The student may appeal the decision within three (3) days from the date of the decision by sending a written appeal to the <u>PresidentProvost</u>. <u>The PresidentProvost or their designee will review and render a decision within seven (7) days</u>. If the student does not appeal the decision by the hearing committee, the decision is finalized. <u>The President will review and render a decision within seven (7) days</u>.
- g.h. Appeal to the President. If the student is not satisfied with the decision by the Provost or their designee, the student may appeal to the President by sending a written appeal to the President, with a copy to the Provost, within three (3) days from the date of the Provost or their designee's decision. If the student does not appeal the decision, the Provost or their designee's decision is final. If the student appeals to the President, the decision by the President is final.

PART IV: ANTI-DISCRIMINATION AND SEXUAL MISCONDUCT POLICY AND PROCEDURES (INCLUDING TITLE IX)

The University is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from sex discrimination of any kind. The University prohibits discrimination based on sex, which includes pregnancy, sexual orientation, gender identity, gender expression, and other types of Sexual Misconduct. Sexual Misconduct is a broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature, including

- Sexual Harassment,
- Sexual Assault,
- Sexual Exploitation,
- Stalking,
- Public Indecency,
- Interpersonal (Dating, Domestic, or Family) Violence, including -Dating, Domestic, or Family Violence,
- Sexual Violence,
- ____and any other misconduct based on sex.

Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, by actions, or electronically conveyed.

A. INTRODUCTION

This Part IV provides information regarding the University's response and prevention efforts related to sex discrimination and Sexual Misconduct. In conjunction with Texas Tech University <u>System Regulation 07.10 Non-Discrimination and Anti-Harassment Policy and Complaint Procedure</u>, TTUHSC <u>OP 51.02</u>, Texas Tech University <u>System Regulation 07.06 Sexual Misconduct</u>, and TTUHSC <u>OP 51.03</u>, the policies set forth here apply to all members of the University Community, provide students with their rights and options, and also explain how the University will proceed once it is made aware of allegations of prohibited conduct in keeping with the University's values and in order to meet the legal obligations of Title IX, the Violence Against Women Act (VAWA), the Campus Sexual Violence Elimination Act (SaVE), the Clery Act, Texas Education Code, 34 CFR Part 106, and other applicable law.

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

B. NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY

The University does not tolerate discrimination or harassment based on or related to sex (including pregnancy), race, color, religion, national origin, age, disability, genetic information, protected veteran status, genetic information, sexual orientation, gender identity, gender expression, or other protected categories, classes, or characteristics. Texas Tech University <u>System Regulation 07.10 Non-Discrimination and Anti-Harassment Policy and Complaint Procedure</u>, adopted by Texas Tech University Health Sciences Center HSC <u>OP 51.02</u> applies to all University students and University employees, visitors, applicants for admission to or employment with the University, as well as University affiliates and others conducting business on University campuses.

If a student has a complaint of discrimination or harassment by an employee, whether faculty, staff, or student employee (other than for Sexual Misconduct, which is addressed under Section C below), the provisions relating to the complaint process set forth in Texas Tech University <u>System Regulation 07.10</u> and TTUHSC <u>OP 51.02</u> shall apply. Students with such complaints of discrimination or harassment by an employee should contact the System Office of Equal Opportunity (OEO) and/or submit a completed Complaint of Discrimination or Harassment form to OEO, which is available at: <u>https://www.texastech.edu/offices/equal-employment/</u>. OEO's complete contact information is as follows:

Солтаст	Phone	Address	Email
Charlotte Bingham Assistant Vice Chancellor of Administration, Texas Tech University System Office of Equal Opportunity	806.742.3627	TTU System Administration Building 1508 Knoxville Avenue Suite 309 TTUS Office of Equal Opportunity Box 41073 Lubbock, TX 79409	<u>eeo@ttu.edu</u>

If a student has a complaint of discrimination or harassment by a student or a student organization, such complaints are guided by the Student Conduct Procedures set forth in Part II of this Student Handbook. Students with complaints of discrimination or harassment by a student or student organization should contact the TTUHSC Student Affairs and/or utilize the online Incident Report Form available at https://www.ttuhsc.edu/student-affairs/grievances.aspx. TTUHSC Student Affairs a follows:

CONTACT PHONE ADDRESS EMAIL

Erin Justyna, Ph.D. Assistant Provost for Student Affairs	TTUHSC 3601 4 th Street, Stop 8310 Academic Classroom Building, 2C400 Lubbock, TX 79430	erin.justyna@ttuhsc.edu
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In instances of complaints of sex or gender discrimination, the complainants may contact the University's Title IX Coordinator, whose complete contact information is as follows:

Солтаст	PHONE	Address	Email
Leslie Collins TTUHSC Title IX Coordinator	806.743.9861	TTUHSC 3601 4 th Street, Stop 6262 University Center 330A Lubbock, TX 79430	leslie.collins@ttuhsc.edu

While Sexual Harassment, Sexual Assault, and other forms of Sexual Misconduct may constitute prohibited acts of discrimination under this Section B, such behavior is prohibited under TTU System Regulation 07.06 and TTUHSC OP 51.03, as discussed in Section B below.

C. SEXUAL MISCONDUCT

Sexual Misconduct in the TTUHSC community is prohibited pursuant to Texas Tech University <u>System Regulation</u> <u>07.06 Sexual Misconduct</u> (adopted by TTUHSC as <u>OP 51.03</u>).

1. Separate Policies for Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct

While all Sexual Misconduct is prohibited, in accordance with applicable federal and state law, the University has adopted two distinct policies and grievance procedures for Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct. These policies are available at the following links:

- Texas Tech University System Regulation 07.06.A Title IX Sexual Misconduct; and
- Texas Tech University System Regulation 07.06.B Non-Title IX Sexual Misconduct.

The University Title IX Coordinator will assist those making reports or complaints of Sexual Misconduct with understanding which policy may apply based on the nature, context, and location of the alleged conduct. The flowchart available <u>here</u> visually depicts the applicability of these two policies and their respective grievance processes. In the event of any conflict between this Student Handbook and System Regulations 07.06.A, 07.06.B, and 07.10, the system regulations will control.

The University Title IX Coordinator oversees the University's compliance with the Sexual Misconduct policies, including both Title IX and Non-Title IX Sexual Misconduct. The University has also designated a Title IX Deputy Coordinator for employees. Contact information for the Coordinator and Deputy Coordinator is as follows:

CONTACT	Phone	Address	Email & Website
Leslie Collins TTUHSC Title IX Coordinator	806.743.9861	TTUHSC 3601 4 th Street, Stop 6262 University Center 330A Lubbock, TX 79430	Leslie.collins@ttuhsc.edu https://www.ttuhsc.edu/title- ix/default.aspx
Charlotte Bingham	806.742.3627	System Administration Building 1508 Knoxville Ave., Suite 309	eeo@ttu.edu

TTUHSC Title IX	Box 41073	http://www.texastech.edu/offices/equal-
Deputy	Lubbock, TX 79409	employment/
Coordinator for		
Employees		

2. Title IX Sexual Misconduct

Title IX Sexual Misconduct is governed by Texas Tech University System Regulation 07.06.A. Generally, only sexual assault; stalking; dating violence; domestic violence; *quid pro quo* conduct; and conduct that is severe, pervasive, *and* objectionably offensive will constitute Title IX Sexual Misconduct, and be governed by such policy. The procedure for reporting and filing a formal complaint of Title IX Sexual Misconduct, and the grievance process for addressing such complaints, is set forth in <u>System Regulation 07.06.A</u>. The provisions of the remainder of this Section C may not apply to reports and complaints of Title IX Sexual Misconduct. The University's Title IX Coordinator will assist students in navigating these policies.

All other forms of Sexual Misconduct are addressed pursuant to the Non-Title IX Sexual Misconduct policy, set forth in this Student Handbook and governed by <u>System Regulation 07.06.B</u>.

3. Non-Title IX Sexual Misconduct

Any Sexual Misconduct that fails to meet the threshold of Title IX Sexual Misconduct will proceed under the Non-Title IX Sexual Misconduct policy set forth in this Student Handbook.

All investigations and procedures under this policy will be conducted in a reasonably prompt timeframe and in an equitable and impartial manner. Investigations conducted hereunder are not criminal investigations. For all complaints, the burden of proof shall be a preponderance of the evidence, which means more likely than not.

The Title IX Coordinator or their designee will investigate complaints of Sexual Misconduct by or between students. The Texas Tech University System Office of Equal Opportunity (Office of EO) will investigate complaints of Sexual Misconduct by or between employees. Student complaints of Sexual Misconduct by an employee will be investigated jointly by the Title IX Coordinator or their designee and the Office of Equal Opportunity.

Students with complaints of Sexual Misconduct by an employee should contact the Title IX Coordinator or Office of Equal Opportunity, or utilize the online reporting tool available on the University's website at <u>www.ttuhsc.edu/title-ix/default.aspx</u>. Students with complaints of Sexual Misconduct by a student or student organization should contact the Title IX Coordinator or utilize the online reporting tool available on the University's website at <u>www.ttuhsc.edu/title</u>.

Individuals wishing to remain anonymous can report Sexual Misconduct in any manner, including by telephone or written communication, with the University Title IX Coordinator or Office of Equal Opportunity. However, electing to remain anonymous may greatly limit the University's ability to investigate an alleged incident, collect evidence, and/or take effective action against individuals or organizations accused of violating the TTUHSC Sexual Misconduct policies.

4. Employees are Mandatory Reporters

Pursuant to Texas law, all employees, including student employees, who in the course and scope of employment, witness or receive information regarding the occurrence of an incident that the employee reasonably believes constitutes Sexual Misconduct and is alleged to have been committed by or against a person who was a student enrolled at or an employee of the University at the time of the incident shall promptly report the incident to the University's Title IX Coordinator or Deputy Title IX Coordinators. An employee is required to report an incident regardless of where or when the incident occurred. Failure to report

Sexual Harassment, Sexual Assault, Dating Violence, or Stalking is a violation of Texas state law that shall result in termination of employment and may result in criminal penalties.

Reports by mandatory reporters must include all information concerning the incident known to the Reporting Party, including the involved parties' names, regardless of whether the Complainant has expressed a desire for confidentiality; however, the Reporting Party may also state whether the Complainant has expressed a desire for confidentiality.

Disclosures to a healthcare provider, mental health care provider, or other medical provider acting in the course and scope of their employment with the University are not subject to the foregoing mandatory reporting requirements and are considered Confidential Resources. These employees are encouraged to provide students or employees with information and guidance regarding University reporting options and available resources but absent consent from the Complainant, disclosures to a healthcare provider, mental health care provider, or other medical provider acting in the course and scope of their employment with the University shall only state the type of incident reported and may not include any information that would violate an expectation of privacy.

5. Making a Report

Any individual may inquire or make a report or complaint of Sexual Misconduct of any kind. Any person may submit a report in person, by mail, by phone, by email, or by online form, using the contact information set forth in Section 1 above, or by any other means that results in the University's Title IX Coordinator or System Office of Equal Opportunity receiving the verbal or written report. Such a report may be made at any time (including during nonbusiness hours) by using the phone number or email address, or by mail to the office address. Persons, other than Employees, wishing to remain anonymous may do so by submitting a report in an anonymous manner; however, electing to remain anonymous may limit the ability to investigate an alleged incident, collect evidence, or take effective action against individuals accused of violating the University's Sexual Misconduct policies.

While not required, students are strongly encouraged to report any incident of Sexual Misconduct to the University, including incidents in which the student was a victim. Students may also report incidents of Sexual Misconduct to law enforcement, including on- campus and local police. Complainant may choose to notify law enforcement and will be provided the assistance of the Title IX Coordinator if the individual wishes. Parties may also choose not to notify law enforcement of incidents of Sexual Misconduct. A student who experiences sexual or dating violence is encouraged to seek medical care for treatment and preservation of evidence, if applicable, as soon as possible after the incident. Preserving DNA evidence can be key to a sexual violence case. Students can undergo a sexual assault forensic exam (SAFE) performed by a sexual assault nurse examiner (SANE) to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, a SANE may still collect evidence up to 4 days following a sexual assault. With the examinee's consent, the physical evidence collected during this medical exam can be used in a criminal investigation.

Anyone who experiences any form of Sexual Misconduct should also preserve other evidence relevant to the incident reported, such as items of clothing, photographs, phone records, text messages, social media activity, computer records, and other documents.

6. Confidentiality

TTUHSC is committed to ensuring confidentiality during all stages of a grievance process. The confidentiality of the Complainant, the Respondent, the Reporting Party, any individuals who have sought guidance about this policy or have participated in an investigation or incident will be honored by the University to the extent possible without

compromising the University's commitment and obligation to investigate allegations of misconduct, to protect the University Community, and to the extent allowed by law. Unless waived in writing by the individual, the identity of aforementioned individuals:

- a. Is confidential and not subject to disclosure under Chapter 552, Texas Government Code; and
- b. May be disclosed only to:
 - 1. University Employees or individuals under contract with the University to which the report is made who are necessary for an investigation of the report or other related hearings;
 - 2. a law enforcement officer as necessary to conduct a criminal investigation of the report;
 - 3. a health care provider in an emergency, as determined necessary by the University;
 - 4. the Respondent, to the extent required by other law or regulation; and
 - 5. potential witnesses to the incident as necessary to conduct an investigation of the report and to the extent required by other law or regulation.

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

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

Students may make confidential reports to the TTUHSC Counseling Center. Complainants may also make confidential reports to licensed clinical and mental health professionals acting in their professional role of providing those services, including medical providers employed by the University. Information may be shared by the clinical or medical provider only with the Complainant's or Respondent's consent.

Absent consent from the Complainant, disclosures to a healthcare provider, mental health care provider, or other medical provider acting in the course and scope of their employment with the University shall only state the type of incident reported and may not include any information that would violate an expectation of privacy. These Employees are encouraged to provide Complainants with information and guidance regarding University reporting options and available resources.

RESOURCES	Рноле
TTUHSC Counseling Center	806.743.1327
Employee Assistance Program	806-743-1327
TTUHSC 24-Hour Crisis Helpline	800-327-0328
RAINN Helpline	800-656-HOPE

The following Confidential Resources are available to TTUHSC students:

Note: Access local advocacy groups and services through any of the above resources.

7. Interim and Supportive Measures

The University may take immediate action to eliminate hostile environments and address any effects on the Complainant and community prior to the initiation of any Investigation-and/or formal Grievance Process. These measures will be taken to minimize the burden on the Complainant while respecting due process rights of the Respondent. Supportive Measures for involved students may include, but are not limited to:

- <u>C</u>eounseling services,
- <u>M</u>medical assistance,
- <u>M</u>modifications to on-campus housing,
- <u>M</u>modifications to parking permissions, academic support referrals,
- <u>M</u>modifications to academic or work situations,
- <u>l</u>instituting a No Contact Order between the parties in a complaint, and
- <u>R</u>reporting criminal behavior to the Texas Tech Police Department or local law enforcement agencies.

Additionally, the University may pursue Emergency Removal, altering the University status of the Respondent. Supportive Measures may be implemented and will be evaluated on a case-by-case basis. Supportive Measures may be kept in place through the conclusion of any review, investigation, resolution, or appeal process. Supportive Measures can be implemented regardless of whether or not the Complainant pursues a Formal Complaint or criminal action.

The Title IX Coordinator is available to help students understand the Grievance Process and identify resources. Remedies may be implemented after a determination regarding responsibility in the Grievance Process to restore and preserve equal educational opportunities to the Complainant.

- a. Supportive Measures. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to a Complainant or Respondent. The range of Supportive Measures available includes, but is not limited to: separation or modification of Complainant and Respondent's academic or working situations; mutual restrictions on contact; one-way restrictions on contact, where justified by the specific facts and circumstances; permissive withdrawal from or retake of a class without penalty; counseling; extensions of deadlines or other course-related adjustments; campus escort services; leaves of absence; increased security and monitoring of certain areas of campus; or any other similar measures tailored to the individualized needs of the parties. Consistent with Texas law, a Complainant or Respondent who is the subject of an alleged incident of Title IX Sexual Misconduct will be allowed to drop a course in which they are both enrolled without any academic penalty. Supportive Measures may be kept in place through or beyond the conclusion of any review, investigation, or appeal process and may be implemented regardless of whether Complainant files a complaint of Sexual Misconduct.
- b. No Contact Order. When initial inquiry indicates persistent and potentially escalating conflict between members of the University Community, a No Contact Order may be issued as a remedial, non-punitive deterrent to further conflict or situational complication. A No Contact Order will be issued by the Title IX Coordinator via the student's official TTUHSC email. The notice serves as an official directive that the students have no contact with the other listed parties. Contact cannot occur in person, by telephone, email, text message or other electronic means of communication, or through a third party (other than an attorney). Should contact need to occur, the student should coordinate with the Title IX Coordinator. This notice may also come with other information related to changes in class schedule or other restrictions to

facilitate the No Contact Order. Failure to comply with the No Contact Order may result in disciplinary action, including possible suspension or expulsion. Violations of No Contact Orders may also result in Emergency Removal pending the completion of a Grievance Process. The term of a No Contact Order is one year from the date of issuance, or the graduation of one or both parties, whichever comes first.

c. *Emergency Removal.* The University may conduct an individualized safety and risk analysis to determine if an individual poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Misconduct that justifies removal. Where the University finds that a Respondent poses an immediate threat to the physical health or safety of any student or individual, the University may remove the Respondent prior to the conclusion of the Grievance Process to protect the safety of the University Community where an immediate threat exists. The University shall provide the Respondent with notice and an immediate opportunity to challenge the decision in writing to the Title IX Coordinator immediately following the removal.

Through an Emergency Removal, a student may be denied access to the University's campus, facilities, and events. This restriction may include classes and all other University activities or privileges for which the student might otherwise be eligible. At the discretion of the Title IX Coordinator or designee and with the approval of, and in collaboration with, the appropriate Dean(s), <u>A</u>alternative coursework options may be pursued to ensure as minimal an impact as possible on the Respondent <u>at the discretion of the Title IX</u> <u>Coordinator or designee and with the approval of the appropriate Dean(s)</u>.

Emergency Removal is not a sanction. It is taken in an effort to protect the safety and well-being of the Complainant, Respondent, and members of the University Community. Emergency Removal is preliminary in nature; it is in effect only until the Grievance Process has been completed. However, violations of Emergency Removal may result in additional allegations of this Student Handbook. A student who receives an Emergency Removal may request a meeting with an Appeals Officer or designee to challenge an Emergency Removal. Regardless of the outcome of this meeting, the University may still proceed with an investigation and adjudication.

d. **Non-Student Supportive Measures.** TTUHSC, in conjunction with the Texas Tech Police Department, may issue a Criminal Trespass to any individual or guest of the University whose presence could significantly disrupt the normal operations of the University, or who is alleged to have violated University policies, or is deemed to pose a threat to the physical or emotional well-being of a student or other members of the University Community.

8. Student Rights and Responsibilities

Prior to the formal investigative process, a student will be provided a Student Rights and Responsibilities document. This document will be reviewed and signed by the student prior to an interview. The Student Rights and Responsibilities document informs the student of their rights to be exercised before and during the Grievance Process.

Subject to applicable law, information gathered by the University during the course of the investigation and Grievance Process may only be shared with faculty, staff, students, and advisors who are directly involved in the incident or necessary to the Grievance Process <u>unless otherwise</u>. Information gathered may also be disclosed in compliance with a judicial order or lawfully issued subpoena.

Involved parties have the right to, and are encouraged to, be accompanied by an advisor of the individual's choosing during all meetings, proceedings, and disciplinary hearings at which the individual is present. In Non-Title IX Sexual Misconduct Hearings, the role of the advisor will be limited to advising only and will not be allowed to actively participate in the Hearing. CARE Coordinators may also attend any meeting or Hearing in addition to the student's advisor.

9. Amnesty

- a. Subject to the exceptions noted below, the University will not take any disciplinary action against a student enrolled at the University who in good faith reports to the University being the victim of, or a witness to, an incident of Sexual Harassment, Sexual Assault, Interpersonal Violence, or Stalking for a violation by the student of this Student Handbook, occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the University's disciplinary process regarding the incident, if any.
- b. The University reserves the right to investigate to determine whether a report of an incident of Sexual Harassment, Sexual Assault, Interpersonal Violence, or Stalking was made in good faith. After such investigation, the Title IX Coordinator or their designee will make a determination as to whether a student is entitled to amnesty. Once a determination is made regarding amnesty for a student, such determination is final and may not be revoked.
- c. Notwithstanding the forgoing, amnesty does not apply to a student who reports the student's own commission or assistance in the commission of Sexual Harassment, Sexual Assault, Interpersonal Violence, or Stalking.
- d. Although students eligible for amnesty may avoid disciplinary action under these amnesty provisions, amnesty does not preclude the University from encouraging students to participate in directives such as counseling or educational opportunities relating to the conduct students were engaged in.
- e. Abuse of these amnesty provisions by a student may result in a violation of this Student Handbook. The amnesty provisions do not impact criminal proceedings or charges, mandatory reporting to state licensing boards, legal actions, or actions required to comply with professional ethic requirements.

10. Interference with an Investigation

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

- Attempting to coerce, compel, influence, or prevent an individual fromproviding testimony or relevant information;
- Divulging confidential information;
- Removing, destroying, or altering documentation relevant to the investigation;
- Providing false or misleading information to the investigator, or encouraging others to doso; or
- Making a report under this policy that, after investigation is found not to have been made in good faith.

11. Retaliation and False Information

Retaliation against an individual who reports a potential violation in good faith under this policy, assists someone with a report of a violation, or participates or refuses to participate in any manner in an investigation or in the resolution of a complaint made under this policy is strictly prohibited and will not be tolerated.

Retaliation includes, but is not limited to threats, intimidation, coercion, discrimination, reprisals, or adverse actions related to an individual's employment or education. The University will take appropriate steps to ensure that an individual who, in good faith, reports, complains about, or participates or refuses to participate in an investigation pursuant to this policy will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to report the incident to the Title IX Coordinator using the same procedure outlined in this section.

Individuals who are found to have retaliated under this policy will be subject to disciplinary action, up to and including termination of employment, expulsion from the University, or being barred from University premises and events.

An individual found to have knowingly and in bad faith provided false or malicious information may be subject to disciplinary action up to and including dismissal or separation from the University. A determination that a Respondent is not responsible for allegations of Sexual Misconduct does not imply information provided was false. Similarly, a determination that a Respondent is responsible for a policy violation does not imply that a Respondent's statements disclaiming responsibility were false.

D. GRIEVANCE PROCESS FOR NON-TITLE IX SEXUAL MISCONDUCT

This Section D sets forth the Grievance Process for Non-Title IX Sexual Misconduct. The process for Title IX Sexual Misconduct is set forth in <u>System Regulation 07.06.A</u>. The University Title IX Coordinator will assist parties in determining which process applies to the particular alleged conduct.

1. Intake and Initial Inquiry

Upon receipt of a report of Sexual Misconduct, the Title IX Coordinator, or their designee, will review the allegations. As reported allegations of Sexual Misconduct have varying degrees of complexity and severity, the investigation and resolution procedures described below may vary. The Title IX Coordinator or their designee will inquire, gather, and review information and will evaluate the accuracy, credibility, and sufficiency of the information received. If a formal complaint is not filed, the Title IX Coordinator may nonetheless conduct an investigation if the University learns of alleged Sexual Misconduct through other means depending on:

- the source and nature of the information provided,
- •____the seriousness of the alleged incident,
- •____the specificity of the information,
- •____the objectivity and credibility of the source of the report,
- •____whether any individuals can be identified who were subjected to the alleged Sexual Misconduct, and
- whether those individuals want to pursue the matter.

The Title IX Coordinator may conduct an initial meeting with the Reporting Party and/or Complainant to gather additional information regarding the allegation; inform him/her of on and off-campus resources, procedural options, and the University's policy regarding retaliation; and to determine safety, security, or other interim measures. Additional meetings may be necessary depending on the complexity of the reported allegations.

Incidents will not be investigated unless there is reasonable cause to believe a policy has been violated. Reasonable cause includes some credible information to support a policy violation. If it is determined that an investigation will be conducted, the Respondent will be given notice of the complaint and an opportunity to respond. If it is

determined that an investigation will not be conducted, the Title IX Coordinator may contact the Respondent to discuss the reported concern.

When a Complainant is reluctant or refuses to participate in the investigation process, the Title IX Coordinator may investigate the allegations to the fullest extent possible given the information available. The University will make every attempt to follow the wishes of the Complainant while protecting the University Community.

2. Filing a Formal Complaint

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

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

3. Review of Formal Complaints

When a Formal Complaint is received, the Title IX Coordinator will evaluate jurisdiction and mandatory and discretionary dismissal described below, assess appropriate Supportive Measures for both parties, evaluate the need for Emergency Removal, and initiate the Grievance Process.

Mandatory and Permissive Dismissal. The Title IX Coordinator shall dismiss a Formal Complaint of Non-Title IX Sexual Misconduct in the following situations when: (1) the allegation describes conduct that would not constitute Non-Title IX Sexual Misconduct as defined, even if proven; or (2) the Respondent is not a member of the University Community. The Title IX Coordinator may dismiss a Formal Complaint in the following situations: (1) the Complainant notifies the Title IX Coordinator in writing that they wish to withdraw the Formal Complaint or some allegations in the Formal Complaint; (2) the Respondent is no longer enrolled in or employed by the University; or (3) circumstances exist that prevent the University from gathering sufficient evidence to reach a determination as to the Formal Complaint or the allegations.

Application of Other Policies Upon Dismissal. If the Title IX Coordinator dismisses a Formal Complaint or any of the allegations in the Complaint, the Title IX Coordinator must promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the Complainant and Respondent. Dismissal of a Formal Complaint does not preclude action under other policies, such as Title IX Sexual Misconduct.

Appeal of Dismissal Decision. Any party can appeal the dismissal decision following the criteria and procedures listed below under Appeal Procedures.

Right to Consolidate Complaints. The University may consolidate Formal Complaints as to allegations of Sexual Misconduct: (1) against more than one Respondent, (2) by more than one Complainant against one or more

Respondents, or (3) by one party against the other party, where the allegations of Sexual Misconduct arise out of the same facts or circumstances.

4. Investigation Process

If the Title IX Coordinator or their designee conducts an investigation of the reported allegation, the investigation may consist of the review of the complaint, any relevant documentation, and interviews with relevant individuals. Each party will be given the opportunity to share information regarding the allegation, as well as any response to such, and identify witnesses and other relevant evidence. The extent of the investigation and its procedures will be determined by the Title IX Coordinator. During the investigative process, it is expected that the Complainant and the Respondent will cooperate with the University in providing all information or evidence that they believe should be considered. Additionally, other administrators may be consulted to assist with the investigation.

Prior to an investigative interview, the Complainants and Respondents will be provided a student rights and responsibilities document to review and sign. The student rights and responsibilities document informs the student of their rights to be exercised before and during the course of the investigation and student conduct process. Information gathered during the course of the investigation and student conduct process may only be shared with faculty, staff, students, and advisors who are directly involved in the incident or necessary to the student conduct process. Information gathered may also be disclosed in compliance with a judicial order, lawfully issued subpoena, or otherwise required by lawother legal requirement.

During the investigation, the burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility is on the University and not on the parties. Complainants and Respondents are encouraged to present witnesses and evidence, including fact and expert witnesses, and other inculpatory and exculpatory evidence that they believe should be considered. The University will make all reasonable efforts to obtain relevant information such as surveillance video footage, University card swipe access and other information that may be available to the Institution. The University cannot obtain information that is protected by a legally recognized privilege without the party's voluntary written consent. The University shall not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, therapist/mental health professional, or other professional or paraprofessional providing treatment to the party, unless the party gives voluntary written consent.

After the investigation is complete, the Title IX Coordinator will prepare a written investigation report. Complainants and Respondents will have access to the completed investigation report and investigative materials relevant to the allegations after the formal investigative process has concluded. In order to protect confidentiality, Complainants and Respondents are not given copies or investigation reports or <u>other</u> investigative materials, but will have an opportunity to inspect and review any evidence obtained as part of the Investigation that is directly related to the allegations raised in the Formal Complaint.

Withdrawal During a Formal Complaint. In accordance with state law, if a student withdraws or graduates from the University pending a Formal Complaint alleging the student violated the *Student Code of Conduct* by committing sexual harassment, sexual assault, dating violence, or stalking, the institution:

- a. May not end the disciplinary process or issue a transcript to the student until the institution makes a final determination of responsibility; and
- b. Shall expedite the institution's disciplinary process as necessary to accommodate both the Respondent's and Complainant's interest in a speedy resolution.
- c. On request from another institution, the University shall provide to the requesting institution information

relating to a determination that a student enrolled violated the institution's Student Code of Conduct by committing sexual harassment, sexual assault, dating violence, or stalking.

Should students <u>choose</u> not participate in the Investigative Process, the Grievance Process may continue without their participation. The Investigator may assign allegations to the Respondent based on the information that the Investigator collected without the student's participation, if appropriate.

5. Resolution Process

Options for resolving Formal Complaints under the Grievance Process include:

a. Informal Resolution. Prior to the formal hearing, either the Complainant or the Respondent may make a request, either orally or in writing, for informal resolution to the Title IX Coordinator. The Title IX Coordinator will assess the severity of the alleged harassment and the potential risk of a hostile environment for others in the University Community to determine whether informal resolution may be appropriate. Mediation will not be used to resolve complaints of Sexual Assault and Interpersonal Violence.

Upon determining that informal resolution is appropriate, the Title IX Coordinator will consult further with the person initiating the request, inform the other party, and gather additional relevant information from the parties and others as useful to assist in the informal resolution process. The Title IX Coordinator may also put in place any appropriate interim measures to protect the educational and work environment of the parties and the University Community.

The University will not compel the Complainant or Respondent to engage in mediation, to directly confront the other party, or to participate in any particular form of informal resolution. Participation in informal resolution in voluntary, and the Complainant and Respondent have the option to discontinue the informal process at any time and request a formal investigation. If at any point during the informal resolution process, the Complainant, the Respondent, or the University wishes to cease the informal resolution process and to proceed through the formal resolution process, the informal resolution process will stop and the formal resolution process outlined in this of the Student Handbook below will proceed.

b. Administrative Resolution. At any point in the student conduct process, if the Respondent accepts responsibility for the alleged violations of policy, the Parties may choose to resolve the issue through the Administrative Resolution process outlined below. The Administrative Resolution process is voluntary.

The Title IX Coordinator will, in consultation with the appropriate University dean (or if the allegation involves a student organization, the appropriate University staff member advisor of the organization) review the complaint and information gathered about the reported Sexual Misconduct, and if applicable, propose findings and specify appropriate sanctions. The Title IX Coordinator will send written notice to both the Complainant and the Respondent of the proposed findings and sanctions. The Parties will have five (5) business days to review the Administrative Resolution and decide whether they would like to accept or decline the proposed findings and recommended sanctions. Agreement with the terms of the Administrative Resolution is established by one of the two following ways:

i. A signature, or an electronic signature, by a Party or the Parties attesting to the agreement with the findings and sanctions; or

ii. No written objection by the Complainant or the Respondent to the findings and sanctions within five (5) business days of the date the proposed findings and recommended sanctions were sent to the Parties.

If both the Complainant and the Respondent agree with the proposed findings and recommended sanctions, the matter is considered concluded. Additionally, if accepted, the Parties waive their right to a hearing <u>or an appeal</u>, the process ends, <u>and</u> the finding is final<u>ized</u>, <u>and there is no appeal</u>. The complaint will only be reopened if new material, <u>previously unavailable is presented which</u> <u>was previously unavailable</u>.

If either Party disagrees with or does not accept the proposed findings or recommended sanctions, then the complaint will proceed, and a hearing will take place.

c. *Hearing.* See Section E below for Hearing Procedures.

6. Sanctions

A Hearing Officer or a Hearing Panel may impose sanctions as a result of an Informal Resolution, or formal hearing, when a student is found responsible. Implementation of the disciplinary sanctions will begin when the time period to file an appeal has expired or when the appeal decision has been sent to the parties.

Both the Complainant and Respondent will be simultaneously notified of the Appeal Officer's decision and sanctions as appropriate. When sanctions are final, appropriate University Administrators may be notified of the student's sanctions. Findings and sanctions agreed upon through the Informal Resolution are final and cannot be appealed.

All records related to the disciplinary process will remain on file with the Title IX Coordinator for a minimum of seven (7) years from the date the case is completed through an Informal Resolution, formal hearing or the appeal procedures. All records related to the Grievance Process resulting in suspension or expulsion will remain on file indefinitely.

If a student is found responsible for violating the University Sexual Misconduct policies, sanctions may be imposed and can include, but are not limited to the following:

- a. *Disciplinary Reprimand.* The Disciplinary Reprimand is an official written notification using the notice procedures outlined in this section to the student that the action in question was Misconduct.
- b. *Disciplinary Probation.* Disciplinary Probation is a period of time during which a student's conduct will be observed and reviewed. The student must demonstrate the ability to comply with University policies, rules, and standards and any other requirement stipulated for the probationary period.
- c. Time-Limited Disciplinary Suspension. Time-Limited Disciplinary Suspension is a specific period of time in which a student is not allowed to participate in class, University related activities, or be present on campus property. The status of Disciplinary Suspension will be shown on the student's academic record, including the transcript. Disciplinary Suspension is noted on the student's transcript by the phrase "Disciplinary Suspension" and will include the period of time in which the student was suspended from the University. In most instances, the notation of Disciplinary Suspension will remain on the transcript permanently. A student has the abilitymay to petition to remove a Disciplinary Suspension notation in the following instancesif: 1)

the student is eligible to reenroll in the institution or 2) the Title IX Coordinator or designee determines that good cause exists to remove the notation. A Disciplinary Suspension of a student will indicate the date on which the suspension period begins and the earliest date the application for student readmission will be considered. The Title IX Coordinator or designee may deny a student's readmission, if the student's misconduct during the suspension would have warranted additional disciplinary action. If the student has failed to satisfy any sanction that was imposed prior to application for readmission, the Title IX Coordinator or designee may deny. On denial of a student's readmission, the Title IX Coordinator or designee may recommend denial of readmission of a student. On denial of a student's readmission, the Title IX Coordinator or designee will set a date when another application for readmission may again be made. An administrative hold will be placed on the student's record to prevent registration during the Disciplinary Suspension.

d. *Disciplinary Expulsion*. Disciplinary Expulsion occurs when the student is permanently withdrawn and separated from the university. This status of Disciplinary Expulsion will be shown permanently on the student's academic record, including the transcript. Disciplinary Expulsion is noted on the student's transcript by the phrase, "Expulsion" and the date in which the student's expulsion became effective. In most instances, the notation of Disciplinary Expulsion will remain on the transcript permanently. A student has the ability to petition to remove a Disciplinary Expulsion notation in the following instances: 1) the student is eligible to reenroll in the institution or 2) the Title IX Coordinator or designee determines that good cause exists to remove the notation. An administrative hold will be placed on the student's record to prevent future registration.

7. Appeal Procedures

Either the Complainant or Respondent may appeal the decision, or the sanctions, conditions, and restrictions imposed by the Hearing Officers by submitting a written appeal to the Provost or their designee within three (3) business days of receiving the written decision. The appeal must clearly set forth the grounds for the appeal, together with the evidence upon which the appeal is based. A disagreement with the decision alone shall not constitute grounds for appeal. The only proper grounds for appeal and the only issues that may be considered on appeal are as follows:

- a. A procedural irregularity that affected the outcome of the matter;
- b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- c. The Title IX Coordinator, Investigators, or Hearing Panel Members had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; or
- d. The sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions.

The appeal process is initiated upon a party's filing of a written appeal within three (3) University business days after University's delivery of the written decision regarding responsibility. The written appeal must be filed with the University's Title IX Coordinator or System Office of Equal Opportunity as directed in the written determination regarding responsibility, and the party's written appeal must set forth the grounds for the appeal and any supporting information.

Upon the filing of a written appeal, University will give written notice of the filed appeal to the non-appealing party. The non-appealing party will have three (3) University business days after University's delivery of the written notice to respond to the appeal.

The Provost or their designee will review the appeal to determine if the appeal is timely and properly sets forth the appropriate grounds for appeal. If any of these requirements are not met, the appeal will be dismissed and the original decision of the Hearing Officers will be final. If the grounds for an appeal are determined proper by the Provost or their designee, the Title IX Coordinator will provide the request for appeal to the other party and provide opportunity for response. Any responses must be provided to the Provost or their designee within five (5) business days after receiving a copy of the request for appeal.

If the Provost or their designee determines that a procedural or substantive error occurred that significantly impacted the outcome of the hearing, they may order a new hearing. If a new hearing is ordered, all hearing procedures in will be followed. The Title IX Coordinator will notify the Complainant and Respondent of the outcome within five (5) business days of the decision of the Hearing Officers. The decision of the Hearing Officers is final and may not be appealed.

If the Provost or their designee determines that new evidence should be considered, they may return the complaint to the original Hearing Officers to reconsider the new evidence or may order a new hearing. If new evidence is considered, the Hearing Officers may increase, decrease, or otherwise modify the findings, sanctions, conditions, and/or restrictions. The Title IX Coordinator will notify the student of the outcome within five (5) business days of the decision of the Hearing Officers. The decision is final and may not be appealed. If a new hearing is ordered, all hearing procedures will be followed. The Title IX Coordinator will notify the Complainant and Respondent of the outcome within five (5) business days of their decision of the Hearing Officers is final and may not be appealed.

If the Provost or their designee determines that the sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions, they may then increase, decrease or otherwise modify the sanctions, conditions, or restrictions instead of returning the case to the original Hearing Officers or ordering a new hearing. If the Provost or their designee <u>modifies makes a decision regarding</u> the sanctions, conditions, and/or restrictions without returning the case to the original Hearing Officers, they <u>will must</u> notify the student in writing of the outcome within five (5) business days of their decision. The decision of the Provost or their designee is final and cannot be appealed.

If the Provost or their designee returns the case to the original Hearing Officers, the Hearing Officers may increase, decrease, or otherwise modify the findings, sanctions, conditions, or restrictions. The Title IX Coordinator will notify the student of the outcome within five (5) business days of <u>their the Hearing Officers'</u> decision. The decision is final and may not be appealed. If a new hearing is ordered, all hearing procedures in Part IV, Section C(3)(e), will be followed. The Title IX Coordinator will notify the Complainant and Respondent of the outcome within five (5) business days of their decision. The decision of the Hearing Officers is final and may not be appealed.

In cases in which the error cannot be cured by the original Hearing Officers, <u>(i.e., some cases of bias)</u>, the Provost or their designee may order a new hearing with a new panel of Hearing Officers.

After the findings and sanctions become final and all appeals, if any, are exhausted, the Complainant shall be advised

that if the complained of activity persists, they should contact the Title IX Coordinator. Likewise, in the event the Complainant believes retaliation for filing a complaint has taken place, they should contact the Title IX Coordinator.

The Title IX Coordinator will follow up with the Complainant within sixty (60) calendar days after conclusion of the matter to ensure that the complained of behavior has ceased.

E. NON-TITLE IX SEXUAL MISCONDUCT HEARING PROCEDURE

Section E sets forth the Hearing Procedure for Non-Title IX Sexual Misconduct. The Hearing Procedure for Title IX Sexual Misconduct is set forth in <u>System Regulation 07.06.A and its Attachment 2</u>.

1. Prehearing/Formal Allegations Assigned

Once the investigation is complete, if the complaint is not otherwise resolved, the Complainant and the Respondent will be given notice of a pre-hearing meeting. Should the Complainant or the Respondent not participate in the pre-hearing meeting, the <u>conduct-disciplinary</u> process may continue without their participation<u>through resolution</u>. During this meeting, the Complainant and the Respondent will be given the opportunity to review the investigation report, relevant evidence, and other documents to be used in the hearing. Other documents may include Complainant's allegations, list of potential Hearing Officers, and hearing script. Following the pre-hearing, the Complainant and the Respondent will be notified of a date, time, and location of the hearing.

While the Complainant and the Respondent may identify errors in their own statements during the pre-hearing, they are not able to add additional information to the investigation report unless that information, in the judgment of the Title IX Coordinator, was unavailable during the investigative process and is pertinent to the complaint. If a Complainant or Respondent discovers new, previously unavailable information during the time after the pre-hearing but before the hearing, the party should inform the Title IX Coordinator immediately. If the new information is pertinent to the consideration of the complaint, the Title IX Coordinator will determine whether the new information should be included in the investigation report or presented verbally during the hearing. If there is new evidence introduced, the Complainant and the Respondent will be given the opportunity to provide a response to any such evidence that will be presented in the hearing.

The Title IX Coordinator or their designee will schedule the hearing no sooner than five (5) business days from the date of the last pre-hearing meeting. The five-day period can be waived by the Title IX Coordinator with agreement by the involved Parties.

2. Hearing

After notice has been given to the Complainant and the Respondent, the University may proceed to conduct a hearing and render a finding of Responsible or Not Responsible for the Respondent's alleged misconduct and, in the event of a responsible finding, <u>decide impose</u> appropriate sanctions, conditions, or restrictions. The Provost or their designee shall appoint a panel of three (3) Hearing Officers to conduct the hearing. All persons serving as Hearing Officers shall be oriented and trained to adjudicate a Sexual Misconduct case in accordance with this Student Handbook. If there is a conflict of interest, or appearance thereof, with one of the selected Hearing Officers, that person will recuse themselves and the Provost or their designee shall appoint another person to the panel. Additionally, both the Complainant and the Respondent may raise issues of conflicts of interest with regard to the potential Hearing Officer panel to the Provost or their designee within three (3) business days after notice has been given to the Parties of the panel members. The Provost or their designee will weigh evaluate these issues and resolve them accordingly. No party has a right to disqualify a Hearing Officer panel member absent a demonstrated bias.

The hearing may be held and a decision or recommendation made, regardless of whether the Complainant or the Respondent fail to respond or fail to attend the hearing. Should the Complainant or the Respondent fail to respond or fail to attend the hearing Officers may consider the available information and render a decision.

Hearings are closed to the public. Both the Complainant and Respondent have the right to be present at the hearing; however, they do not have the right to be present during the deliberation of the Hearing Officers. Arrangements can be made so that Complainant and Respondent do not have to be in the hearing room at the same time. To request changes in the scheduled hearing time, the parties should contact the Title IX Coordinator not less than five (5) business days prior to the scheduled hearing.

During the hearing, the Title IX Coordinator or designee presents the allegations, investigation report, evidence, witnesses, and questions for deliberation in the hearing. The Hearing Officers may question the Title IX Coordinator, Title IX Investigator, Complainant, Respondent, and any witnesses. The Complainant and Respondent do not have the right to question each other nor witnesses directly but may do so through the Title IX Coordinator or their designee. The Complainant and Respondent have the right to add or make additional comments about the facts of the complaint. Should new evidence be presented without prior discussion with the Title IX Coordinator, the hearing may be halted to consider the inclusion of this information. Impact statements will also be halted if they are shared prior to the sanctioning phase of the hearing. In the event the Hearing Officers remove a student due to misconduct in the hearing process, the alleged misconduct in the hearing process will be forwarded to the appropriate student conduct administrator, who will follow the conduct process in Part II of this Student Handbook.

Following the hearing, the Hearing Officers will deliberate and will render a finding of responsible or not responsible for the Respondent's alleged misconduct as well as decide any sanctions, conditions, or restrictions if applicable. Any findings of the investigation will be based upon a preponderance of the evidence, which means more likely than not. The Hearing Officers will inform the Complainant and the Respondent in writing within five (5) business days of their decisions.

Either the Complainant or Respondent may utilize the Appeal Procedures.

F. PREGNANCY

Discrimination based on pregnancy is a form of discrimination based on sex. Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all educational opportunities as other persons not so affected but similar in their ability or inability to participate in education programs or activities.

If a pregnant or parenting student feels that they require flexibility or an accommodation in order to be successful at TTUHSC, it is the student's obligation to make a request initially through their appropriate school's student affairs personnel. Students requesting a pregnancy or parenting related accommodation should do so as soon as they become aware that one may be needed. If the student and school are unable to come to a mutually agreeable decision in relation to reasonable flexibility and adjustments, the student should contact the TTUHSC Title IX Coordinator. The Title IX Coordinator will consult with the student and school administrators to begin the interactive process and determine reasonable flexibility and adjustments.

If a student disagrees with the determination or proposed accommodation after engaging in the interactive process, the student may file a complaint with the Title IX Coordinator.

In certain situations, if there is a medical condition due to pregnancy, it may be protected under the Americans with Disabilities Act (ADA), entitling the student to a reasonable accommodation. Accommodation requests due to pregnancy-related complications should be directed to Student Disability Services.

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 accurate permanent and local addresses with the Office of the Registrar. Addresses are used for various purposes including student billing and official state and federal reporting. Maintaining an accurate address and telephone number is also important for use by University officials and/or student organizations. Students will receive an email twice a year prompting them to review the address TTUHSC has on file. Students can update their address through the WebRaider Portal under "My Personal Information" or "Action Items".

Students are also required to maintain accurate Emergency Contact information with current emergency contact name, address, and phone number in the event that it is necessary for the school or the University to contact them. 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, student organizations, and the campus community. Students may update their contact information at www.webraider.ttuhsc.edu via their MyTech tab.

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-<u>T</u>the Family Educational Rights and Privacy A<u>ct</u>CT (FERPA) affords eligible students certain rights with respect to their education records. An "eligible student" under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution. These rights include:

- 1. 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, which identifies the records 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 their

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 Texas Tech University Health Sciences Center 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 Texas Tech University Health Sciences Center 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 their tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibilities for the Texas Tech University Health Sciences Center.

3. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the Texas Tech University Health Sciences Center to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family <u>Student Privacy</u> Policy <u>Compliance CenterOffice</u>, 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 their capacity as an employee that are not available for any other purpose, unless the Student is employed as a result of their 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 they are no longer a Student at that agency or institution (e.g., information gathered on the accomplishments of alumni).

E. DISCLOSURE OF EDUCATIONAL RECORDS

FERPA permits the disclosure of personally-identifiable information from students' education records, without consent of the student, if the disclosure meets certain conditions found in §99.31 of FERPA. 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 requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures. Texas Tech University Health Sciences Center may disclose personally-identifiable information from the education records without obtaining prior written consent of the student:

- To other school officials, including faculty, 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)(<u>3</u>1) (a)(1)(i)(B)(2) are met. (§99.31 (a)(1))
- 2. To officials of another school where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31 (a)(2))
- 3. To authorized representatives of the U. S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the university's <u>s</u>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 <u>f</u>Federal-or-<u>s</u>State-supported education programs, or for the enforcement of or compliance with <u>f</u>Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31 (a)(3) and 99.35)
- 4. In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31 (a)(4))
- 5. To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31 (a)(6))
- 6. To accrediting organizations to carry out their accrediting functions. ((§99.31 (a)(7))
- 7. To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31 (a)(8))
- 8. To comply with a judicial order or lawfully issued subpoena. (§99.31 (a)(9))
- 9. To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31 (a)(10))

- 10. Information the school has designated as "directory information" under §99.37. (§99.31 (a)(11))
- 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))
- 12. 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 education 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 education records.

- 1. Any student who believes that their education records are inaccurate or misleading, or that the records violate their 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 to the Assistant Provost or their 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 their 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 their education records, the Assistant Provost or their 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 Provost for Student Affairs or designee will provide written notification to the student whether or not TTUHSC will implement the change. If not, the Assistant Provost for Student Affairs or designee will notify the student of the right to a hearing to challenge the information believed by the student to be inaccurate, misleading, or in violation of the student's rights.

- 4. Upon receiving a written request from the student for a hearing, the Assistant Provost for Student Affairs 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 <u>PresidentProvost</u> or their designee. Such individuals 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 their own expense, be assisted or represented by one or more individuals of their 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 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 their position that the content of the relevant educational record is inaccurate, misleading, or otherwise in violation of the privacy rights of the student.
 - d. Any additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
 - e. Within seven (7) business days after the conclusion of the hearing, the hearing officer or chair of the hearing committee, if applicable, will transmit the decision in writing to the student, the Office of the Registrar, and the Assistant Provost for Student Affairs 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 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 number
- 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, Student Consent to Release Education Records, 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 derestricts 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

- Students wishing to register a new student organization with the Texas Tech University Health Sciences
 Center must first submit an Intent to Form Request found on HSC Net under the FORMS tab. The purpose
 and activities of the organization shall be lawful and not in conflict with the regulations published by the
 Office of Student Life. After submitted, the student will be contacted by a staff member of the Office of
 Student Life to schedule a training. Once the student has attended a training the student will be able to
 register the new organization on HSC Net. HSC Net is facilitated and managed by the Office of Student Life.
- Student organizations wishing to register with the Texas Tech University Health Sciences Center must file
 an application with the Office of Student Life. 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. The registration shall contain, but not be limited to, the following information:
 - a. A statement of the organization's purpose
 - b. Roster of all current members, officers, and advisor(s)
 - c. Any present relation the organization may have to any other local, state, or national organization
 - d. Contact information for the organization's officers (President and Treasurer Required)
 - e. Contact information for a full-time faculty or staff advisor
 - f. A copy of the current organization's constitution/bylaws
- 2.— A copy of the constitution/bylaws of any related organization, if any This application shall contain, but not be limited to, the following information:
 - a.—A statement of the organization's purposes;
 - 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 their willingness to serve as the advisor to the organization
- 3. The student organization constitution and/or bylaws should include a minimum of these areas:
 - a. Name & Purpose
 - b. National & Affiliate Organizations
 - c. Membership Requirements
 - d. Officer List & Duties (President and Treasurer Required)
 - e. Officer Election & Removal Processes
 - f. Financial Procedures
 - g. Faculty/Staff Advisor Responsibilities
 - h. Annual Programs/Activities
- 3.4. Membership in the organization shall be open only to students <u>enrolled of at</u> Texas Tech University Health Sciences Center without regard to race, <u>color</u>, religion, sex, <u>sexual orientation</u>, <u>gender identity</u>, <u>gender</u>

<u>expression</u>, <u>disability</u>, <u>age</u>, <u>citizenship</u>, <u>veteran status</u>, <u>handicap</u> or national origin</u>, 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.

- 4.5. The organization shall not duplicate the purposes and functions of a previously registered organization, unless need for such duplication is substantiated.
- 5.6. All funds allocated to the organization from TTUHSC controlled sources must be maintained in a TTUHSC account.
- 6.7. The organization shall show promise of effectively meeting its stated objectivespurpose, be free from control by any other organization, and be lawful and peaceful in its activities.
- 7.8. 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 or 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 Advancementbrandapprovals@ttuhsc.edu.
- 8.9. 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 student 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 reviewing credits and debits in HSC Net to offer suggestions regarding the operations of the organization and to oversee adherence to TTUHSC regulations and the organization's constitution and bylaws. The advisor will be required to ensure that the current officers are designated with administrator privileges updated and identified in the HSC Net student organization roster.

C. CONDITIONS FOR MAINTAINING REGISTRATION

In order to maintain its registration, a student organization shall comply with the following requirements:

- The organization shall file a list of its current<u>update changes in</u> 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 their designated representative shall file notification of subsequent changes, when such changes occur.<u>10</u> business days on their HSC Net organization roster throughout the year.
- The organization shall submit <u>the annual re-registration on HSC Net by the designated deadline each spring</u> for to-the Office of Student Life for approval, all changes in documents on file in that office relating to the organization<u>to review. All updates made to documents or processes</u>, such as revisions in-to its constitution

or bylaws, changes in its statement of purpose, changes in procedures for handling organization funds or changes in membership requirements will need to be submitted during this process.

- 3. 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.
- 4. The organization shall demonstrate by its activities that it is conducting business to achieve its purpose as stated on the <u>original</u> application <u>or Intent to Form Request</u>.
- 5. 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.
- 6. 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.
- 7. The Office of Student Life 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 Student Life 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 Life in writing. The applying organization may appeal in writing to the <u>Assistant</u> Provost <u>for Student Affairs or their designee</u> within five (5) business days from the date of the denial letter. The decision of the <u>Assistant</u> Provost <u>for Student Affairs or their for Student Affairs or their designee</u> within five (5) business days from the date of the denial letter. The decision of the <u>Assistant</u> Provost <u>for Student Affairs or Student Affairs or their designee</u> is final.

PART VII. USE OF UNIVERSITY SPACE, FACILITIES, AND AMPLIFICATION EQUIPMENT

A. EXPRESSIVE ACTIVITIES

- 1. TTUHSC recognizes freedom of speech and expression as a fundamental right and seeks to ensure free, robust, and uninhibited debate and deliberation by students enrolled at TTUHSC as well as other persons.
- 2. Expressive activities on the TTUHSC campus are governed by <u>Texas Tech University System Regulation</u> 07.04, Freedom of Expression.
- 3. In the event of any conflict between this Section VII(A) and any other provision of this Handbook, the provisions of this Section shall control.

B. OTHER USES OF TTUHSC SPACE AND ACTIVITIES

- 1. The provisions of this Section VII(B) shall apply to all uses of TTUHSC facilities for purposes other than expressive activities conducted in outdoor common areas.
- 2. 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.
- 3. TTUHSC buildings, grounds, or property may not be used by individuals or organizations not connected with TTUHSC.
- 4. 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.

- 5. 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.
 - a. 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 the premises requested being approved.
 - b. Participants in, and/or sponsors for, events may be required to sign a "Hold Harmless" release.
 - a.c. If the use of TTUHSC 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.
- 5.6. 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, 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 Life. 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 Life.

PART IX. STUDENT TRAVEL POLICY

A. STUDENT TRAVEL POLICY

- <u>TTUHSC O.P. 77.08</u> 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. commercial vehicles, including but not limited to 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 TTUHSC faculty, staff and students. The policy applies to the use of the above modes of travel in 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 TTUHSC to reach a university related activity located more than 25 miles from TTUHSC. It applies to travel required by a registered student organization. This HSC OP does not create a claim or cause of action against TTUHSC or its employees, and TTUHSC retains all defenses to any such action including, but not limited to, sovereign immunity.

PART X. MISCELLANEOUS POLICIES

A. MISCELLANEOUS POLICIES

Policies and procedures for certain items, including, but not limited to, academic advisement, academic review, appeals, attendance in academic courses, auditing courses, clinical attire, grades, promotions/dismissal, grievance procedures, and student employment may be referenced in the various Schools' student handbooks and/or catalogs.

- 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 their 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 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 dis- ease, 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 <u>http://www.cdc.gov/ncird/dbd.html</u> or <u>www.acha.org</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. The student is responsible for all associated costs.
 - a. Medical and Religious Exemptions. <u>Texas Administrative Code (TAC) §97.62</u> describes the conditions under which individuals can seek exemptions from Texas immunization requirements. Exclusions from compliance are allowable on an individual basis for medical contraindications, active duty with the armed forces of the United States, and reasons of conscience, including a religious belief.
 - b. A person claiming exclusion for reasons of conscience, including a religious belief, from a required immunization may only obtain the affidavit form by submitting a request (via online form, mail, fax or hand-delivery) to the department. The request must include following information:
 - i. Full name of student
 - ii. Student's date of birth (month/day/year)
 - iii. Complete mailing address, including telephone number
 - iv. Number of requested affidavit forms (not to exceed 5).
 - c. View the <u>Request for Exemption from Immunizations for Reasons of Conscience</u> for written requests.
 - d. Affidavit form requests will be processed and mailed within one week from the receipt of the request. If additional information is needed in order to process the affidavit, you will be notified.
 - e. 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. If you've submitted a religious exemption prior to 9/1/03, you are grandfathered under the old law and do not need a new form.
- 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.
- 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).

11. Working with Affiliated Entities-Student Drug Screenings, HSC OP 77.15

- a. For purposes of this policy the term "Student" does not include residents in the Schools of Medicine or School of PharmacyJerry H. Hodge School of Pharmacy.
- b. 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.
- ii. 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.
- iii. 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.

c. Clinical Placement

- i. 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.
- ii. 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.
- d. Responsibility of the School. The student's school shall:
 - i. 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.
 - ii. 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.
 - iii. Notify and ensure the Affiliated Entity that all students prior to their clinical rotation have met their drug screening requirements.

e. Responsibility of the Student

- i. 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.
- ii. 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.
- iii. The student shall use a drug screen vendor from the designated vendors provided to the student by their 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.

- iv. 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.
- f. **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 their 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.

g. Period of Validity – Drug Screen Results

- i. 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.
- ii. 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.

h. Drug Screen Results

- i. **Diluted Specimen.** Should the vendor report that the screening specimen was diluted, thereby precluding an accurate drug screen test, the student, at their expense, will be required to complete and successfully pass a new drug screen test.
- ii. **Negative Drug Screen Results.** The School which receives 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.

iii. 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 their 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.
- i. **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.

j. Re-admission

- i. 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.
- ii. If accepted for readmission after the required period of time, the student must, at their own expense, provide a negative drug test and satisfactory documentation of completion of any remedial action required by the School.
- k. **Right to Change Policy.** TTUHSC reserves the right to change, modify, amend or rescind this policy in whole, or in part. at any time.
- 12. 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.
- 13. Disabilities (Students). Reference <u>TTUHSC OP 77.14</u>. TTUHSC 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 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.
 - a. 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 Student Disability Services.
 - b. Any student seeking accommodations on the basis of disability must apply for services as a qualified student with Student Disability Services and provide supporting documentation of a disability.
- 14. 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 HSC Student Affairs. For more information, visit https://www.ttuhsc.edu/hsc/op/op51/op5101.pdf, Equal Employment Opportunity Policy and Affirmative Action Plan.
- 15. **Employment Grievance.** 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 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.

- 16. **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 apply for services as a qualified student with Student Disability Services and must provide supporting documentation of disability. Appropriate and reasonable accommodations, if any, will be determined by Student Disability Services.
- 17. **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 hold placed on a student's academic records preventing future registration (before registering or requesting a transcript, students may check on the presence of holds 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.

18. 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 3 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.

19. 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 the Registrar the University's Graduation Application form in the semester before anticipated graduation (the student's "diploma name" as requested in the Graduation Application form is printed on their 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 Federal Student Aid Exit Counseling must be completed by students who have received financial assistance, which must be repaid after graduation.

20. Health-Medical Services Fee and Student Health Insurance-Information

- a. The Texas Tech Physicians Family & Community Medicine clinicTTUHSC provides health services to TTUHSC-students who are currently enrolled and have paid the Student-Medical_Health Services Fees as part of their_tuition and fees. To receive health services, you-students must present theirs sStudent I.D. card at the time of their appointment. If yoStudents whou also have private insurance-in-addition to Student Health Services, you will need to submit your their receipt for the co-pay charged at the appointment to your their insurance company for reimbursement.
 - i. 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.Each TTUHSC campus has designated facilities that students can use when needing health care services. Each location offers a range of services from medical checkups and mental health services to wellness support and health education. Students will find information about each facility and covered services at the following link: https://www.ttuhsc.edu/studentaffairs/health.aspx. The Medical Services Fee covers only those services listed on the aforementioned webpage. All other charges incurred are the students' responsibility.
 - +ii. If a student receives a bill from the Health Sciences Center for services covered by the Medical Services Fee, they should contact the Office of Student Life at (806) 743-2302.
- 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. Telemedicine and nurse on call services may also be available. 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.
- <u>c.</u> Students who are required <u>by their School/program</u> to have <u>hospitalization_student health</u> insurance coverage for each semester enrolled should be prepared to provide proof of coverage at the time of registration.
 - e.i. Per OP 77.03, TTUHSC requires that all non-immigrant F-1 students have health insurance coverage as a condition of enrollment. This guarantees that both <u>TTUHSC and the non-immigrant students are in compliance with United States</u> federal regulations and guidelines.
- d. 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 Life, <u>https://www.ttuhsc.edu/studentlife/www.ttuhsc.edu/student-services</u>.

- 21. Interprofessional Education. All TTUHSC students, regardless of school affiliation, will be required to complete the IPE Core Curriculum prior to graduation. The IPE Core Curriculum is composed of two components including successful completion of a non-credit online course (>70% accuracy on all knowledge post-tests) and successful participation in at least one registered IPE learning activity. Failure to complete the IPE Core Curriculum will result in delayed graduation. Students should consult their academic/program advisor and/or school catalog for additional information.
- 22. **Notification of Student Death.** HSC Student Affairs is the Office of the Chancellor's liaison regarding notification of any student deaths. Schools must notify the Assistant Provost for Student Affairs immediately in the event of any student death.
- 23. 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 six-eight free counseling sessions per year. Additional information about PAS services can be found at https://www.ttuhsc.edu/centers-institutes/counseling/pas.aspx.
- 24. **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.

25. 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 readmit- ted 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 each school 's Office of Admissions 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 fee. Consult the Office of the Registrar for deadline dates for registration.
- 26. 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 their 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
 <u>PresidentProvost</u> or their designee. Any decision by the <u>PresidentProvost</u> or their 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.
- 27. **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 Texas is not clearly established should request a Residency Questionnaire from the Office of the Registrar.
- 28. **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. Student concerns about sexual harassment which include faculty, staff, or students should be directed to the Title IX Coordinator –University Center 330 A, (806) 743-9861, or <u>TitleIXCoordinator@ttuhsc.edu</u>.

29. 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. Student who elect to pay by installments are required to complete a Financial Responsibility Agreement each semester.
- 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. Bi-annual approval of tuition and fees by 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 two years for approval.

30. Tuition and Fees Refund Policies

a. **Institutional Refund Policy.** Texas Education Code, Section 54.006, provides the amount of tuition and fees to be refunded to students who drop courses or withdraw from the institution. Class day count is based on the official institution calendar for the school, not the specific course dates.

Term	Class Day	Percent of Refund of
		Charges
Summer – More than 5	1st class day through 4th	100%
weeks but less than 10	class day	
weeks in duration		
Fall, Spring, or Summer –	1st class day through 12th	100%
Duration of 10 weeks or	class day	
longer	After 12th class day	None

i. Students who drop a course, but remain enrolled at the institution will be refunded at the following rate:

 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	Before the 1st class day	100%
weeks but less than 10	1st, 2nd, or 3rd class day	80%
weeks in duration	4th, 5th, or 6th class day	50%
	7th class day or later	None
Fall, Spring, or Summer –	Before the 1st class day	100%
Duration of 10 weeks or	1st five class days	80%
longer	2nd five class days	70%
	3rd five class days	50%
	4th five class days	25%
	21st class day and after	None

b. Withdrawal from TTUHSC. 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, and/or Federal Direct 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.

- i. 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.
- ii. 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 www.studentaid.ed.gov.
- c. **Title IV Funds.** 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:

- i. Number of days attended ÷ Days in semester = % of semester completed
- ii. Total \$ disbursed X % completed = Earned \$
- iii. 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 evaluation process is comprised by three standards; qualitative, quantitative, and maximum time frame. This determination must be made at least once per year. This evaluation process may be different for different schools at the HSC. For more information and school specific SAP information, please visit: <u>https://www.ttuhsc.edu/financial-aid/eligibility.aspx</u>

- i. Qualitative grade point average on hours attempted
- Quantitative hours successfully completed based on hours enrolled. As a general rule, a student must successfully pass 67% of the hours they attempt (hours as of census date).
- iii. Maximum Time Frame students may not attempt more than 150% of the required program hours (or years for medical students) to complete their degree program.

PART XI. STUDENT COMPLAINT/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 <u>HSC Student Affairs website</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

A. GENERAL OR ACADEMIC MISCONDUCT OF A 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. 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:

- 1. HSC OP 51.04, Access for Individuals with Disabilities
- 2. HSC OP 51.01, Equal Employment Opportunity Policy and Affirmative Action Plan

C. STUDENT RECORDS

HSC OP 77.13, *Student Education Records*, provides detailed information about filing complaints relating to student records.

D. TTUHSC EMPLOYMENT

Information about employment grievances for students who are employed at TTUHSC is provided in <u>HSC OP 70.10</u>, <u>Non-faculty Employee Complaint and Grievance Procedures</u>. 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. GRADES/GRADING

The processing of formal grade appeal procedures is the responsibility of the school which administers the course. Relevant school policies are listed below:

- 1. School of Health Professions: Student Complaint Resolution and Hearing Policy (addresses academic and non-academic issues, including grade appeals)
- 2. School of Medicine–Lubbock: Student-Faculty Dispute Resolution Policy, Grading Policy, Promotions Policy, and policies and procedures for Challenging Student Records or Grades
- 3. School of Nursing: Academic Grade Challenges/Appeals
- 4. School of PharmacyJerry H. Hodge School of Pharmacy: Grade Grievance Resolution
- 5. Graduate School of Biomedical Sciences: Grade Appeals Policy

F. OTHER TYPES OF MISTREATMENT

- 1. 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:
 - a. School of Health Professions: Student Complaint Resolution and Hearing Policy (addresses academic and non-academic issues, including grade appeals) and Academic Misconduct Policy (addresses academic complaints against a student)
 - b. School of Medicine–Lubbock: Student-Faculty Dispute Resolution Policy, Student-Student Dispute Resolution Policy, Part IV Anti-Discrimination and Title IX,
 - c. School of Nursing: Academic Grade Challenges/Appeals and Complaint or Grievance Resolution (Non-Grade Related)
 - d. School of PharmacyJerry H. Hodge School of Pharmacy: Non-Grade Grievance Resolution
 - e. Graduate School of Biomedical Sciences: Appeals Policy for Students and Grade AppealsComplaints Policy
- 2. Students should process their complaints or appeals through the appropriate channels. Procedures are delineated in the policies identified above. Students are required to bring their concerns to the designated student affairs officer of their school. The student affairs officer in each school is as follows:
 - a. School of Health Professions: Associate Dean for Admissions and Student Affairs
 - b. School of Medicine-Lubbock: Assistant Dean for Student Affairs
 - c. TTUHSC School of Nursing: Assistant Academic Dean for Education Support and Student Affairs
 - d. School of PharmacyJerry H. Hodge School of Pharmacy: Senior Director for Student Affairs
 - e. Graduate School of Biomedical Sciences: Assistant Dean
- 3. 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.

4. 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 TTUHSC Student Affairs in accordance with the following institutional-level student complaint procedures. These procedures are also published on the HSC Student Affairs 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 administrators. TTUHSC Student Affairs will administer this institutional policy and will ensure that due process is afforded to all concerned.

Early Resolution. Prior to contacting the TTUHSC Office of Student Affairs, 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 Provost for Student Affairs. The student shall address the
issue and initiate action under this policy within 30 days of the event-giving rise to the complaint.

The Assistant Provost for Student Affairs 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 Provost for Student Affairs will investigate the complaint, attempt to reconcile differences, and propose a solution. The Assistant Provost for Student Affairs will provide a written statement of their 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 Provost for Student Affairs will attempt to facilitate a resolution before proceeding with a hearing, as described below. (If the complaint is against the Assistant Provost for Student Affairs, the student should meet with the Provost or their designee, who will follow the procedures outlined here.)

2. Filing a Hearing Request. If the student is not satisfied with the recommendation of the Assistant Provost for Student Affairs, he/ she may file a request for a hearing by submitting a written complaint to the Assistant Provost for Student Affairs. 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 Provost for Student Affairs' recommended resolution.

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 Provost for Student Affairs 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 Provost for Student Affairs 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 Provost for Student Affairs 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 Provost for Student Affairs 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 Provost or their designee.
- c. The Provost or their designee will review the complaint resolution and render a decision within five working days. The decision of the Provost or their designee is final.
- d. If the Provost or their designee is serving as a mediator in the case, then the President or their designee will review the complaint resolution and render a decision within five working days. The decision of the President is final.
- 5. **Complaint Forms.** 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 towards students.
 - a. Incident Report Form <u>https://app4.ttuhsc.edu/grievanceforms/</u>
 - b. Title IX Complaint <u>https://www.ttuhsc.edu/title-ix/default.aspx</u>

PART XII. CONTACT INFORMATION FOR KEY PERSONNEL

HSC Student Affairs	(806) 743-2300	
Student Business Services	(806) 743-7867	
Student Disability Services	(806) 743-1926	
Student Life	(806) 743-2302	
Student Financial Aid	(806) 743-3025	
Registrar	(806) 743-2300	
Graduate School of Biomedical Sciences and Public Health	(806) 743-2556	
School of Health Professions Admissions and Student Affairs	(806) 743-3220	
School of Medicine Student Affairs	(806) 743-3005	
School of Nursing Student Affairs	(806) 743-3341	
School of PharmacyJerry H. Hodge School of Pharmacy Student Affair	S	(806) 414-9393
Title IX Coordinator for TTUHSC	(806) 743-9861	

ATTACHMENT 5

Ι

TTUHSC EI Paso Institutional Student Handbook: Code Of Professional and Academic Conduct 2021-2022 with proposed revisions (Consent Item g.)



Institutional Student Handbook:

Code of Professional and Academic Conduct

202<mark>01</mark>-202<mark>2</mark>4

Approved by Texas Tech University System Board of Regents, <u>May 15, 2020TBD</u>

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STATEMENT OF ACCREDITATION

Texas Tech University Health Sciences Center El Paso is accredited by the Southern Association of Colleges and Schools Commission on Colleges to award baccalaureate, masters, and doctoral degrees. Contact the Southern Association of Colleges and Schools Commission on Colleges at 1866 Southern Lane, Decatur, Georgia 30033-4097 or call 404-679-4500 for questions about the accreditation of Texas Tech University Health Sciences Center El Paso.

PART I

FOREWORD

A. General Policy

 The mission of Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso) is to improve the lives of people in our State and our community by focusing on the unique health care needs of socially and culturally diverse border populations through excellence in integrated education, research, and patient care.

A University, like any community, must have regulations and standards by which its members abide and procedures by which its components function. The standards should provide order and an atmosphere conducive to intellectual and personal development. This Student Handbook, the **TTUHSC El Paso** Operating Policies and Procedures, and the individual Schools' catalogs and handbooks are intended to serve these purposes in the interest of all components of the Texas Tech University Health Sciences Center El Paso.

The University has a responsibility to maintain order within the University community and to discipline those who violate its standards, rules, and policies. Enrollment at TTUHSC EI Paso requires students to share in this responsibility. Students agree to abide by the standards, rules, and policies outlined in this Student Handbook, the TTUHSC EI Paso 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.

The Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso or the University) reserves the right to change, modify, amend, or rescind, in whole or in part, this Handbook at any time without prior notice. This Handbook supersedes all previous editions. The provisions of this Handbook do not constitute a contract, expressed or implied, between any student or faculty member and Texas Tech University System, TTUHSC El Paso, Gayle Greve Hunt School of Nursing (GGHSON), Graduate School of Biomedical Sciences (GSBS), Paul L. Foster School of Medicine (PLFSOM), or Woody L. Hunt School of Dental Medicine. (WLHSDM).

B. Authority

The authority to enact and enforce the regulations of the University is vested in the Texas Tech University System Board of Regents. The responsibility for enforcing regulations and imposing penalties is delegated to the Chancellor and/or the President of the University and any University officials the President designates.

All references to the Chancellor and/or President of the University, the Provost and Vice President of Academic Affairs or Assistant Vice President for Student Services and Student <u>Affairs Engagement</u> (SSSA<u>E</u>) or designee shall be interpreted to include persons designated to act on behalf of these officials.

C. Policy on Non-Discrimination

TTUHSC EI Paso brings together, in common pursuit of its educational goals, person of many backgrounds and experiences, thus the University does not tolerate discrimination or harassment of any employee or applicant for employment because of <u>sex</u>, including pregnancy, race, color, religion, <u>sex</u>, national origin, age, disability, genetic information, status as a protected veteran, or any other legally protected category, class, or characteristic. While sexual orientation and gender identity are not explicitly protected categories under state or federal law, it is the University's policy not to discriminate in employment, admission, or use of programs, activities, facilities, or services on these bases. Employment actions, such as hiring, promotion, demotion, transfer, rate of pay or other forms of compensation, selection for training, and termination, shall not be made based on an employee's protected status. Discriminatory behavior is prohibited regardless of how it is exhibited, whether verbally, in writing, or electronically displayed or conveyed.

Discriminatory behavior is prohibited by this policy, as well as by federal laws such as Title VII, which prohibits discrimination in employment, Title IX, which prohibits discrimination on the basis of sex in education program or activities, as well as the Equal Pay Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Rehabilitation Act of 1973, the Civil Rights Act of 1991, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, Title II of the Genetic Information Non-Discrimination Act, and state laws such as Chapter 21 of the Texas Labor Code. The University expects all members of the University Community to comply with the law. For more information, see <u>Texas Tech</u> <u>University System Regulation 07.10</u>, HSCEP OP 51.01, Equal Employment Opportunity Policy and Affirmative Action Plan at http://elpaso.ttuhsc.edu/opp/_documents/51/op5101.pdf, HSCEP 51.02, Non-Discrimination and Anti-Harassment Policy at https://elpaso.ttuhsc.edu/opp/_documents/51/op5102.pdf, and <u>Part IVAppendix A</u> of this Student Handbook[DR1] below.

D. D. 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 <u>TTUHSC EI</u> <u>Paso</u> Office of the Vice Chancellor for Institutional Advancement or designee, or any unauthorized use of University documents, records or seal is prohibited. See HSCEP OP 67.01, Publication Guidelines at https://elpaso.ttuhsc.edu/opp/ documents/67/op6701.pdf.

E. E. Clery Annual Security Report

In accordance with the guidelines established by Texas Tech University Health Sciences Center El Paso, the Texas Tech Police Department, and pursuant to the federal law identified as the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act," all currently enrolled students, campus employees and all prospective students and prospective employees are entitled to request and receive a copy of the Annual Campus Security Policy and Campus Crime Statistics Report. The report contains statistics about certain specified crimes and related incidents that have been reported to the Texas Tech Police Department and other campus security authorities over the past three calendar years (20176, 2017 2018 and 20189). All incidents contained within the report have either occurred on-campus, in off-campus buildings, or on or near property owned or controlled by Texas Tech University Health Sciences Center El Paso. The report also contains policies and practices pertaining to campus security, crime reporting, alcohol and drugs, victims' assistance programs, student discipline policies, campus resources, community safety alerts, crime prevention, access to campus facilities and properties as well as personal safety tips.

Annual reports can be accessed at https://elpaso.ttuhsc.edu/about/policies/annualsecurity-report.aspx

To request a paper copy of this report, contact the Texas Tech Police Department by email at <u>police@ttuhsc.edu</u> or by phone at 915-215-7111 during normal business hours, 8 a.m. – 5 p.m., Monday through Friday.

Note; Also refer to HSCEP OP 76.40 Jeanne Clery Disclosure of Campus security Policy and Campus Crime Statistics at https://elpaso.ttuhsc.edu/opp/_documents/76/op7640.pdf and related TTU System Regulation 07.05.

F. F. Drug and Alcohol Abuse Prevention Program

https://elpaso.ttuhsc.edu/opp/_documents/10/op1003.pdf

a. The Texas Tech University Health Sciences Center El Paso (TTUHSC_ELPaso) policy on drug and alcohol abuse prohibits the unlawful possession, use, or distribution of alcohol and illegal drugs on TTUHSCEP property or as a part of any officially sponsored TTUHSCEP TTUHS El Paso activities.-

b. The Drug-Free Schools and Communities Act Amendments of 1989, 20 U.S.C.§

7101 et seq., as amended, require that, as a condition of receiving funds or any other form of financial assistance under any federal program, an institution of higher education must adopt and implement a program designed to prevent the unlawful possession, use, or distribution of alcohol and illegal drugs by faculty, staff, and students. This OP also applies to residents. In addition to meeting the requirements of the federal law, TTUHSCEP also intends that this policy be part of a positive effort in alleviating alcohol abuse and other drug-related problems among members of the campus communities in all regional sites and components. Thus, the emphasis in program implementation will be on prevention, education, counseling, intervention, and treatment.

c. This policy is in addition to, and not in lieu of, any other TTUHSC_EI_Paso policy. TTUHSC_EI_Paso reserves the right to take disciplinary action against faculty, staff, residents, or students for violations under this or other applicable policies of TTUHSC_EI_Paso.-

(See complete text of HSCEP OP 10.03 at

https://elpaso.ttuhsc.edu/opp/_documents/10/op1003.pdf)

<u>d.</u> All TTUHSC_E<u>I Paso</u>P students are required to complete a drug and alcohol training program each year. Students are notified of the method to complete this training by <u>their respective Schoolsthe Office of Student Services and Student</u> Engagement annually.

e. For TTUHSC_EI_Paso students who are required to submit drug screening, please see review HSCEP OP 77.15 at

https://elpaso.ttuhsc.edu/opp/_documents/77/op7715.pdf.

<u>f.</u> Student who are required to submit criminal background checks should review HSCEP OP 10.20

https://elpaso.ttuhsc.edu/opp/_documents/10/op1020.pdf.

<u>g.</u> Student Counseling and Health Services are available for all enrolled students. Please see https://elpaso.ttuhsc.edu/studentservices/SCS.aspx for more information.

G. G.-Tobacco-Free Environment

According to the United States Surgeon General, tobacco use is the single largest preventable cause of premature death and disability. Tobacco users are at substantially increased risk of developing smoking-related cancers, cardiovascular disease, and lung disease. Environmental smoke can cause discomfort and disease in non-smokers. Institutions with smokers suffer from lost productivity, conflict, and plant deterioration (HSCEP OP 10.19 -Smoke-free and Tobacco-free Environment. http://elpaso.ttuhsc.edu/opp/_documents/10/op1019.pdf).

As a health care institution, TTUHSC El Paso is committed to the establishment and enforcement of a healthier tobacco-free environment. TTUHSC El Paso OP 10.19, Tobacco-Free Environment Policy, includes regulation and assessment. See <u>https://elpaso.ttuhsc.edu/opp/_documents/10/op1019.pdf</u>

PART II

CODE OF PROFESSIONAL AND ACADEMIC CONDUCT ("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 for students and student organizations.
- 2. Students and student organizations are subject to disciplinary action according to the provisions of the Code and/or any other applicable University rules or regulations.
- 3. Each student is responsible for becoming familiar with the various regulations of the University and meeting the various requirements outlined below. Written policies are described in University publications such as this Handbook and the Schools' catalogs and handbooks. Each student, in accepting admission, indicates a willingness to subscribe to and be governed by the rules and regulations of this institution, and for university officials to take such disciplinary action, including dismissal, as may be deemed appropriate for failure to abide by such rules and regulations.
- 4. Each student is responsible for their own integrity and for reporting possible violations of this Code by other students. Faculty, staff, and students shall take all reasonable steps to prevent violations and are responsible for reporting violations.

B. Disciplinary Jurisdiction

 The Code of Professional and Academic Conduct shall apply to conduct that occurs on University premises, at University sponsored activities, and to off-campus conduct that adversely affects the professional and ethical standards of each school and/or the University and/or pursuit of its objectives. On a case-by-case basis the Dean and their designee of each respective School, in their sole discretion, share determine whether the Code should be applied to conduct occurring off premises. [DR2]

- 2. All students are expected to <u>comply with the professional and ethical</u> <u>standards of each school o which they are enrolled and subscribe to</u> the Code which is implicit in accepting admission to the University. Each student shall be responsible for <u>his/hertheir</u> conduct from the time of the application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and periods between terms of actual enrollment. The Code shall apply to persons who withdraw after alleged violation of the Code, who are not officially enrolled for a particular term but ho have a continuing relationship with the University, or who have been notified of their acceptance.
- Academic issues, such as grading and promotion, should be addressed under the respective School's policies and procedures <u>where the student is</u> <u>enrolled</u>.

C. Violation of Law and TTUHSC El Paso 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 <u>Student</u> Code (that is, if <u>multiple both possible</u> violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest or prosecution.

Proceedings under this Code may be carried out before, simultaneously, or following civil and/or criminal proceedings. Determinations made or sanctions imposed under the Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal and/or civil law defendant.

<u>State law will be strictly enforced at all times on all property controlled by the</u> <u>University and is inclusive of all clinical and teaching sites and its components.</u>

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 clinical and teaching 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 El Paso 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.
 - <u>b.</u>-HSCEP OP 10.30 <u>outlines</u>, <u>R</u>regulations for the carrying of concealed handguns by licensed holders
 <u>https://elpaso.ttuhsc.edu/opp/_documents/10/op1030.pdf</u>.
 Regulations for the carrying of concealed handguns by licensed holders.
 - **a.c.** As a health-related educational institution, TTUHSC El Paso facilitates a complex composition of activities, which include education, patient care, research, and community engagement. As such, TTUHSC El Paso campuses must accommodate the unique needs of diverse stakeholders, including patients, learners of all types, faculty, staff, contractors, and visitors. Within the context of this unique and complex composition, TTUHSC El Paso is committed to the following principles for the campus environment:
 - TTUHSC EI Paso will comply with all necessary laws and regulatory requirements regarding safety and security on its campuses;
 - ii. Within reasonable effort, TTUHSC El Paso will create an environment in which all stakeholders can conduct their business

with a sense of personal and collective safety and security; iii. TTUHSC EI Paso will communicate safety policies to stakeholders through all appropriate means.

- 4. Theft, Damage, or Unauthorized Use
 - a. Attempted or actual theft of property of the University, students, of members of the University community or campus visitors
 - b. Possession of property known to be stolen or belonging to another person without the owner's permission.;
 - c. Attempted or actual damage to property of the University, University students, members of the University community or campus visitors.; or,
 - d. Attempted or actual unauthorized use of a credit card, debit card, automated teller machine card, telephone card and/or personal check; alteration, forgery or misrepresentation of any form of identification including, but not limited to, a social security number or driver's license number.
- 5. Actions against members of the University Community
 - a. Physical harm or threat of harm to any person.;
 - 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, but not limited to, a member of the University community; m-its students, faculty, staff, or volunteers; or conduct that otherwise interferes with or creates a hostile or intimidating environment for a member of the University community 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 misconduct; Sexual misconduct is a broad term encompassing all forms of gender-based harassment or discrimination and unwelcomed behavior of a sexual nature. eConduct included 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 and governed by HSCEP OP 61.07, Use of TTUHSCEP <u>Premises and Amplification Equipment</u>.

NOTE:See Part IV Anti-discrimination and Title IX.

6. Gambling, Wagering, or Bookmaking

a. _Gambling, wagering, or bookmaking on University premises is prohibited.

7. Hazing

Hazing means a<u>A</u>ny 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 conduct 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. NOTEgovernment. NOTE: See 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 Defibrillator (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 <u>University TTUHSC El Paso Traffic and</u> Parking <u>and Transportation</u> <u>Services</u> 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, <u>recreational</u> <u>activities</u> 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 of a student to present their student identification to any University official upon request and identify <u>himself/herselfthem</u> to any University official acting in the performance of <u>his/hertheir</u> 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 (HSCEP OP: 56.01 Acceptable Use of Information <u>Technology Resources</u>)

- a. Unauthorized or non-academic use of computing and/or networking resources;
- b. Unauthorized <u>installation</u>, accessing, copying, or removing of programs, records or data belonging to the University, or another user or copyrighted software without written authorization;
- 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 <u>and/or</u> 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.
- Attempted or actual addition/modification/removal/circumventing of Institutionally- approved computer security products/processes.
- j. Participate in any computer-related activity that may cause TTUHSC El Paso to incur legal liability or <u>embarrassmentloss of reputation</u>.

k. Violatione of any policy defined in the TTUHSC El Paso IT Security Policies see https://elpaso.ttuhsc.edu/it/policies/default.aspx.

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/hertheir duties, either verbally, or through forgery, alteration or misuse of any University document, record or instrument of

identification.

17. Skateboards, Roller Blades, or Similar Devices

Use of skateboards, roller blades, bikes, scooters, or other similar devices in University buildings or on University premises in such a manner as to constitute a safety hazard or cause damage to University or personal property or which disrupts the normal operation of the University.

NOTE: Also refer to TTUHSC EI Paso OP 76.32, Traffic and Parking Regulations at <u>https://elpaso.ttuhsc.edu/opp/_documents/76/op7632.pdf</u>.

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 assignments (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 courserelated assignment;
- viii. Paying or offering money or other valuable things to, or coercing another person to obtain an examination, test key, homework solution or computer program, or information about an examination, test key, homework solution or computer program;
- ix. Falsifying research data, laboratory reports and/or other academic work offered for credit;
- 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 or access to during an exam of prohibited

materials, including but not limited to study/review materials, class notes, review questions, <u>or electronic devices.etc.</u>

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/hertheir academic work, the student shall fully acknowledge the sources according to methods prescribed by his/hertheir 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, <u>awarding of degree</u>, diplomas, <u>grade</u> reports, official and unofficial transcripts, test scores, attendance and excused absence documents, grade reports, patient records, test papers, registration materials, any official forms, documents, or items related to academic performance.

f. "Misrepresenting facts" to the University or an agent of the University includes, but is not limited to, providing false academic information on 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. Any other misconduct identified in School<u>-level</u> academic policies<u>or student</u> handbooks.

19. Violation of Published University and School Policies, Rules, or Regulations

Violation of any published University policies, rules, or regulations that govern student or student organization behavior, including, but not limited to, applicable publications for each TTUHSC El Paso School, such as student handbooks, catalogs, professional and ethical standards and course syllabi.

- 20. Violation of Federal, State, and/or Local Law
 - a. Misconduct which constitutes a violation of any provisions of federal, state and/or local laws.
- 21. Abuse of the Student Conduct Board or Administrator

a. Failure by an Accused Student to comply with or respond to a notification to appear before the Student Conduct Board or the Student Conduct Administrator during any stage of a disciplinary proceeding. Failure to comply with or respond to a notice issued as part of a Student Conduct procedure and/or failure to appear will not prevent the Student Conduct Board from reviewing the complaint;

b. Falsification, distortion or misrepresentation of information in Student Conduct proceedings;

c. Disruption or interference with the orderly conduct of a Student Conduct 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 Student Conduct system;

f. Influencing or attempting to influence the impartiality of a member of the a-Student Conduct Board prior to and/or during its proceeding;

g. Harm, threat of harm, or intimidation either verbally, physically or written of a member of a Student Conduct Board prior to, during and/or after its proceeding;

h. Failure to comply with the sanction(s), condition(s) and/or restriction(s) imposed under this Code or by a Student Conduct Board;

i. Influencing or attempting to influence another person to commit an abuse of the Student Conduct system; or,

j. Retaliation against any person or group who files a complaint accordance with the Code of Professional and Academic Conduct or files a grievance under the applicable institutional or School grievance policy.

E. Other Professional and Ethical School Standards

In addition to the Misconduct identified in Part II.D, each TTUHSC EI Paso School publishes its professional and ethical standards. School handbooks and catalogs should be consulted for these standards; alleged violations may be referred for institutional Student Conduct review. In addition, School committees may review the alleged conduct under the professionalism, ethical, and licensure requirements related to their academic discipline. NOTE: Academic issues, such as grading and promotion issues, should be addressed under the

F. Student Conduct Procedures

<u>NOTE: Academic issues, such as grading and promotion issues, should be</u> <u>addressed under the respective School's policies and procedures.</u>

1. Nature of Proceedings. These proceedings are part of an educational process whereby the University applies its values to establishing the best possible learning environment for its students. These proceedings are not intended to follow, or be restricted by, courtroom or judicial procedures, including the rules of evidence. In addition, these proceedings are not intended for grading and promotions issues, which should be addressed under respective 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 email will be considered to have been received on the third calendar day after the date of emailing, excluding any intervening Saturday, Sunday or holiday.

3. Filing a Complaint

a. Any faculty, staff, or student of TTUHSC El Paso may file a Complaint(s) against a student(s) or a student organization(s) for violation(s) of the Code of Professional and Academic Conduct. When appropriate, a preliminary investigation/discussion with a supervisor (program director, chair, etc.) should be done prior to filing a Complaint. If a basis for the Complaint against a student or students exists, Attachment A should be completed and delivered by the Complainant to the Student Conduct Administrator. Attachment A should be used for complaints against student organizations. 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.

b. When a Complaint is filed, the Student Conduct Administrator will provide the Accused Student with the Complaint form filed by the Complainant and will notify the Accused Student via emailin writing that he or shethey shall appear before the Student Conduct Administrator to discuss the Complaint within five (5) business days from the date of the letter. It is recommended that the Accused

Student meet with the Student Conduct Administrator prior to the Student Conduct Board.

c. If the Accused Student agrees, the Student Conduct Administrator may conduct an administrative review to determine if the complaint may be handled prior to a formal hearing. Any administrative review decision must be in writing and agreed to by all of the parties (complainant and accused student). Such disposition shall be final and there shall be no subsequent proceedings. The Student Conduct Administrator will send a written notification of the resolution to all parties involved.

d. If the Complaint is not handled administratively under Part II.F.3.c above, the following steps applyStudent 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, <u>the Student</u> <u>Conduct Administrator refers</u> the allegations shall be referred by the <u>Student Conduct Administrator</u> for a hearing before the Student Conduct Board under Part II.F.4 below.

e. <u>A</u>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. seen 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 with the complainant(s), accused student(s) or student organization representative(s), and Student Conduct Board members, and Student Conduct Administrator present. Requests for an advisor for the accused student and witnesses should be made in advance to the Student Conduct Administrator.

b. *Hearing Notice*. At least fifteen (15) business days prior to the Student Conduct Board hearing, the Chair of the Student Conduct Board will provide written notice to the parties of the following:

- i. Date, time and place for the hearing,
- ii. Name of the members of the Student Conduct Board,
- iii. Summary statement of the charge(s), or a copy of the complaint and
- iv. Request in writing that at least five (5) business days prior to
- the Student Conduct Board Hearing, the Accused Student and
- the Complainant submit the information outlined below in d.

c. *Challenge*. An Accused Student and/or Complainant may challenge in writing the impartiality of any member of the Student Conduct Board up to three (3) business days after receiving the Hearing Notice by submitting their reasons for the challenge to the Student Conduct Administrator.

Any member of the Student Conduct Board whose participation is challenged shall be required to establish to the Student Conduct Board Administrator or his or her designee that the member can serve with fairness and objectivity. If the member cannot establish his or her fairness and objectivity to the satisfaction of the Student Conduct Board Administrator, the member in question shall be removed and a substitute will be appointed by the Student Conduct Administrator. If such member is removed the Student Conduct Administrator, may in his or her sole discretion choose to reschedule the hearing.

d. *Evidence Submission*. At least ten (10) business days prior to the date scheduled for the Student Conduct Board hearing, the Complainant and the Accused Student must submit to the Chair of the Student Conduct Board the following information, if applicable. Requests for extensions to file information with the Student Conduct Board shall be submitted to the Chair.

i. All pertinent records and exhibits

ii. Written statements must be notarized (including Impact or Position Statements);

iii. A list of all witnesses, if any, who will be speaking on behalf of the Accused Student or Complainant; and

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 all Student Conduct Board hearings. No recording will be made of the Board's discussion or deliberations. Deliberations shall not be recorded. The record is University property. Pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, the student will be allowed to review, but not to copy, the hearing record. 34 C.F.R. § 99.10 (2003). Neither the Complainant, the Accused Student 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 EI Paso. 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. TTUHSC EI Paso 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) calendar 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 <u>his/hertheir</u> sole discretion determines_otherwisedetermines 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 <u>Board</u> shall notify the Chair of the Student Conduct Board. 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 Board shall notify the Accused Student and the Complainant of the additional witnesses. If any witness called by the Student Conduct Board intends to present written information to the Board, the Chair of the Student Conduct Board is responsible for forwarding such information to the Complainant, the Accused Student and the Student Conduct Board prior to the Hearing. No Board members shall have communication with any witnesses, except in the hearing with the Accused Student and Complainant present.

k. *Procedural Questions.* All procedural questions are subject to the final decision of the Chair of the Student Conduct Board. If a Student Conduct Board has not yet 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 Code which the student is charged with violating. If the Student Conduct Board finds a violation(s) of the Code, the Student Conduct Board may also recommend all or any of the sanctions 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 Assistant Vice President for SSSA<u>E</u>, the Student Conduct Administrator, the Accused Student and the Complainant.

o. *Review of Findings and Recommendations.* The Assistant Vice President for <u>SSA_SSE</u> for Student Services and Student Affairs will review the Findings and Recommendations of the record from the Student Conduct Hearing, recording and supporting documents, and transmit his or her decision in writing within ten business days from receipt to the Accused Student, the Complainant, the Student Conduct Administrator, and the Chair of the Student Conduct Board.

p. Appeal. Within ten business days of receipt of the decision of the Student Conduct Board, if either party believes that the due process procedures have been violated, an appeal may be made, in writing, to the <u>Provost</u>/Vice President for Academic Affairs (VPAA). The <u>Provost VPAA</u> will review the case and notify all parties of <u>his or herthier</u> decision within ten business days. If a written appeal is not submitted within ten business days following receipt of the Student Conduct Board decision letter, the right to appeal is thereby waived and said decision is final.

The Accused Student or Complainant may only raise, and the <u>Provost-VPAA</u> 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.

c. The <u>Provost_VPAA</u> will review the Findings and Recommendations and, at <u>his or herthier</u> sole discretion, the record from the Student Conduct Board hearing and supporting documents, and transmit <u>his or herthier</u> decision in writing to the Accused Student, the Complainant, the Student Conduct Administrator, the Chair of the Student Conduct Board, and the Assistant Vice President_of <u>SSSE</u>. The <u>Provost's_VPAA's</u> decision shall be final.

G. Sanctions

- <u>1. 1. Any student found to have engaged in misconduct may be</u> <u>assigned sanction(s). The s</u><u>Sanctions are designed to edugage students</u> in critical reflection of their choices, as well as educate and develoip students thought a process of accountability that promotes integrity, responsibility, growth and a culture of care. which may be recommended by t
- 2. Sanctions which may be recommended by the Student Conduct Board,

and imposed by the Assistant Vice President for SSSA<u>E</u>, upon any student found to have violated this Code of Professional and Academic Conduct 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 Student Conduct Board's' discretion, the censure may remain permanently in the student's disciplinary file or be removed at graduation if certain conditions are met.

c. *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 Student Conduct Board, such as work assignments, essays, training, and service to the University, temporary suspension from a class or rotation site, an unexcused absence, a letter of unprofessional behavior in the student's disciplinary file or other related discretionary assignments.

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 re-enrollment or readmission must be specified. (During the time of disciplinary suspension, the notice is placed in the student's permanent file.)

h. Institutional Dismissal. Student Conduct Board decisions of dismissal of the student from the institution without the option to apply for readmission to any School in the University. The student's transcript will include a notation of dismissal for non-academic and non-financial reasons and the date of the action or appeal decision.

i. *Revocation of Admission.* Admission to the University may be revoked for fraud, misrepresentation or other violations of University standards.

j. *Revocation of Degree*. A degree awarded by the University may be revoked for fraud, misrepresentation or other serious violations committed by a student prior to graduation.

k. *Withholding Degree*. The University may withhold awarding a degree otherwise earned until the completion of the process set forth in a Student Conduct Board decision.

I. *Multiple Sanctions*. More than one of the sanctions listed above may be imposed for any single violation.

m. *Not eligible for re-enrollment*. The Student Conduct Board will specify whether the student is eligible for reenrollment.

n. <u>Other Sanctions</u>. Any other sanction(s) which may be appropriate under the particular circumstances of the violation.

- 23. Other than dismissal from the University or revocation of a degree, Student Conduct Board decisions shall not be made part of the student's permanent education record, but shall become part of the student's disciplinary record which is maintained in the TTUHSC EI Paso Student Services and Student Affairs Engagement office. Where professionalism matters are involved, a copy of a Student Conduct Board decision may be maintained in the disciplinary file of the respective school.
- 34. 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.
 - b. c. Deactivation. Loss of all privileges, including University recognition and/or registration, for a specified period of time.

NOTE: State law mandates that the student's transcript a) may be withheld pending investigation and b) include a notation regarding ineligibility to return due to disciplinary processes (e.g. withdrawal, dismissal, suspension): See TX HB 49 and 1734 (2019).

H. Interpretation and Revision

1. Any question of interpretation or application of this Code shall be referred to the Student Conduct Administrator or his or her designee for final determination.

2. The Code of Professional and Academic Conduct Review Committee (Review Committee) shall conduct an annual review of the Code and make recommendations to the Academic Council, Provost-Vice President for Academic Affairs and President regarding omission, clarifications, constructive changes and other matters relevant to the interpretation and operation of the Code. The Review Committee is composed of the Assistant Vice President for SSSEA for Student Services and Student Affairs-Engagement (SSSASSE), the Student Conduct Administrator (if different than the AVP) for SSSA and Student Affairs representatives from each School. The Assistant Vice President for SSSE may invite recommendations by the President of the Student Government Association. A quorum for the Review Committee is four members.

I. Definitions

- 1. "Accused Student" means any student accused of violating the TTUHSC El Paso Code of Professional and Academic Conduct set forth in Part II of this Handbook. This term may also may refer to a registered student organization.
- 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 Code of Professional and Academic Conduct. When a student believes that he or she has been a victim of another student's misconduct, the student who believes that he or she has been a victim will have the same rights under the Code as are provided to the Complainant, even if the victim is not acting as a Complainant.
- 4. "Complaint of Misconduct" or "Complaint" means a formal, written charge against a student(s) or student organization(s) alleging violation(s) of the Code of Professional and Academic Conduct. The incident form for a complaint against a student or students is attached to this Handbook as Attachment A. The incident form for a complaint against a student organization is attached to this Handbook as Attachment C. An anonymous complaint or a complaint filed by a person who is not a member of the University community shall not constitute a Complaint of Misconduct. However, such a complaint may initiate an investigation and/or filing of a formal complaint by an appropriate University official.
- 5 "Disciplinary good standing" is defined as relating to a student not currently on disciplinary probation or suspension.
- 6. "Faculty member" means any person hired by the University who is considered by the University to be a member of its faculty.
- 7. "Hold" means the indicator placed on a student's official academic record which prevents registration, financial aid, university services, and/or the issuance of an unofficial and/or official transcript until the student meets the requirements of the University office placing the hold, as described in this Handbook and/or in School's catalogs or handbooks.
- 8. "May" is used in the permissive sense.
- 9. "Member of the University community" means any person who is a campus visitor, volunteer including high school students, enrolled student, faculty or staff member, University official, any other person employed by the

University.

- 10. "Policy" means the written regulations, standards and/or rules of the University as found in, but not limited to, the TTUHSC El Paso Institutional Student Handbook; School handbooks and/catalogs; and/or the TTUHSC El Paso Operating Policies and Procedures.
- 11. "Department Chair" means the Chair is charged with overseeing Department administrative support, and serving as an interface between faculty and the administration of the School and TTUHSC El Paso.
- 12. "Registered student organization" means any number of students who have complied with the formal requirements for University registration.
- 13. "Religious holy day" means a holy day observed by a religion whose places of worship are exempt from property taxation under Texas Tax Code - TAX § 11.20. Religious Organizations. The term "Religious Holy Day" generally means a day on which the tenets of said religion prohibit class attendance or the completion of specific assignments on designated dates. See Texas Government Code section 62.112.
- 14. "Representative" means a University official authorized by the <u>Provost Vice</u> <u>President for Academic Affairs</u> or Assistant Vice President for Student Services and Student <u>AffairsEngagement</u> (SSS<u>E</u>A) on a case-by-case basis to investigate and resolve alleged violations of the Code of Professional and Academic Conduct.
- 15. "School" means Gayle Greve Hunt School of Nursing, Graduate School of Biomedical Sciences, Paul L. Foster School of Medicine, or Woody L. Hunt School of Dental Medicine.
- 16. "Shall" is used in the imperative sense.
- 17. "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.
- 18. "Student" means any person enrolled in a degree program and/or for credit courses at the University, either full-time or part-time. In addition, for purposes of Part II of this Handbook, persons who withdraw or who are on a leave of absence (approved interruption of continuous enrollment) but have a continuing relationship with the University are considered to be students. Individuals who have been accepted for admission are also considered students under this Handbook. Foster School of Medicine House staff (residents) are considered employees and are not students for the purposes of this Handbook or the Code of Professional and Academic Conduct.
- 19. "Student Code" means the TTUHSC El Paso Code of Professional Conduct, which is set forth in Part II of this Handbook.
- 20. "Student Conduct Administrator" means a TTUHSC El Paso official authorized by the Assistant Vice President for Student Services and Student <u>EngagementAffairs</u> (<u>SSSASSE</u>) 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.
- 21. "Student Conduct Board" or "Board" means any person or persons authorized by

the Student Conduct Administrator to determine whether a student has violated the Student Code and to recommend sanctions that may be imposed when a rules violation has been committed. All persons serving on the Student Conduct Board must acknowledge an ability to be able to serve objectively and shall decline to serve if there is a conflict of interest or an appearance of a conflict of interest with either the Accused Student or the Complainant. When a person declines to serve because of a conflict of interest, or appearance thereof, the Student Conduct Administrator shall appoint another person with the same or similar faculty/student status as the person declining to serve. Student Conduct Boards will include:

i. One (1) faculty member from the membership of a school other than that of the accused student, who shall serve as Chair;

ii. One(1) faculty member from the School of the accused student;iii. One (1) faculty member from a School other than that of the accused student; and,

iv. Two (2) students from Schools other than that of the accused student.

- 22. "Student Conduct Board Hearing" or "Hearing" refers to an administrative process whereby a student contests the facts upon which charges of inappropriate conduct, violations of the Code of Professional and Academic Conduct and/or sanctions resulting from an alleged violation(s) are based. At the hearing, information is presented to the Student Conduct Board in order to determine whether a student's responsibility related to the alleged violation of the Code is valid and appropriate sanctions, if any.
- 23. "Student Handbook" or "Handbook" means the TTUHSC EI Paso Institutional Student Handbook. Schools also have "Handbooks" that are labeled specifically with the School title in front of "Handbook".
- 24. "Student organization" means any number of students who have complied with the formal requirements for TTUHSC El Paso registration.
- 25. "University" means TTUHSC El Paso (inclusive of all teaching and clinical sites and their components).
- 26. "University official" means any person employed by Texas Tech University System, Texas Tech University or TTTHSC El Paso, while performing their assigned administrative or professional responsibilities.
- 27. "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).
- 28. "User" means any member of the University community who uses any University resources, including computing and/or networking resources.
- 29. "Will" is used in the imperative sense

PART III

WITHDRAWAL OF CONSENT TO BE IN ATTENDANCE OR

PRESENT ON UNIVERSITY PREMISES

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. Threat(s) of physical or emotional injury to human life on University premises; or,
 - c. Threat(s) of willful disruption of the orderly operation of the University.
- 2. During periods of disruption, the Assistant Vice President for <u>SSSA-SSSE</u> or designee may recommend to the <u>Provost-Vice President of Academic Affairs</u> that prior to a Student Conduct Board hearing, and in accordance with Texas Education Code, Section 51.233, a student have <u>his/hertheir</u> 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 or dismiss any student at the University in accordance with the procedures set forth in Part II of this Handbook. If a person is alleged to have violated the Code of Professional and Academic Conduct, and Withdraw of Consent also occurs, the procedures set forth in Parts II and III may occur concurrently.

B. Concurrence by Provost Vice President of Academic Affairs

- If the <u>Provost Vice President of Academic Affairs (VPAA)</u> concurs with the Assistant Vice President for <u>SSSA_SSSE</u> recommendation, the student will have <u>his/hertheir</u> consent to be in attendance at the University or on University premises withdrawn in writing by the <u>ProvostVPAA</u>. Texas Education Code § 51.233(a) & 51.234.
- 2. The written notice by the Provost-VPAA shall contain all of the following:
 - <u>a.</u> 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;

b<u>c</u>. Brief statement of the activity or activities resulting in the Withdrawal of Consent; and,

ed. Notification that the student is entitled to a hearing on the withdrawal not later than three (3) days from the date of receipt by the Assistant Vice President for <u>SSSA_SSSE</u> of a request for hearing from the person.

 Whenever consent is withdrawn by the <u>ProvostVPAA</u>, the <u>ProvostVPAA</u> shall submit a written report to the President within twenty-four (24) hours, unless the <u>Provost</u> <u>VPAA</u> 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

- 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 <u>ProvostVPAA</u> Texas Education Code §51.236 (b).
- If the President or his/her designee does not confirm the action taken by the <u>Provost-VPAA</u> within 24 hours after the time that consent was withdrawn, the Withdrawal of Consent shall be deemed void and of no force or effect, except that any arrest made during the period shall not for this reason be deemed not to have been made for probable cause.

D. Hearing

- 1. The student from whom consent to remain on campus has been withdrawn may submit a written request for a hearing to the President, within the fourteen (14) day period of withdrawal. The written request must state the address to which notice of hearing is to be sent.
- 2. The student shall be entitled to the following procedures in accordance with the Texas Education Code, Sections 51.234 and 51.243.

a. *Hearing Notice*. Upon receipt of the request for hearing, the President shall grant the request and immediately mail a written notice of the time, place, and 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.

b. *Representation*. The student may be advised by counsel. The University will be represented by the Office of General Counsel.

c. *Witnesses*. The student, as well as the party who recommended consent be withdrawn, have the right to call and question witnesses and to cross-examine witnesses at the hearing. Members of the Hearing Committee may also question the witnesses. Witnesses are permitted to attend the Hearing only when they are providing information, unless the Hearing Committee, in its sole discretion, allows otherwise. The student shall be advised of the content of the statements, and the names of the persons who made them, at the hearing.

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 all Hearings. No recording will occur when the Hearing Committee is in discussion or deliberation. Deliberations shall not be recorded. The record is University property.

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.

PART IV

STUDENT COMPLAINT OR GRIEVANCE POLICIES AND PROCEDURES

The following section summarizes TTUHSC EI Paso's student complaint or grievance policies and procedures, other than those listed in Part_[DR3] IV of this Institutional Student Handbook (e.g. Title IX and discrimination). Links to specific policies and procedures are provided on the Student Services and Student <u>Affairs Engagement</u> web_-page.

It is the policy of the Texas Tech University Health Sciences Center El Paso to affirm the right of its students to a prompt and fair resolution of a complaint or grievance involving allegations of inappropriate behavior by other TTUHSC El Paso students or by TTUHSC El Paso personnel toward students. Policies and procedures exist for the following areas of student complaints:

- · Complaints regarding the general or academic misconduct of another student
- Complaints regarding discrimination
- · Complaints regarding student records
- Complaints regarding employment at TTUHSC El Paso
- · Complaints regarding grades or grading
- · Complaints regarding other types of mistreatment
- Other institutional-level student complaint procedures

A. <u>Complaints regarding the gG</u>eneral or <u>Aa</u>cademic <u>mM</u>isconduct of <u>Aa</u>nother <u>S</u>student

Policies and procedures governing complaints regarding the general or academic misconduct of students are defined in the Code of Professional and Academic Conduct (Code), which is published as Part II of this handbook. Students, faculty, and staff are all encouraged to report violations of the Student Code in accordance with the Disciplinary Procedures outlined in the Student Code.

B. Complaints regarding dDiscrimination

This handbook identifies several policies intended to ensure the fair and equitable treatment of all members of the university community. The processes for filing complaints are detailed in the TTUHSC El Paso Operating Policies and Procedures. The following list identifies key institutional policies governing complaints regarding discrimination:

• OP 51.01, Equal Employment Opportunity Policy and Affirmative Action Plan, <u>https://elpaso.ttuhsc.edu/opp/_documents/51/op5101.pdf</u>

OP 51.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure, https://elpaso.ttuhsc.edu/opp/_documents/51/op5103.pdf

OP 51.04, Access for Individuals with Disabilities, <u>https://elpaso.ttuhsc.edu/opp/_documents/51/op5104.pdf</u>

C. Complaints regarding sStudent Rrecords

HSCEP OP 77.13, Student Education Records, <u>https://elpaso.ttuhsc.edu/opp/_documents/77/op7713.pdf</u>, provides detailed information about filing complaints relating to student records.

D. Complaints regarding employment at TTUHSC El Paso Employment

Information about employment grievances for students who are employed at TTUHSC El Paso is provided in HSCEP OP 70.10, Non-faculty Employee Complaint and Grievance Procedures,

<u>https://elpaso.ttuhsc.edu/opp/_documents/70/op7010.pdf</u>. 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 gGrades or / Ggrading

The processing of formal grade appeal procedures is the responsibility of the school that administers the course. Relevant school policies are included in their catalogs and handbooks.

- Gayle Greve Hunt School of Nursing: Academic Grade Challenges/Appeals
- Graduate School of Biomedical Sciences: Grade Appeals
- Paul L. Foster School of Medicine: Challenging Student Records or Grades
- Woody L. Hunt School of Dental Medicine

F. Complaints regarding other Other Ttypes of Mmistreatment

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:

- GGHSON : Academic Grade Challenges/Appeals and Complaint or Grievance Resolution (Non-Grade Related)
- Graduate School of Biomedical Sciences: Procedure for Grade and Non-Grade Complaints

- Paul L. Foster School of Medicine: Appropriate Treatment of Medical Students; Student – Faculty Dispute Resolution Policy; Student-Student Dispute Resolution Policy
- Woody L. Hunt School of Dental Medicine

Students should process their complaints or appeals through the appropriate channels. Procedures are delineated in the policies identified above. Students are required to bring their concerns to the designated student affairs officer of their school. The student affairs officer in each school is as follows:

- Gayle Greve Hunt School of Nursing: Associate Dean for Academic Programs
- Graduate School of Biomedical Sciences: Dean
- Paul L. Foster School of Medicine in El Paso: Associate Dean for Student Affairs
- Woody L. Hunt School of Dental Medicine: Associate Dean

The deans of the schools have final authority in resolving disputes related to academic issues, such as grading and promotion, and in non-academic issues involving the school's faculty and staff.

Every effort should be made to resolve complaints against faculty and other school personnel at the school level. If the complaint is about personnel or services at the institutional level, the student is advised to contact the TTUHSC El Paso Office of Student Services and Student Affairs Engagement (SSSE) in accordance with the following institutional-level student complaint procedures. These procedures are also published on the Office of Student Services and Student Services are also published on the Office of Student Services/studentservices/studentservices/grievance.aspx

G. Other Institutional-Level Student Complaint Procedures

The procedures defined below apply to student complaints that fall outside the scope of other institutional and school-based policies and procedures governing specific types of student complaints, including, for example, student complaints against staff members employed at the institutional level or against TTUHSC EI Paso administrators. The TTUHSC EI Paso Office of Student Services and Student Affairs Engagement will administer this institutional policy and will insure that due process is afforded to all concerned.

1. Early Resolution

Prior to contacting the TTUHSC EI Paso Office of Student Services and Student AffairsEngagement, 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 and Student <u>AffairsEngagement</u>. (SSS<u>E</u>A). The student shall address the issue and initiate action under this policy within 30 days of the event-giving rise to the complaint.

The Assistant Vice President for Student Services and Student Affairs-Engagement (SSSEA) or designee 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 SSSEA for Student Services and Student Affairs or designee will investigate the complaint, attempt to reconcile differences, and propose a solution. The Assistant Vice President for Student for Student Services and Student Affairs SSSE or designee will provide a written statement of his or her recommendation to all parties within ten (10) business days following the initial receipt of the student's report of the complaint. All involved parties will then have ten business days to respond. Every effort should be made to resolve the issue without going beyond this level.

(If the complaint is against the Assistant Vice President for SSSA<u>E</u>, the student should meet with the <u>Provost and</u> 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 Student Services and Student Affairs Engagement (SSSAE) or designee, he/shethey may file a request for a hearing by submitting a written complaint to the Assistant Vice President Student Services and Student Affairs. (SSSESSA). 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 and Student Affairs'SSSEs' or designee recommended resolution.

b. If the student files a request for a hearing, a Student Hearing Committee as defined below must convene within 15 business days.

3. Hearing Procedure

Upon receipt of a written request for a hearing, the Assistant Vice President for Student Services and Student Affairs Engagement (SSSE) or designee will appoint a Hearing Committee according to the following procedure:

a. Each party will propose in writing a list of four TTUHSC EI Paso faculty, staff, and/or students to serve on the Hearing Committee. The Assistant Vice President for <u>Student Services and Student AffairsSSSE</u> or designee will contact one person from each list in order of the submitting party's preference to determine the person's willingness to serve. Through this process, one person will be selected from each list. The two people selected will then select a third member (a TTUHSC EI Paso faculty or staff member) and these individuals will comprise the Hearing Committee. This group will select a chair from among themselves.

b. The Assistant Vice President for Student Services and Student AffairsSSSE or designee 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 and Student Affairs Engagement or designee a list of the names of any witnesses or counsel who will attend the hearing. If the student will be advised 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 shall keep a recording of the hearing, which shall include date, time, and location of the hearing, names of those present, and any evidence introduced (e.g., records, written testimony, duplicated materials). Deliberations will not be recorded.

4. Committee Decision

After completion of the hearing, the Hearing Committee shall meet in closed session and prepare a written decision. Copies of the Hearing Committee chair's report shall be forwarded to the involved parties within five business days.

5. Appeal

Within ten business days of receipt of the decision of the Hearing Committee, if either party believes that the due process procedures have been violated, an appeal may be made, in writing, to the <u>Provost</u>/Vice President for Academic Affairs (VPAA).

The <u>VPAAProvost</u> will review the case and notify all parties of his or her decision within ten business days.

If a written appeal is not submitted within ten business days following receipt of the

Hearing Committee decision letter, the right to appeal is thereby waived and said decision is final.

The Accused Student or Complainant may only raise, and the Provost<u>VPAA</u>-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 hearing.

c. The <u>Provost_VPAA</u> will review the Findings and Recommendations and, at his or her sole discretion, the record from the Hearing Committee and supporting documents, and transmit his or her decision in writing to the Complainant, the Hearing Committee chair, and the Assistant Vice President for <u>Student Services and Student Engagemetn</u>. The <u>Provost's-VPAA's</u> decision shall be final.

d. If there is an appeal to decision, it must be made, in writing, within five business days, to the Provost and Vice President for Academic Affairs.

e. The <u>Provost VPAA</u> will review the Hearing Committee decision and render a decision within five business days. The decision of the <u>Provost and</u> Vice President for Academic Affairs is final with the exception of <u>df</u>. below.

f. If the Provost and Vice President for Academic Affairs is serving as a mediator in the case, then the President or his designee will review the complaint resolution and render a decision within five business days. The decision of the President is final.

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, the notice is placed in the student's permanent file.) The conditions for access to each are set forth in the Institutional Student Handbook and complies with federal and state statutes and with

registered student organization guidelines. The procedures set forth below apply to all persons formerly or currently enrolled at Texas Tech University Health Sciences Center El Paso. See OP 77.13 Student Education Records https://elpaso.ttuhsc.edu/opp/ documents/77/op7713.pdf.

B. Address of Record

Students must maintain an accurate permanent and local physical address with the Office of the Registrar. The address and school issued email account is used for official notifications including, but not limited to, grade reports, billing and notification of official university requirements and other university correspondence. Students <u>should-must</u> also maintain a current telephone number with the Office of the Registrar.

C. Student Access to Educational Records

All current and former students of the university have the right to access their educational records as provided by law.

Notification of Rights under FERPA for Postsecondary Institutions

The Family Educational Rights and Privacy ACT (FERPA) affords eligible students certain rights with respect to their education records. (An "eligible student" under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution.) These rights include:

1. The right to inspect and review the student's education records within 45 days after the day Texas Tech University Health Sciences Center El Paso receives a request for access.

A student should submit to the Office of the Registrar a written request that identifies the record(s) the student wishes to inspect by completing HSCEP OP 77.13 Attachment B *Student Request To Access His/Her Education Records* https://ttuhscep.na2.documents.adobe.com/public/esignWidget?wid=CBFCIBAA3AAABLblqZhAcMA6jti t5wNqZR2BbRfJalpk1bH2wuE734sQwBRVrX1hTRPw3Armgx3qLA3SBgoU*https://elpaso.ttuhsc.edu/ opp/_documents/77/op7713b.pdf The school official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the school official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

Generally, if the Education Record is covered under FERPA, the student may inspect or review the education record at the Office of the Registrar, but does not have the right to receive copies of the education record unless a student is effectively prevented from onsite inspection or review of his/her education record. The student may then have a right to receive copies of the education record at the student's expense after evaluation of the circumstances by the Office of the Registrar.

Official copies of academic records or transcripts will not be released for students who have a delinquent or unpaid financial obligation to the University, have a "hold" at the University, or have an unresolved disciplinary action pending at the University, provided that applicable law does not otherwise require disclosure of the records.

2. The right to provide written consent before the university discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

The school discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by TTUHSC EI Paso in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of TTUHSC EI Paso who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for TTUHSC EI Paso.

3. The right to file a complaint with the U.S. Department of Education concerning alleged failures by TTUHSC EI Paso to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office U.S. Department of Education 400 Maryland Avenue, SW Washington, DC 20202

4. Personally identifiable information related to academic outcomes such as rank in class, grade point average, academic progress, etc., shall not be released to non-authorized personnel without the written consent of the student.

D. Records Not Accessible to Students

The following 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, <u>and</u> 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 EI Paso in his/her capacity as an employee that are not available for any other purpose, <u>unless</u> 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 El Paso whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31 (a)(1)(i)(B)(1) – (a)(1)(i)(B)(2) are met. (§99.31 (a)(1))
- To officials of another school where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31 (a)(2))
- To authorized representatives of the U. S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the university's State-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal-or-State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31 (a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the

terms and conditions of the aid. (§99.31 (a)(4)).

- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31 (a) (6)).
- To accrediting organizations to carry out their accrediting functions. ((§99.31 (a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31 (a)(8))
- To comply with a judicial order or lawfully issued subpoena (§99.31 (a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31 (a)(10))
- Information the school has designated as "directory information" under §99.37. (§99.31 (a)(11))
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of §99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§99.31 (a)(13))
- To the general public, the final results of a disciplinary proceeding, subject to the requirements of §99.39, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the school's rules or policies with respect to the allegation made against him or her (§99.31 (a) (14)).
- To parents of a student regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use of possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(a)(15))

F. Student's Request to Amend Records

Students have the right to request an amendment of their educational records and information directly relating to them. <u>This section does not include procedures for</u> <u>student challenging individual grades. Grade appeals and grievance procedures are</u> <u>set forth in the individual Student Handbooks for each school. The procedures set forth below are to address inaccurate, misleading or otherwise inappropriate records or information requiring amendment.</u>

- 1. Student who believes that his/her Education Records are inaccurate or misleading, or that the records violate his/her privacy rights, must first request an informal discussion regarding the questionable item with the Office of the Registrar, who may or may not honor the request.
- 2. Written Request to Amend Records: If the result of the informal discussion with the Office of the Registrar (Records Custodian) is not satisfactory to the student, and the

student still wishes to have the record corrected, the student should submit a Student Request to Amend Education Records form HSCEP OP 77.13, Attachment C, Student Request To Amend Education Record,

https://elpaso.ttuhsc.edu/opp/_documents/77/op7713c.pdf_to the Provost-Vice President for Academic Affairs or designee, the Assistant Vice President for SSSEA. The request shall clearly identify the part of the record the student believes should be changed, and specify why it should be changed. [Note: The substantive judgment of a faculty member regarding a student's work, expressed in grades or evaluations, is not within the purview of the right to seek amendment of Education Records under this section. This section does not include procedures for challenging individual grades. See also Ggrade appeal and grievance procedures a<u>sre</u> set forth in the individual student handbooks for each School.]

- 3. Review: After receiving the written request from the Student for a change in his/herthier Education Records, the Assistant Vice President for <u>SSA-SSE</u> 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 (Records Custodian), the Assistant Vice President for <u>SSSA-SSSE</u> for <u>Student Services</u> or designee will provide written notification to the student whether or not TTUHSC El Paso will implement the change. If not, the <u>Provest Vice President for Academic Affairs</u> or designee will notify the student of the right to a hearing to challenge the information believed by the student to be inaccurate, misleading, or in violation of the student's rights.
- 4. Hearing Procedure: Upon receiving a written request from the student for a hearing, the Assistant Vice President for <u>Student Services</u><u>SSSE</u> 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 Provost 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 <u>Office</u> <u>of the Registrar (Records Custodian)</u>.
 - b. At least five (5) days prior to the date scheduled for the hearing, the student and the <u>Office of the Registrar (Records Custodian)</u>, shall submit to each other, as well as to the hearing official or committee, any and all pertinent documents and a list of witnesses and advisors who are to be involved in the hearing process. The student may, at his/her own expense, be assisted or represented by one or more individuals of his/her own choice, including an attorney for advisory purposes only. If the student is advised by an advisor, the Office of General Counsel shall represent the University. The student and the Records Custodian are each responsible for presenting relevant information.

Therefore, the advisors and/or attorneys for the parties are not permitted to speak or participate directly in the hearing.

- c. At the hearing, the student shall have the opportunity to present evidence to support his/her position that the content of the relevant educational record is inaccurate, misleading and/or otherwise in violation of the privacy rights of the student.
- d. Any additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
- e. Within seven (7) business days after the conclusion of the hearing, the hearing officer or chair of the hearing committee, if applicable, will transmit the decision in writing to the student, the Office of the Registrar, and the Assistant Vice President for SSSEA 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 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 El Paso Directory Information:

- 1. Student Name
- 2. Permenant and Local Address
- 3. Previous Institutions Attended
- 4. Major Field of Study
- 5. Dates of Attendance
- 6. Enrollment Status (undergraduate or graduate, full-time or part-time)
- 7. Classification
- 8. Degrees Conferred (included degrees from previous institutions)
- 9. Awards, and Honors Received (including scholarships)
- 10. Participation in Officially Recognized Activities
- 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

HSCEP OP 77.13 Attachment A, Student Consent to Release Education Records <u>https://elpaso.ttuhsc.edu/opp/_documents/77/op7713a.pdf</u>, or by restricting personal directory information at <u>https://portal.texastech.edu/web/elp/my-tech</u> on the MyTech-El Paso tab. Students should select the Directory Profile link located under Personal Information and uncheck the box next to their name.

H. Destruction of Records

The university constantly reviews the "educational records" it maintains and periodically destroys certain records. The university will not destroy records if prohibited by state or federal law see HSCEP OP 77.11 Permanent Student Record (<u>https://elpaso.ttuhsc.edu/opp/_documents/77/op7711.pdf</u>) for designated permanent records. The student's basic scholastic record is kept and maintained permanently in the Office of the Registrar. Disciplinary records are maintained for at least seven years in the Assistant Vice President for SSSA office. Student disability records are maintained for three years after the last date of enrollment. Record retention follows the TTUHSC EP Records Retention Schedule, see TTUHSC EP OP 10.09 Records Retention for detailed information ()<u>https://elpaso.ttuhsc.edu/opp/_documents/10/op1009.pdf</u>).

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

https://elpaso.ttuhsc.edu/opp/_documents/52/op5202.pdf .

PART VI

REGISTRATION OF STUDENT ORGANIZATIONS

A. Conditions for Registration

1. Student organizations wishing to register with the TTUHSC El Paso must file an online application with the office Office of Student Affairs Engagement and Wellness, through Tech Engage. The purposes and activities of the organization shall be lawful and not in conflict with regulations published by the Texas Tech University Health Sciences Center El Paso.

2. This application shall be submitted electronically through the Tech Engage student organization management platform and shall contain, but not be limited to, the following information:

- a. At least six students, four of which are serving as executive officers. New RSOs may register with at least four students.
- b. At least one fulltime faculty or staff member serving as advisor. Advisors are permitted to advise a maximum of two student organizations. While they can serve as a secondary advisor for more, they cannot be primary for more than two.
- c. The following contact info for all members listed above:
 - a. Full name
 - b. Email address
 - c. Office location, position, and department of advisor
- d. Constitution and bylaws. Constitution and bylaws must include a nondiscrimination, anti-hazing, and Title IX acknowledgement.
- e. Student Organization Risk Management Certification. Each RSO executive member is required to complete the Student Organization Risk Management Module before the application can be fully approved. The Risk Management Module can be found on the Forms page of Tech Engage.
- <u>f.</u> Advisor Acknowledgement Form. Each RSO advisor is required to complete the Advisor Acknowledgement before the application can be fully approved. The form can be found on the Forms page of Tech Engage.
- a. Organization name
- b. A statement of the organization's purposes;

c. Any present or intended relation the organization may have to any other local, state, or national organization;

d. A list of the organization's officers; and on-campus advisor(s)

e. A copy of the organization's constitution/bylaws;

f. A copy of the constitution/bylaws of any related organization if applicable;; and, g. A completed Advisor Acknowledgement form a full-time member of the faculty or staff indicating their willingness to serve as the advisor to the organization.

h. Completed Risk Management Modules for all listed officers acknowledging their review and acceptance of office and institutional policies.

3. Membership in the organization shall be open only to enrolled students TTUHSC El Paso without regard to race, color, religion, sex, national origin, age, disability, genetic information, status as a protected veteran, or any other legally protected category, class, or characteristic. race, religion, sex, handicap, or national origin. Faculty, and staff and alumni may hold adjunct memberships in accordance with the organization's constitution.

4. The organization shall not duplicate the purposes and for functions of a previously registered <u>student</u> organization unless the need for such duplication is substantiated.

5. All funding requests from s allocated to the organization from TTUHSC EI Paso controlled sources must be maintained in a TTUHSC EI Paso account. Depending on the nature of the expense, the Office of Student Engagement and Wellness or the Student Services Fee Advisory Committee will review the request and allocate funding.

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. <u>If an organization shows non-compliance with policies and processes, they will be at risk of inactivation at the discretion of the Office of Student Engagement and Wellness.</u>

7. The organization shall not use the name of the Texas Tech University Health Sciences Center El Paso, logotype, or symbols of TTUHSC El Paso as part of its name, or in its publications. In addition, the organization shall not advertise or promote events or activities in a manner, which suggests sponsorship by TTUHSC El Paso. The organization is permitted to use the word "TTUHSC El Paso Chapter" as part of its name or to use the complete statement "a registered student organization at TTUHSC El Paso." Requests to use logos or symbols protected by TTUHSC El Paso, Texas Tech University or the Texas Tech University System shall be submitted to Office of Institutional Advancement.

Registration of an organization results from compliance with these regulations; it does not imply TTUHSC EI Paso approval of the organization or its activities. The organization shall agree to adhere to the policies, rules, and regulations of TTUHSC EI Paso.

B. Faculty or Staff Advisor

Each registered organization shall have a TTUHSC EI Paso full-time faculty or staff advisor to be available to the officers and members for consultation about the organization's affairs, to attend organization meetings and functions as often as possible, to certify the expenditures of the organization, to offer suggestions regarding the operations of the organization, and to oversee adherence to TTUHSC EI Paso regulations and the organization's constitution and bylaws. Advisors are limited to <u>serving as the</u> <u>primary advisor for a maximum of advising</u> two registered student organizations at any given time. Advisors are permitted to be secondary advisors for additional organizations if <u>requested</u>.

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 submit an electronic re-registration form through Tech Engage each academic year. The current president of the organization or designated representative shall file a notification of subsequent changes when they occur and keep rosters up-to-date in the Tech Engage system.

b. The organization shall submit to the TTUHSC El Paso Office of Student-Affairs Engagement and Wellness for approval, all changes in documents on file in that office relating to the organization, such as revisions in its constitution, changes in its statement of purpose, changes in procedures for handling organization funds, or changes in membership requirements through Tech Engage.

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 El Paso.

d. The organization shall demonstrate by its activities that it is conducting business to achieve its purpose<u>and mission</u> 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 El Paso regulations and state statutes.

f. The organization shall be responsible for the observance of all applicable TTUHSC El Paso regulations by off-campus individuals or organizations whose appearance on campus is sponsored by the organization.

g. The TTUHSC EI Paso Office of Student Services and Student <u>Engagement Affairs</u> (SSS<u>E</u>A) may withdraw the registration of an organization for non-compliance with University policies and procedures.

D. Denial of Registration

- No student organization will be officially registered with the Texas Tech University Health Sciences Center El Paso if the Office of Student <u>Affairs Engagement</u> and Wellness determines that the organization's actions or activities are detrimental to the educational purposes of the University or not in accordance to the Student Handbook.
- If registration is denied, the designated president and advisor of the applying organization shall be notified of the decision through Tech Engage. <u>The applying</u> <u>organization may make the requested revisions to their application and resubmit</u> <u>through Tech Engage. If the registration is again denied for any reason, ∓the</u>

applying organization may appeal in writing to the Assistant Vice President for Student Services and Student <u>Affairs Engagement (SSSE)</u> within five (5) business days from the date of the denial letter. The decision of the Assistant Vice President for <u>Student Services and Student Affairs for SSSE(SSSA</u>) is final.

PART VII

USE OF UNIVERSITY SPACE, FACILITIES AND AMPLIFICATION EQUIPMENT

- A. Expressive Activities
 - a. TTUHSC EI Paso recognizes freedom of speech and expression as a fundamental right and seeks to ensure free, robust, and uninhibited debate and deliberation by students enrolled at TTUHSC EI Paso as well as other persons.
 - b. Expressive activities on the TTUHSC EI Paso campus are governed by Texas Tech University System Regulation 07.04, which can be found at <u>www.texastech.edu/offices/cfo/system-regulation-07.04-freedom-of-</u> <u>expression.pdf</u>
 - c. In the event of any conflict between this Section VII (1)(a) and any other provision of this Handbook, the provisions of this Section shall control.
- B. Other Uses of TTUHSC Space and Facilities
 - a. The provisions of this Section VII(1)(b) shall apply to all uses of TTUHSC EI Paso facilities for purposes other than expressive activities conducted in outdoor common areas.
 - b. The space and facilities of the University are intended primarily for the support of the instructional program of the institution.
 - i. See HSCEP OP 61.23, Classroom Scheduling https://elpaso.ttuhsc.edu/opp/_documents/61/op6123.pdf.
 - c. Permission to use campus space facilities may be granted only by the offices designated by HSCEP OP 61.07, Use of TTUHSC EI Paso Premises and Amplification Equipment, https://elpaso.ttuhsc.edu/opp/_documents/61/op6107.pdf.

PART VIII SOLICITATIONS, ADVERTISEMENTS AND PRINTED MATERIALS

Solicitation, sales, and services on University premises or in University-owned or Universitycontrolled buildings are prohibited without prior written approval from the Office of Student Services and Student <u>Affairs-Engagement</u> (SSS<u>E</u>A). 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 <u>Office of Student Services and Student</u> <u>AffairsSSSE</u>.

PART IX

STUDENT TRAVEL POLICY

A. HSCEP OP 77.08, Student Travel Policy

HSCEP OP 77.08 <u>https://elpaso.ttuhsc.edu/opp/_documents/77/op7708.pdf</u> regulates any travel undertaken by one or more students presently enrolled at TTUHSC EI Paso to an activity or event that is located more than 25 miles from the campus of TTUHSC EI Paso. This Operating Policy (OP) applies to any event or activity which is organized, sponsored and/or funded by TTUHSC EI Paso, is undertaken using a vehicle owned or leased by the university or is a required event or activity by a student organization registered at TTUHSC EI Paso.

Each student who travels by any form of transportation to participate in a University-related activity, including but not limited to academically-related field trips, courses, competitions, or contests, or non- academic activities, must, prior to such activities, execute a copy of the <u>Travel Release and Indemnification Agreement</u> and the <u>Authorization for Emergency Medical Treatment</u>.

Please refer to the TTUHSC El Paso Travel Office and the Office of <u>Diversity</u>, <u>Inclusion and</u> 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 EI Paso School and particular degree program in which the student is enrolled. Students should consult with their respective School's academic/program advisor and/or School's catalog and/or handbook for specific details.

3. Academic and Personal SupportCounseling Services

Academic support services are available to all TTUHSC El Paso students through the Office of Academic Support <u>https://elpaso.ttuhsc.edu/gsbs/student-</u> <u>handbook/academic-support.aspx</u>. The Academic Support web-site provides information about workshops and resources to support student success.

Personal counseling services are available to all TTUHSC El Paso students; providers are listed at Office of Student Services and Student Affairs website located at https://elpaso.ttuhsc.edu/studentservices/SCS.aspx https://elpaso.ttuhsc.edu/gsbs/student-handbook/academic-support.aspx. For emergency24-hour.crisis.line, please-call. Emergence Health Network at (915) 779-1800.

4. Admissions and Applicants

The educational policies of the TTUHSC EI Paso are founded upon the regulations of the Board of Regents of the Texas Tech University System. TTUHSC EI Paso is a health related institution that offers upper-level undergraduate, graduate professional academic programs. The application and admissions policies for TTUHSC EI Paso are outlined in the individual Schools' catalogs and/or handbooks.

Most programs at TTUHSC EI Paso have a deadline for the receipt of applications and supporting documents. These deadlines vary by program and application year. Applicants are advised to contact the program to which they are seeking admission for specific deadline dates.

5. Adding and Dropping Courses

See the Office of the Registrar web-page for all related academic policies, <u>https://elpaso.ttuhsc.edu/studentservices/registrar/default.aspx</u> <u>https://www.elpaso.ttuhsc.edu/opp/_documents/77/op7719.pdf</u>

Also, consult the academic catalog and/or handbook for school policies. Students should make an appointment with his/her advisor to complete appropriate documentation. Students dropping a course to the point of zero hours of enrollment are considered to be withdrawing from the institution and those receiving federal financial aid should consult the Office of Financial Aid-

6. 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.

7. Alcohol and Illegal Drugs

See OP 10.03 at https://elpaso.ttuhsc.edu/opp/ documents/10/op1003.pdf

8. 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.

- Student Drug Screenings, see HSCEP OP 77.15, https://elpaso.ttuhsc.edu/opp/ documents/77/op7715.pdf
- 10. Credit by Exam

See OP 77.07, Credit by Examination, https://elpaso.ttuhsc.edu/opp/_documents/77/op7707.pdf

11. Death of a Student

The Office of Student Services and <u>Affairs Engagement (SSSA)</u> is the Office of the President's liaison regarding the notification of any student deaths. Schools must notify the Assistant Vice President for SSSA<u>E</u> for <u>Student Services and Student</u> immediately in the event of any student death.

12. Students with Disabilities

HSCEP OP 77.14,Establishing Reasonable Accommodations for Students with Disabilities, <u>https://elpaso.ttuhsc.edu/opp/_documents/77/op7714.pdf</u> provides policy related to the American with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, and state and local requirements regarding students with disabilities. Under these laws, no otherwise qualified individual with a disability shall be denied access to or participation in services, programs, and activities of TTUHSC EI Paso solely based on the disability. Students with questions about disability services, documentation, and accommodations should review the Student Disability Resource Manual at: <u>https://elpaso.ttuhsc.edu/studentservices/office-of-academic-and-disability-support-services/_documents/Resource-Manual-for-Students-with-Disabilities.pdf</u>

Any student seeking accommodations on the basis of disability must register with the <u>Academic Success and Accessibility</u> Office (<u>ASAO</u>) of <u>Academic and Disability</u> <u>Support</u> in <u>Office of</u> Student Services and Student <u>AffairsEngagement (SSSE</u>). The process to request accommodations includes an application for services, appropriate documentation of the disability, and an intake interview.

Students with grievances related to discrimination on the basis of a disability should review this Institutional Student Handbook, Appendix A on Anti-Discrimination policies and procedures.

13. Discrimination/Equal Opportunity

No person shall be excluded from participation in, denied the benefits of, or be subject to discrimination under any program or activity sponsored by TTUHSC El Paso on any basis prohibited by applicable law, including but not limited to, race, color, national origin, religion, sex, veteran status or disability. Grievances related to discrimination on the basis of race, religion, national origin or age should be pursued through regular administrative channels. Academic problems are to be handled in the academic administrative structure culminating in review by the individual School's Dean. Non-academic matters are handled by the Office of Student Services and Student Affairs. For more information, visit https://elpaso.ttuhsc.edu/opp/_documents/51/op5101.pdf, Equal Employment Opportunity Policy and Affirmative Action Plan

14. Emergency - Student Emergency Contact Information

Students must keep their Emergency Contact Information current. To do so, visit El Paso <u>https://portal.texastech.edu/web/elp/my.tech</u> and sign in. Select the "MyTech-El Paso (for Students)" tab and look in the "Personal Information" box. Click "Update Emergency Contacts" and fill in your information.

The Office of the Registrar staff may also update emergency contact information for students who present their university ID in person.

15. Employment Grievance

A student wishing to pursue a grievance concerning employment with the University and who has not found satisfaction or resolution with his or her immediate supervisor or the person in charge of that department may contact the Office of Equal Employment Opportunity in accordance with the grievance procedures outlined in the TTUHSC El Paso OP 70.10, Non-faculty Employee Complaint and Grievance Procedures, <u>https://elpaso.ttuhsc.edu/opp/_documents/70/op7010.pdf</u>. The procedures manual may be reviewed in the Office of Equal Employment Opportunity.

16. Exams – Bring Your Own Device Policy, HSCEP OP 56.06 <u>https://elpaso.ttuhsc.edu/opp/_documents/56/op5606.pdf</u> Please refer to the individual School's catalogs, handbooks, and web-pages for more specific exam details relating to your program. Any student seeking exam accommodations on the basis of disability must register as a disabled student with the <u>Student Success and Accessibility</u> Office of Academic and Disability Support in the Office of Student Services and Student Affairs-Engagement and must provide all required documentation of disability to support accommodation request. Appropriate and reasonable accommodations, if any, will be determined by the <u>Student Success</u> <u>and Accessibility Office</u>Office of Academic and Disability Support in Student Services and Student Affairs.

17. Financial Policies

Students must meet all financial responsibilities due to the University. The writing of checks on accounts with insufficient funds, issuance of stop pays, disputed credit card chargebacks, or the non-payment or delinquent payment of outstanding loans, and failure to meet any other financial obligations to the University, (including failure to return Title IV funds), are considered a lack of financial responsibility. Financial irresponsibility may subject the student to additional fees, fines, suspension of check writing privileges, denial of registration, withholding of grades and transcripts and possible adjudication under the Code of Professional and Academic Conduct. A student who fails to make full payment of tuition and mandatory fees, including any incidental fees, by the due date, may be prohibited from registering for classes until full payment is made. Generally, failure to meet financial obligations to the University may result in:

a. Cancellations of the student's registration if tuition and registration fees are not paid by the 20th class day (15th class day in summer), or if a returned check given in payment of tuition and fees is not redeemed by that time;

c.g. 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 hold placed on a student's academic records preventing future registration (before registering or requesting a transcript, students may check on the presence of holds by accessing their records at <u>https://portal.texastech.edu</u> under the MyTech

– El Paso tab).

d. Reporting of financial problems to a credit agency or a collection agent. For more information, please visit the Student Business Services website at <u>http://elpaso.ttuhsc.edu/fiscal/businessaffairs/studentbusserv/</u>.

18. Grades/Grading

- a. See OP 77.19, Grading Procedures and Academic Regulations, https://www.elpaso.ttuhsc.edu/opp/_documents/77/op7719.pdf
- b. The instructor assigned to a course has the responsibility for determining a grade and for judging the quality of academic performance.
- c. The processing of formal appeal procedures is the responsibility of the School which administers the course. A copy of the grade appeal procedures may be found in the individual Schools' catalogs and/or handbooks. A grade can be formally appealed only when there is demonstrable evidence that prejudice, arbitrary or capricious action on the part of the instructor has influenced the grade. The burden of proof that such an unfair influence has affected a grade rests with the student who appeals the grade. Only final course grades may be formally appealed to the responsible academic dean. Earlier grades and other academic grievances may be discussed with the instructor involved and with the chair of the department or division involved.
- 19. Graduation Procedures
 - a. Degree requirements are published in the individual School's catalogs.
 - b. Prior to graduation, all candidates for TTUHSC El Paso degrees are required to:
 - i. Complete all graduation requirements set forth by the applicable School;
 - ii. Complete <u>the and return to the Office of Student Services the</u> University's-Intent to Graduate <u>Application (link provided by school</u> level office of student affairs form in the semester before anticipated graduation). Please note that the (the student's "diploma name" as requested in the Intent to Graduate <u>Application form</u> is printed on her/histhe student's diploma, and information provided by the student is -used in commencement programs.-In the event that <u>note ifthe</u> student has requested that directory information is confidential – specific request to release information for commencement bulletin must be confirmed via the Graduation application process.-);
 - iii. Requires student active registration in the semester the certificate or degree is to be conferred unless the student is granted an exception by the dean of their school;
 - iv. Pay the graduation application fee of \$75 at the time of submission of Intent to Graduate formapplication;

v. 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.

20 Student Health Services

a. The Texas Tech Physicians at Hague provides health services to TTUHSC El Paso students who are currently enrolled and have paid the Medical Services Fee as part of tuition and fees. To receive health services, you must present a Student I-D- card and co-payment at the time of the appointment. Students may contact their insurance provider to determine if they qualify for co-payment reimbursement.

The Medical Services Fee covers only those services provided by the Texas Tech Physicians at Hague Clinic and specific laboratory and radiology service performed at cooperating locations. All other charges incurred are the student's responsibility.

b. Clinic Procedures

Please call to make an appointment- at (915) 215-5810, 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 EI Paso student. If you come to the office without an appointment, it may be necessary for you to wait for a physician. Immunizations, paperwork, and routine procedures are not ordinarily considered urgent care, and may not be taken care of on the same day as requested. If you have a health emergency that requires you to be seen at a hospital emergency room, go to the hospital listed as a provider on your insurance. *Visits to an emergency room that generate a charge from either TTUHSC EI Paso or the hospital are your responsibility.*

c. If the student receives a bill from the Texas Tech Physicians at Hague for services covered by the medical service fees, please contact the Office of Student Services and Student <u>AffairsEngagement</u>.

21. Student Health Insurance

- a. Students are expected to have hospitalization insurance coverage for each semester enrolled throughout the duration of their academic program. Students are required to provide proof of coverage at the time of registration, -orientation, and/or clinical rotations. Information on how to submit proof of coverage will be sent is provided to each enrolled student from the Office of Student Services and Student Engagement.
- b. The Texas Tech University System (TTUS) works with Academic Health Plans (AHP) to offer and administer health insurance coverage options to all students. Students have the option to investigate alternative insurance plans.

Insurance information can be found in Health and Safety Resources on the Office of Student Services and Student <u>Affairs-Engagement</u> web-page at <u>https://elpaso.ttuhsc.edu/som/studentaffairs/healthresources.aspx</u>

22. Immunizations - Required

NOTE: See COVID-19 Screening Processes for return to school – As of April 2020, regular communications are provided to students and employees at <u>https://ttuhscep.edu/coronavirus/students-and-employees/default.aspx</u>. Please consult this site for regular updates for the 2020-2021 academic year. Additional updates will be provided by each School regarding classroom and clinical requirements.

In order to protect the health of our students and the health of the patients with whom they come in contact, TTUHSC EI Paso requires <u>all entering students</u> to provide documentation of all immunizations as required by their respective schools. Immunization requirements are stipulated by each School and students should consult their School catalogs and handbooks.

https://elpaso.ttuhsc.edu/opp/ documents/EP-7/ep-7-01.pdf

For GGHSON Student Handbook, see <u>https://elpaso.ttuhsc.edu/son/handbooks-and-catalogs/_documents/GGHSON-Student-Catalog-2019-2020.pdf</u>

For GSBS Student Handbook, see <u>https://elpaso.ttuhsc.edu/gsbs/student-handbook/_documents/GSBS-Student-Handbook-2019-2020.pdf</u>

For PLFSOM Student Handbook, see <u>https://elpaso.ttuhsc.edu/som/studentaffairs/student-handbook/section-one/immunization.aspx</u>

Exclusions for Immunization Requirements in Texas Institutions of Higher Education. See <u>https://www.dshs.texas.gov/immunize/school/rules.aspx</u>

23. Inter-Professional Education

Depending upon the school affiliation, TTUHSC El Paso students may be required to complete a non-credit, online course in inter-professional education. Implementation of this requirement will vary across schools and degree programs. Students should consult their academic/program advisor and/or school catalog and/or handbook for additional information.

24. Registration

See the Office of the Registrar web-page for official information related to registration: <u>https://elpaso.ttuhsc.edu/studentservices/registrar/</u>.

25. Religious Holy Days

See OP 77.12, Religious Holy Day Observance and Need for Student Absence, <u>https://elpaso.ttuhsc.edu/opp/_documents/77/op7712.pdf</u>.

26. State Residency Classification

Residency is established at the time of application to TTUHSC El Paso. Some students may be eligible for Border County waivers; see OP 77.18, *Border County Waiver*, <u>https://elpaso.ttuhsc.edu/opp/_documents/77/op7718.pdf</u>.

Students are responsible for registering under the proper residence classification and for providing documentation as required by the institution. If there is any question about the right to classification as a resident of Texas, it is the student's obligation, prior to the time of enrollment, to ask for an official determination by the Office of the Registrar. Non-residents who live in Texas taking only online courses are charged non-resident tuition and fees. An applicant whose classification as a resident of the State of Texas is not clearly established should request a Residency Questionnaire from the Office of the Registrar. The Oath of Residency information can be found at https://elpaso.ttuhsc.edu/studentservices/registrar/policies-and-procedures.aspx

27. Student Government Association

The Student Government Association (SGA) promotes, directs and coordinates student activities at Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso). The executive council and senators are elected from each of the three schools and act to voice student concerns to the TTUHSC El Paso Faculty and Staff and encourage interdisciplinary communication and participation among the individual schools that compose TTUHSC El Paso. The Oeffice of Student Services and Student Affairs-Engagement (SSSEA) provides administrative support for SGA. See the SGA web-page at

[BJW-TSAHS4]https://elpaso.ttuhsc.edu/studentservices/student-organizations/SGA/default.aspx.

28. Student Publications

See OP 77.03, Official Student Publications, https://elpaso.ttuhsc.edu/opp/_documents/77/op7703.pdf[DR5]

- 29. Tuition and Fees Payment See the Student Business Services web-page at <u>https://elpaso.ttuhsc.edu/fiscal/businessaffairs/studentbusserv/default.aspx</u>
 - 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 (10 weeks or longer) summer semesters in installments. TTUHSC El Paso offers the following payment alternatives:

i. Full payment of tuition and fees in advance of the beginning of the semester; or

ii. One-half payment of tuition and fees in advance of the beginning of the semester and separate one-fourth payments prior to the sixth and eleventh class weeks, respectively.

- b. TTUHSC EI Paso shall develop procedures that will provide that students may elect to pay tuition and fees using the payment alternative.
- c. TTUHSC El Paso is authorized to establish payment due dates in advance of the beginning of a semester and prior to the sixth and eleventh class weeks respectively so that required payments have been received and student records have been appropriately updated on the dates required by law.
- d. If a student elects to pay tuition and fees using the payment alternative, he or she shall be assessed an installment option fee in addition to the required payment of tuition and fees. The fee developed and recommended for approval shall reflect all costs incurred in operating and handling payments under the installment alternative. The Board of Regents has delegated to the President of Texas Tech University Health Sciences Center El Paso, the authority to approve all discretionary, incidental fees.
- 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 EI Paso shall develop procedures so that students are notified of the requirements, provisions, and penalties of the installment payment options.
- g. Approval of Student Fees: The Board of Regents shall approve the assessment and collection of fees from Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso). The amounts to be collected are presented in a Global Fee Document to the Board of Regents for approval.
- 30. Tuition and Fees Refund Policies

See the Student Business Services web-page under Student Resources/Financial Information.

https://elpaso.ttuhsc.edu/fiscal/businessaffairs/studentbusserv/default.aspx

Detailed information about the impact of decreasing course load on:

- Institutional Refund Policy All students who withdraw from TTUHSC El Paso or drop all courses during a term
- Additional considerations for students who received financial aid and withdraw from TTUHSC El Paso or

drop all courses during a term

Institutional Refund Policy:

Texas Education Code, Section 54.006, provides the amount of tuition and fees to be refunded to students who drop courses or withdraw from the institution. Class day count is based on the official institution academic calendar for the school, not the specific course dates.

Students who drop a course, but remain enrolled at the institution will be refunded at the following rate:

Term	Class Day	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 EI Paso or drop all courses during a term that receive(d) financial aid, be aware of the refund policies and to understand the impact they will have on the aid released and the continued financial aid eligibility. Current refund policies for students who withdraw or drop all courses during a term are determined by the Higher Education Title IV refund regulations.

Any refund due to a student will be after calculation of the amount of tuition and fees due at the time of withdrawal. If the student has paid less than the amount due at the time of withdrawal, the student will be required to pay the percentage due.

Federal Refund and Repayment calculations must be performed for students who receive Title IV (Pell, FSEOG, Perkins and/or Stafford Loans) funds and officially withdraw from all courses, drop out of all courses, are expelled, take an unapproved leave of absence, or fail to return from an approved leave of absence prior to the 60% date of the term. All "unearned aid" must be returned to the federal aid programs as determined by the Federal Refund and Repayment calculations. Failure to return Title IV funds constitutes a failure to meet a financial responsibility due to the University which is subject to any of the actions stated in the Tuition and Fees Payment section above.

- a. The requirements for Title IV program funds are separate from the university refund policy. As such, you are responsible for unpaid institutional charges remaining after the refund calculation. You are also responsible for charges/balances created by the returning of Title IV program funds that the school was required to return.
- b. If you have questions about your Title IV program funds, you can call the Federal Student Aid Information Center at 1-800-4-FEDAID (1-800-433-3243). TTY users may call 1-800-730-8913. Information is also available on Student Aid on the Web at <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

An example calculation is available on the Student Business Services web page:

https://elpaso.ttuhsc.edu/fiscal/businessaffairs/studentbusserv/resources/financi

al-information/default.aspx

Once it is determined that you owe money back to any of the federal aid programs, you will be ineligible to receive further federal aid at TTUHSC El Paso or any other institution, until this debt is cleared.

Please note, your failure to complete a semester or term could impact your Satisfactory Academic Progress (SAP) and your future eligibility for financial aid. To remain eligible for financial aid, a student must maintain satisfactory academic progress. This consists of three categories: (1) grade point average on hours attempted (qualitative), 2 hours successfully completed (quantitative) based on hours enrolled and (3) time to degree. You must complete your program of study within 150% of the normal time required for the program.

The complete policy is available on the Financial Aid website under Satisfactory Academic Progress <u>https://elpaso.ttuhsc.edu/studentservices/Financial-Aid/consumer-information-disclosures.aspx</u>

<u>PART XI</u>

CONTACT INFORMATION FOR STUDENT SERVICES and STUDENT AFFAIRS ENGAGEMENT PERSONNEL

Student Services and Student -Affairs <u>Engagement</u>	(915) 215-4370	elp.studentservices@ttuhsc.edu
Registrar	(915) 215-4370	epregistrar@ttuhsc.edu
Student Financial Aid	(915) 215-4370	elp.financialaid@ttuhsc.edu
Student Business Services	(915) 215-5680	<u>sbselp@ttuhsc.edu</u>
Academic and Disability		
ServicesSuccess and Accessibility	(915) 215-6018	disabilitysupport.elp@ttuhsc.edu
<u>Office</u>		
Student <u>Affairs Engagement</u>	(915) 215-4370	
<u>Studentand</u> Wellness	(915) 215-5378	
Deputy Title IX Coordinator for Students	(915) 215-4537	Robin.dankovich@ttuhsc.edu
Title IX Coordinator for TTUHSC El Paso	(915) 215-5461	linda.s.ellis@ttuhsc.edu
Office for Diversity, Inclusion and		
<u>Global Health</u>		
<u>School level student contacts</u> Gayle Greve Hunt School of Nursing Student Affairs	(915) 215-6124	josh.moreno-espinoza@ttuhsc.edu
Graduate School for Biomedical Sciences Student Affairs	(915) 215-4157	Jazmin.Carrera-Blas@ttuhsc.edu
Paul L. Foster School of Medicine Student Affairs	(915) 215-4817	linda.s.ellis@ttuhsc.edu
Woody L. Hunt School of Dental Medicine Student Affairs	(915) 215-4207	cyd.goldfarb@ttuhsc.edu

ATTACHMENT A:

TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO (TTUHSC EP)

Student Conduct Incident Form

This form is to be used for an official complaint that involves a person who is or students who are enrolled at TTUHSC EI Paso for alleged violations of the Code of Professional and Academic Conduct. The student(s) could be the accused or the complainant. This form is to be submitted to the Executive Associate or Assistant Vice President for SSSA for Student Services and Student Affairs Engagement at TTUHSC EI Paso. A separate form must be completed for each individual student accused of violations of the Code. Use Attachment C for complaints against a student organization.

{Please note that students' matters related to grades or academic evaluation should follow the guidelines published in the specific School catalogue or handbook}

Please complete the following:

Name of Accused:

Organizational Affiliation: Institutional, School, Department and Program of Accused (*if known*):

List the course name, number, and section *(if applicable)* in which the alleged misconduct occurred:

Please provide a clear and concise explanation of the circumstances of the complaint. Include all relevant information, including, but not limited to, the name of the person(s) who witnessed the incident(s) and where the incident(s) occurred. Use additional pages if necessary. Please attach relevant supporting documents, e.g., copy of assignment, source of plagiarism, etc: Date of discovery of alleged violation (please report within 20 business days of discovery):

Date of alleged violation (if different from above):

Please cite the Professional and Academic Code(s) that the Accused allegedly violated:

I certify that all information provided herein is accurate and complete.

Printed Name

Complainant Date

Complainant's Signature

Complainant's Contact Information: Address, Email, and Phone Number

The following notice is provided in accordance with Texas Government Code§ 559.003(a) of the Texas Government Code: (1) with few exceptions, you are entitled on your request to be informed about the information TTUHSC EI Paso collects about you; (2) under Sections 552.021 and 552.023 of the Texas Government Code, you are entitled to receive and review the information; and (3) under Section 559.004 of the Texas Government Code, you are entitled to have TTUHSC EI Paso correct information that is incorrect in accordance with TTUHSC EI Paso policies and procedures.

Please Email Completed Form to Hilda Alarcon at <u>hilda.alarcon@ttuhsc.edu</u> For more information please call (915) 215-4786.

ATTACHMENT B:

TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO (TTUHSC El Paso)

Student Organization Incident Form

TTUHSC EI 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 EI 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 EI Paso's ability to investigate and respond.

Please complete the following:

Your Phone Number: _____

Your Email Address: _____

Nature of Report: (Check those that apply)

□ Hazing □Alcohol Concern □Drug Concern □Social Event Concern □Financial □Other

Date of Incident: _____

Time of Incident:

Location of Incident:

Name of Involved Individuals/Organization:

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 Hilda Alarcon at <u>hilda.alarcon@ttuhsc.edu</u> in the TTUHSC El Paso Office of Student Services and Student Engagement - (915) 215-4786.

Anti-Discrimination and Sexual Misconduct Policy and Procedures (Including Title IX)

The University is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from sex discrimination of any kind. The University prohibits discrimination based on sex, which includes pregnancy, sexual orientation, gender identity, gender expression, and other types of Sexual Misconduct. Sexual Misconduct is a broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature, Sexual Harassment, Sexual Assault, Sexual Exploitation, Stalking, Public Indecency, Interpersonal (Dating, Domestic, or Family) Violence, Dating Violence, Sexual Violence, and any other misconduct based on sex. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, by actions, or electronically conveyed.

A. Introduction

This provides information regarding the University's response and prevention efforts related to sex discrimination and Sexual Misconduct. In conjunction with Texas Tech University <u>System Regulation 07.10 Non-Discrimination and Anti-Harassment Policy and Complaint Procedure</u>, TTUHSC El Paso <u>OP 51.02</u>, Texas Tech University <u>System Regulation 07.06</u> <u>Sexual Misconduct</u>, and TTUHSC El Paso <u>OP 51.03</u>, the policies set forth here apply to all members of the University Community, provide students with their rights and options, and also explain how the University will proceed once it is made aware of allegations of prohibited conduct in keeping with the University's values and in order to meet the legal obligations of Title IX, the Violence Against Women Act (VAWA), the Campus Sexual Violence Elimination Act (SaVE), the Clery Act, Texas Education Code, 34 CFR Part 106, and other applicable law.

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

B. Non-Discrimination and Anti-Harassment Policy

The University does not tolerate discrimination or harassment based on or related to sex

(including pregnancy), race, color, religion, national origin, age, disability, genetic information, protected veteran status, genetic information, sexual orientation, gender identity, gender expression, or other protected categories, classes, or characteristics. Texas Tech University <u>System Regulation 07.10 Non-Discrimination and Anti-Harassment Policy</u> and <u>Complaint Procedure</u>, adopted by Texas Tech University Health Sciences Center El Paso in <u>OP 51.02</u>, applies to all University students and University employees, visitors, applicants for admission to or employment with the University, as well as University affiliates and others conducting business on University campuses.

If a student has a complaint of discrimination or harassment by an employee, whether faculty, staff, or student employee (other than for Sexual Misconduct, which is addressed under Section C below), the provisions relating to the complaint process set forth in Texas Tech University <u>System Regulation 07.10</u> and TTUHSC EI Paso <u>OP 51.02</u> shall apply. Students with such complaints of discrimination or harassment by an employee should contact the System Office of Equal Opportunity (OEO) and/or submit a completed Complaint of Discrimination or Harassment form to OEO, which is available at:

<u>https://www.texastech.edu/offices/equal-employment/</u>. OEO's complete contact information is as follows:

Contact	Phone	Address	Email
Charlotte Bingham Assistant Vice Chancellor of Administration, Texas Tech University System Office of Equal Opportunity	806.742.3627	TTU System Administration Building 1508 Knoxville Avenue Suite 309 TTUS Office of Equal Opportunity Box 41073 Lubbock, TX 79409	<u>eeo@ttu.edu</u>

If a student has a complaint of discrimination or harassment by a student or a student organization, such complaints are guided by the Student Conduct Procedures set forth in Part II of this Student Handbook. Students with complaints of discrimination or harassment by a student or student organization should contact the TTUHSC EI Paso Student Services and Student Engagement and/or utilize the online Incident Report Form available at https://www.ttuhsc.edu/student-affairs/grievances.aspx. TTUHSC EI Paso Student Services and Student Affairs' complete contact information is as follows:

Contact	Phone	Address	Email
Linda Ellis TTUHSC El Paso Title IX Coordinator <u>R</u> obin Dankovich	915.215. 5439 <u>4537</u>	PLFSOM Office of Student Affairs Medical Education	<u>robin.dankovich@ttuhsc.edulinda.s.ellis @ttuhsc.edu</u>

Assistant	Bldg, 2140	
Vice	5001 El	
President	Paso Drive,	
Student	MSC	
Services and	21013	
Student	El Paso,	
<u>Affairs</u>	TX	
	79905<u>TTU</u>	
	HSC EI	
	Paso	
	<u>MSBII –</u>	
	MSC21014	
	<u>137 Rick</u>	
	Francis	
	El Paso TX	
	<u>79902</u>	

In instances of complaints of sex/gender discrimination, the complainants may contact the University's Title IX Coordinator, whose complete contact information is as follows:

Contact	Phone	Address	Email
Linda Ellis TTUHSC El Paso Title IX Coordinator	915.215.5439	PLFSOM Office of Student Affairs Medical Education Bldg, 2140 5001 El Paso Drive, MSC 21013 El Paso, TX 79905	<u>linda.s.ellis@ttuhsc.edu</u>

While Sexual Harassment, Sexual Assault, and other forms of Sexual Misconduct may constitute prohibited acts of discrimination under this Section B, such behavior is prohibited under TTU System Regulation 07.06 and TTUHSC EI Paso OP 51.03, as discussed in Section C below.

c. Sexual Misconduct

Sexual Misconduct in the TTUHSC EI Paso community is prohibited pursuant to Texas Tech University <u>System Regulation 07.06 Sexual Misconduct</u> (adopted by TTUHSC EI Paso as <u>OP 51.03</u>).

1. Separate Policies for Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct

While all Sexual Misconduct is prohibited, in accordance with applicable federal and state

law, the University has adopted two distinct policies and grievance procedures for Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct. These policies are available at the following links:

- Texas Tech University System Regulation 07.06.A Title IX Sexual Misconduct; and
- <u>Texas Tech University System Regulation 07.06.B Non-Title IX Sexual</u> <u>Misconduct</u>.

The University Title IX Coordinator will assist those making reports or complaints of Sexual Misconduct with understanding which policy may apply based on the nature, context, and location of the alleged conduct. The Flowchart available <u>here</u> visually depicts the applicability of these two policies and their respective grievance processes. In the event of any conflict between this Student Handbook and System Regulations 07.06.A, 07.06.B, and 07.10, the system regulations will control.

The University Title IX Coordinator oversees the University's compliance with the Sexual Misconduct policies, including both Title IX and Non-Title IX Sexual Misconduct. The University has also designated a Title IX Deputy Coordinator for employees. Contact information for the Coordinator and Deputy Coordinator is as follows:

Contact	Phone	Address	Email & Website
Linda Ellis TTUHSC El Paso Title IX Coordinator	915.215.5439	PLFSOM Office of Student Affairs Medical Education Bldg, 2140 5001 El Paso Drive, MSC 21013 El Paso, TX 79905	<u>linda.s.ellis@ttuhsc.edu</u> https://elpaso.ttuhsc.edu/gsbs/ca talog/title-IX.aspx
Charlotte Bingham TTUHSC Title IX Deputy Coordinator for Employees	806.742.3627	System Administration Building 1508 Knoxville Ave., Suite 309 Box 41073 Lubbock, TX 79409	<u>eeo@ttu.edu</u> <u>http://www.texastech.edu/offices/</u> <u>equal-employment/</u>

2. Title IX Sexual Misconduct

Title IX Sexual Misconduct is governed by Texas Tech University System Regulation 07.06.A. Generally, only sexual assault; stalking; dating violence; domestic violence; *quid*

pro quo conduct; and conduct that is severe, pervasive, *and* objectionably offensive will constitute Title IX Sexual Misconduct, and be governed by such policy. The procedure for reporting and filing a formal complaint of Title IX Sexual Misconduct, and the grievance process for addressing such complaints, is set forth in <u>System Regulation 07.06.A</u>. The provisions of the remainder of this Section C may not apply to reports and complaints of Title IX Sexual Misconduct. The University's Title IX Coordinator will assist students in navigating these policies.

All other forms of Sexual Misconduct are addressed pursuant to the Non-Title IX Sexual Misconduct policy, set forth in this Student Handbook and governed by <u>System Regulation</u> <u>07.06.B</u>.

2. Non-Title IX Sexual Misconduct

All Sexual Misconduct that does meet the threshold of Title IX Sexual Misconduct will proceed under the Non-Title IX Sexual Misconduct policy set forth in this Student Handbook.

All investigations and procedures under this policy will be conducted in a reasonably prompt timeframe and in an equitable and impartial manner. Investigations conducted hereunder are not criminal investigations. For all complaints, the burden of proof shall be a preponderance of the evidence, which means more likely than not.

The Title IX Coordinator or designee will investigate complaints of Sexual Misconduct by or between students. The Texas Tech University System Office of Equal Opportunity (OEO) will investigate complaints of Sexual Misconduct by or between employees. Student complaints of Sexual Misconduct by an employee will be investigated jointly by the Title IX Coordinator or designee and the Office of Equal Opportunity.

Students with complaints of Sexual Misconduct by an employee should contact the Title IX Coordinator or Office of Equal Opportunity, and/or utilize the online reporting tool available on the University's website at www.ttuhsc.edu/title-ix/default.aspx. Students with complaints of Sexual Misconduct by a student or student organization should contact the Title IX Coordinator and/or utilize the online reporting tool available on the University's website at www.ttuhsc.edu/title-ix/default.aspx. Students with complaints of Sexual Misconduct by a student or student organization should contact the Title IX Coordinator and/or utilize the online reporting tool available on the University's website at www.ttuhsc.edu/title-ix/default.aspx.

Individuals wishing to remain anonymous can report Sexual Misconduct in any manner, including by telephone or written communication, with the University Title IX Coordinator or Office of Equal Opportunity. However, electing to remain anonymous may greatly limit the University's ability to investigate an alleged incident, collect evidence, and/or take effective action against individuals or organizations accused of violating the TTUHSC EI Paso Sexual Misconduct policies.

4. Employees are Mandatory Reporters

Pursuant to Texas law, all employees, including student employees, who in the course and

scope of employment, witness or receive information regarding the occurrence of an incident that the employee reasonably believes constitutes Sexual Misconduct and is alleged to have been committed by or against a person who was a student enrolled at or an employee of the University at the time of the incident shall promptly report the incident to the University's Title IX Coordinator or Deputy Title IX Coordinators. An Employee is required to report an incident regardless of where or when the incident occurred. Failure to report Sexual Harassment, Sexual Assault, Dating Violence, or Stalking is a violation of state Texas that shall result in termination of employment and may result in criminal penalties.

Reports by mandatory reporters must include all information concerning the incident known to the Reporting Party, including the involved parties' names, regardless of whether the Complainant has expressed a desire for confidentiality; however, the Reporting Party may also state whether the Complainant has expressed a desire for confidentiality.

Disclosures to a healthcare provider, mental health care provider, or other medical provider acting in the course and scope of their employment with the University are not subject to the foregoing mandatory reporting requirements and are considered Confidential Resources. These employees are encouraged to provide students or employees with information and guidance regarding University reporting options and available resources but absent consent from the Complainant, disclosures to a healthcare provider, mental health care provider, or other medical provider acting in the course and scope of their employment with the University shall only state the type of incident reported and may not include any information that would violate an expectation of privacy.

5. Making a Report

Any individual may inquire or make a report or complaint of Sexual Misconduct of any kind. Any person may submit a report in person, by mail, by phone, by email, or by online form, using the contact information set forth in Section 1 above, or by any other means that results in the University's Title IX Coordinator or System Office of Equal Opportunity receiving the verbal or written report. Such a report may be made at any time (including during non-business hours) by using the phone number or email address, or by mail to the office address. Persons other than Employees wishing to remain anonymous may do so by submitting a report in an anonymous manner; however, electing to remain anonymous may limit the ability to investigate an alleged incident, collect evidence, and/or take effective action against individuals accused of violating the University's Sexual Misconduct policies.

While not required, students are strongly encouraged to report any incident of Sexual Misconduct to the University, including incidents in which the student was a victim. Students may also report incidents of Sexual Misconduct to law enforcement, including on- campus and local police. Complainant may choose to notify law enforcement and will be provided the assistance of the Title IX Coordinator if the individual wishes. Parties may also choose not to notify law enforcement of incidents of Sexual Misconduct. A student who experiences sexual or dating violence is encouraged to seek medical care for treatment and preservation of evidence, if applicable, as soon as possible after the incident. Preserving DNA evidence can be key to a sexual violence case. Students can undergo a sexual assault forensic exam

(SAFE) performed by a sexual assault nurse examiner (SANE) to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, a SANE may still collect evidence up to 4 days following a sexual assault. With the examinee's consent, the physical evidence collected during this medical exam can be used in a criminal investigation.

Anyone who experiences any form of Sexual Misconduct should also preserve other evidence relevant to the incident reported, such as items of clothing, photographs, phone records, text messages, social media activity, computer records, and other documents.

6. Confidentiality

TTUHSC EI Paso is committed to ensuring confidentiality during all stages of a grievance process. The confidentiality of the Complainant, the Respondent, the Reporting Party, any individuals who have sought guidance about this policy or have participated in an investigation or incident will be honored by the University to the extent possible without compromising the University's commitment and obligation to investigate allegations of misconduct, to protect the University Community, and to the extent allowed by law. Unless waived in writing by the individual, the identity of aforementioned individuals:

a. Is confidential and not subject to disclosure under Chapter 552, Government Code; and

b. May be disclosed only to:

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

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

However, because the University also has an obligation to maintain an environment free of sex discrimination and Sexual Misconduct, all University employees have mandatory reporting and response obligations and may not be able to honor a Complainant's request for confidentiality. The Title IX Coordinator or designee will evaluate requests for

confidentiality. The willful and unnecessary disclosure of confidential information by anyone, including the Complainant or Respondent, may affect the integrity of the investigation. Students may make confidential reports to TTUHSC EI Paso Student Counseling Services. Complainants may also make confidential reports to licensed clinical and/or mental health professionals acting in their professional role of providing those services, including medical providers employed by the University. Information may be shared by the clinical and/or medical provider only with the Complainant's or Respondent's consent.

Absent consent from the Complainant, disclosures to a healthcare provider, mental health care provider, or other medical provider acting in the course and scope of their employment with the University shall only state the type of incident reported and may not include any information that would violate an expectation of privacy. These Employees are encouraged to provide Complainants with information and guidance regarding University reporting options and available resources.

Resources	Phone
TTUHSC EP Student Counseling ServicesTTUHSC Counseling Center	https://elpaso.ttuhsc.edu/studentservices/SCS.aspx806.743.1327
Texas Tech Physicians Psychiatry (Student Assistance and Employee Assistance Program) Assistance Program	<u>915-215-6170 and 915-215-5850</u> 806-743-1327
Emergence Health Hotline (24 Hour Crisis Helpline) TTUHSC 24-Hour Crisis Helpline	<u>915-779-1800</u> 800-327-0328
RAINN Helpline	800-656-HOPE

The following Confidential Resources are available to TTUHSC EI Paso students:

Note: Access local advocacy groups and services through any of the above resources.

7. Interim and Supportive Measures

The University may take immediate action to eliminate hostile environments and address any effects on the Complainant and community prior to the initiation of any Investigation and/or formal Grievance Process. These measures will be taken to minimize the burden on the Complainant while respecting due process rights of the Respondent. Supportive Measures for involved students may include, but are not limited to, counseling services, medical assistance, modifications to on-campus housing, modifications to parking permissions, academic support referrals, modifications to academic or work situations, instituting a No Contact Order between the parties in a complaint, and reporting criminal behavior to the Texas Tech Police Department or local law enforcement agencies. Additionally, the University may pursue Emergency Removal, altering the University status of the Respondent. Supportive Measures may be implemented and will be evaluated on a case-by-case basis. Supportive Measures may be kept in place through the conclusion of any review, investigation, resolution, or appeal process. Supportive Measures can be implemented regardless of whether or not the Complainant pursues a Formal Complaint or criminal action. The Title IX Coordinator is available to help students understand the Grievance Process and identify resources. Remedies may be implemented after a determination regarding responsibility in the Grievance Process to restore and preserve equal educational opportunities to the Complainant.

- a. Supportive Measures. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to a Complainant or Respondent. The range of Supportive Measures available includes, but is not limited to: separation or modification of Complainant and Respondent's academic or working situations; mutual restrictions on contact; one-way restrictions on contact, where justified by the specific facts and circumstances; permissive withdrawal from or retake of a class without penalty; counseling; extensions of deadlines or other course-related adjustments; campus escort services; leaves of absence; increased security and monitoring of certain areas of campus; or any other similar measures tailored to the individualized needs of the parties. Consistent with Texas law, a Complainant or Respondent who is the subject of an alleged incident of Title IX Sexual Misconduct will be allowed to drop a course in which they are both enrolled without any academic penalty. Supportive Measures may be kept in place through or beyond the conclusion of any review, investigation, or appeal process and may be implemented regardless of whether Complainant files a complaint of Sexual Misconduct.
- b. No Contact Order. When initial inquiry indicates persistent and potentially escalating conflict between members of the University Community, a No Contact Order may be issued as a remedial, non-punitive deterrent to further conflict or situational complication. A No Contact Order will be issued by the Title IX Coordinator via the student's official TTUHSC EI Paso email. The notice serves as an official directive that the student(s) have no contact with the other listed parties. Contact cannot occur in person, by telephone, email, text message or other electronic means of communication, or through a third party (other than an attorney). Should contact need to occur, the student should coordinate with the Title IX Coordinator. This notice may also come with other information related to changes in class schedule or other restrictions to facilitate the No Contact Order. Failure to comply with the No Contact Order may result in disciplinary action, including possible suspension or expulsion. Violations of No Contact Orders may also result in Emergency Removal pending the completion of a Grievance Process. The term of a No Contact Order is one year from the date of issuance, or the graduation of one or both parties, whichever comes first.
- c. *Emergency Removal.* The University may conduct an individualized safety and risk analysis to determine if an individual poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual

Misconduct that justifies removal. Where the University finds that a Respondent poses an immediate threat to the physical health or safety of any student or individual, the University may remove the Respondent prior to the conclusion of the Grievance Process to protect the safety of the University Community where an immediate threat exists. The University shall provide the Respondent with notice and an immediate opportunity to challenge the decision in writing to the Title IX Coordinator immediately following the removal.

Through an Emergency Removal, a student may be denied access to the University's campus, facilities, and events. This restriction may include classes and/or all other University activities or privileges for which the student might otherwise be eligible. At the discretion of the Title IX Coordinator or designee and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the Respondent.

Emergency Removal is not a sanction. It is taken in an effort to protect the safety and well-being of the Complainant, Respondent, and/or other members of the University Community. Emergency Removal is preliminary in nature; it is in effect only until the Grievance Process has been completed. However, violations of Emergency Removal may result in additional allegations of this Student Handbook. A student who receives an Emergency Removal may request a meeting with an Appeals Officer or designee to challenge an Emergency Removal. Regardless of the outcome of this meeting, the University may still proceed with an Investigation and adjudication.

d. Non-Student Supportive Measures. TTUHSC EI Paso, in conjunction with the Texas Tech Police Department, may issue a Criminal Trespass to any individual(s) or guest of the University whose presence could significantly disrupt the normal operations of the University, or who is alleged to have violated University policies and/or is deemed to pose a threat to the physical and/or emotional well-being of a student or other members of the University Community.

8. Student Rights and Responsibilities

Prior to the formal investigative process, a student will be provided a Student Rights and Responsibilities document. This document will be reviewed and signed by the student prior to an interview. The Student Rights and Responsibilities document informs the student of their rights to be exercised before and during the Grievance Process.

Subject to applicable law, information gathered by the University during the course of the Investigation and Grievance Process may only be shared with faculty, staff, students, and/or advisors who are directly involved in the incident or necessary to the Grievance Process. Information gathered may also be disclosed in compliance with a judicial order or lawfully issued subpoena.

Involved parties have the right to, and are encouraged to, be accompanied by an advisor of the individual's choosing during all meetings, proceedings, and/or disciplinary hearings at

which the individual is present. In Non-Title IX Sexual Misconduct Hearings, the role of the advisor will be limited to advising only and will not be allowed to actively participate in the Hearing. CARE Coordinators may also attend any meeting or Hearing in addition to the student's advisor.

9. Amnesty

- a. Subject to the exceptions noted below, the University will not take any disciplinary action against a student enrolled at the University who in good faith reports to the University being the victim of, or a witness to, an incident of Sexual Harassment, Sexual Assault, Interpersonal Violence, or Stalking for a violation by the student of this Student Handbook, occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the University's disciplinary process regarding the incident, if any.
- b. The University reserves the right to investigate to determine whether a report of an incident of Sexual Harassment, Sexual Assault, Interpersonal Violence, or Stalking was made in good faith. After such investigation, the Title IX Coordinator or their designee will make a determination as to whether a student is entitled to amnesty. Once a determination is made regarding amnesty for a student, such determination is final and may not be revoked.
- c. Notwithstanding the forgoing, amnesty does not apply to a student who reports the student's own commission or assistance in the commission of Sexual Harassment, Sexual Assault, Interpersonal Violence, or Stalking.
- d. Although students eligible for amnesty may avoid disciplinary action under these amnesty provisions, amnesty does not preclude the University from encouraging students to participate in directives such as counseling or educational opportunities relating to the conduct students were engaged in.
- e. Abuse of these amnesty provisions by a student may result in a violation of this Student Handbook. The amnesty provisions do not impact criminal proceedings or charges, mandatory reporting to state licensing boards, legal actions, or actions required to comply with professional ethic requirements.

10. Interference with an Investigation

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

- Attempting to coerce, compel, influence, or prevent an individual from providing testimony or relevant information;
- Divulging confidential information;

- Removing, destroying, or altering documentation relevant to the investigation;
- Providing false or misleading information to the investigator, or encouraging others to do so; or
- Making a report under this policy that, after investigation is found not to have been made in good faith.

11. Retaliation and False Information

Retaliation against an individual who reports a potential violation in good faith under this policy, assists someone with a report of a violation, or participates or refuses to participate in any manner in an investigation or in the resolution of a complaint made under this policy is strictly prohibited and will not be tolerated. Retaliation includes, but is not limited to threats, intimidation, coercion, discrimination, reprisals, or adverse actions related to an individual's employment or education. The University will take appropriate steps to ensure that an individual who, in good faith, reports, complains about, or participates or refuses to participate in in an investigation pursuant to this policy will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to report the incident to the Title IX Coordinator using the same procedure outlined in this section.

Individuals who are found to have retaliated under this policy will be subject to disciplinary action, up to and including termination of employment, expulsion from the University, or being barred from University premises and events.

An individual found to have knowingly and in bad faith provided false or malicious information may be subject to disciplinary action up to and including dismissal or separation from the University. A determination that a Respondent is not responsible for allegations of Sexual Misconduct does not imply information provided was false. Similarly, a determination that a Respondent is responsible for a policy violation does not imply that a Respondent's statements disclaiming responsibility were false.

D. Grievance Process for Non-Title IX Sexual Misconduct

This Section D sets forth the Grievance Process for Non-Title IX Sexual Misconduct. The process for Title IX Sexual Misconduct is set forth in <u>System Regulation 07.06.A</u>. The University Title IX Coordinator will assist parties in determining which process applies to the particular alleged conduct.

1. Intake and Initial Inquiry

Upon receipt of a report of Sexual Misconduct, the Title IX Coordinator, or designee, will review the allegations. As reported allegations of Sexual Misconduct have varying degrees of complexity and severity, the investigation and resolution procedures described below may vary. The Title IX Coordinator or designee will inquire, gather, and review information and will evaluate the accuracy, credibility, and sufficiency of the information received. If a formal complaint is not filed, the Title IX Coordinator may nonetheless conduct an investigation if

the University learns of alleged Sexual Misconduct through other means depending on the source and nature of the information provided, the seriousness of the alleged incident, the specificity of the information, the objectivity and credibility of the source of the report, whether any individuals can be identified who were subjected to the alleged Sexual Misconduct, and whether those individuals want to pursue the matter.

The Title IX Coordinator may conduct an initial meeting with the Reporting Party and/or Complainant to gather additional information regarding the allegation; inform him/her of on and off-campus resources, procedural options, and the University's policy regarding retaliation; and to determine safety, security, or other interim measures. Additional meetings may be necessary depending on the complexity of the reported allegations.

Incidents will not be investigated unless there is reasonable cause to believe a policy has been violated. Reasonable cause includes some credible information to support a policy violation. If it is determined that an investigation will be conducted, the Respondent will be given notice of the complaint and an opportunity to respond. If it is determined that an investigation will not be conducted, the Title IX Coordinator may contact the Respondent to discuss the reported concern.

When a Complainant is reluctant, and/or refuses to participate in the investigation process, the Title IX Coordinator may investigate the allegations to the fullest extent possible given the information made available. The University will make every attempt to follow the wishes of the Complainant while protecting the University Community.

2. Filing a Formal Complaint

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

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

3. Review of Formal Complaints

When a Formal Complaint is received, the Title IX Coordinator will evaluate jurisdiction and mandatory and discretionary dismissal described below, assess appropriate Supportive

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

Mandatory and Permissive Dismissal. The Title IX Coordinator shall dismiss a Formal Complaint of Non-Title IX Sexual Misconduct in the following situations: (1) the allegation describes conduct that would not constitute Non-Title IX Sexual Misconduct as defined, even if proven; or (2) the Respondent is not a member of the University Community. The Title IX Coordinator may dismiss a Formal Complaint in the following situations: (1) the Complainant notifies the Title IX Coordinator in writing that they wish to withdraw the Formal Complaint or some allegations in the Formal Complaint; (2) the Respondent is no longer enrolled in or employed by the University; or (3) circumstances exist that prevent the University from gathering sufficient evidence to reach a determination as to the Formal Complaint or the allegations.

Application of Other Policies Upon Dismissal. If the Title IX Coordinator dismisses a Formal Complaint or any of the allegations in the Complaint, the Title IX Coordinator must promptly send written notice of the dismissal and the reason(s) for the dismissal simultaneously to the Complainant and Respondent. Dismissal of a Formal Complaint does not preclude action under other policies, such as Title IX Sexual Misconduct.

Appeal of Dismissal Decision. Any party can appeal the dismissal decision following the criteria and procedures listed below under Appeal Procedures.

Right to Consolidate Complaints. The University may consolidate Formal Complaints as to allegations of Sexual Misconduct: (1) against more than one Respondent, (2) by more than one Complainant against one or more Respondents, or (3) by one party against the other party, where the allegations of Sexual Misconduct arise out of the same facts or circumstances.

4. Investigation Process

If the Title IX Coordinator or designee conducts an investigation of the reported allegation, the investigation may consist of the review of the complaint, any relevant documentation, and interviews with relevant individuals. Each party will be given the opportunity to share information regarding the allegation, as well as any response to such, and identify witnesses and other relevant evidence. The extent of the investigation and its procedures will be determined by the Title IX Coordinator. During the investigative process, it is expected that the Complainant and the Respondent will cooperate with the University in providing all information or evidence that they believe should be considered. Additionally, other administrators may be consulted to assist with the investigation.

Prior to an investigative interview, the Complainants and Respondents will be provided a student rights and responsibilities document to review and sign. The student rights and responsibilities document informs the student of their rights to be exercised before and during the course of the investigation and student conduct process. Information gathered

during the course of the investigation and student conduct process may only be shared with faculty, staff, students, and/or advisors who are directly involved in the incident or necessary to the student conduct process. Information gathered may also be disclosed in compliance with a judicial order, lawfully issued subpoena, or otherwise required by law.

During the Investigation, the burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility is on the University and not on the parties. Complainants and Respondents are encouraged to present witnesses and evidence, including fact and expert witnesses, and other inculpatory and exculpatory evidence that they believe should be considered. The University will make all reasonable efforts to obtain relevant information such as surveillance video footage, University card swipe access and other information that may be available to the Institution. The University cannot obtain information that is protected by a legally recognized privilege without the party's voluntary written consent. The University shall not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, therapist/mental health professional, or other professional/paraprofessional providing treatment to the party, unless the party gives voluntary written consent.

After the investigation is complete, the Title IX Coordinator will prepare a written investigation report. Complainants and Respondents will have access to the completed investigation report and/or investigative materials relevant to the allegation(s) after the formal investigative process has concluded. In order to protect confidentiality, Complainants and Respondents are not given copies or investigation reports and/or investigative materials, but will have an opportunity to inspect and review any evidence obtained as part of the Investigation that is directly related to the allegations raised in the Formal Complaint.

Withdraw During a Formal Complaint. In accordance with state law, if a student withdraws or graduates from the University pending a Formal Complaint alleging the student violated the *Student Code of Conduct* by committing sexual harassment, sexual assault, dating violence, or stalking, the institution:

- a. May not end the disciplinary process or issue a transcript to the student until the institution makes a final determination of responsibility; and
- b. Shall expedite the institution's disciplinary process as necessary to accommodate both the Respondent's and Complainant's interest in a speedy resolution.
- c. On request from another institution, the University shall provide to the requesting institution information relating to a determination that a student enrolled violated the institution's Student Code of Conduct by committing sexual harassment, sexual assault, dating violence, or stalking.

Should students not participate in the Investigative Process, the Grievance Process may continue without their participation. The Investigator may assign allegation(s) to the Respondent based on the information that the Investigator collected without the student's participation, if appropriate.

5. Resolution Process

Options for resolving Formal Complaints under the Grievance Process include:

a. *Informal Resolution.* Prior to the formal Hearing, either the Complainant or the Respondent may make a request, either orally or in writing, for informal resolution to the Title IX Coordinator. The Title IX Coordinator will assess the severity of the alleged harassment and the potential risk of a hostile environment for others in the University Community to determine whether informal resolution may be appropriate. Mediation will not be used to resolve complaints of Sexual Assault and Interpersonal Violence.

Upon determining that informal resolution is appropriate, the Title IX Coordinator will consult further with the person initiating the request, inform the other party, and gather additional relevant information from the parties and others as useful to assist in the informal resolution process. The Title IX Coordinator may also put in place any appropriate interim measures to protect the educational and work environment of the parties and the University Community.

The University will not compel the Complainant or Respondent to engage in mediation, to directly confront the other party, or to participate in any particular form of informal resolution. Participation in informal resolution in voluntary, and the Complainant and Respondent have the option to discontinue the informal process at any time and request a formal investigation. If at any point during the informal resolution process, the Complainant, the Respondent, or the University wishes to cease the informal resolution process and to proceed through the formal resolution process, the informal resolution process will stop and the formal resolution process outlined in this of the Student Handbook below will proceed.

b. Administrative Resolution. At any point in the student conduct process, if the Respondent accepts responsibility for the alleged violations of policy, the Parties may choose to resolve the issue through the Administrative Resolution process outlined below. The Administrative Resolution process is voluntary.

The Title IX Coordinator will, in consultation with the appropriate University dean, or if the allegation involves a student organization, the appropriate University staff member advisor of the organization, review the complaint and information gathered about the reported Sexual Misconduct, and if applicable, propose findings and specify appropriate sanctions. The Title IX Coordinator will send written notice to both the Complainant and the Respondent of the proposed findings and sanctions. The Parties will have five (5) business days to review the Administrative Resolution and decide whether they would like to accept or decline the proposed findings and recommended sanctions. Agreement with the terms of the Administrative Resolution is established by one of the two following ways:

i. A signature, or an electronic signature, by a Party or the Parties attesting to

agreement with the findings and sanctions; or

ii. No written objection by the Complainant or the Respondent to the findings and sanctions within five (5) business days of the date the proposed findings and recommended sanctions were sent to the Parties.

If both the Complainant and the Respondent agree with the proposed findings and recommended sanctions, the matter is considered concluded. Additionally, if accepted, the Parties waive their right to a hearing, the process ends, the finding is final, and there is no appeal. The complaint will only be reopened if new material, previously unavailable is presented.

If either Party disagrees with or does not accept the proposed findings and/or recommended sanctions, then the complaint will proceed, and a hearing will take place.

c. *Hearing.* See Section E below for Hearing Procedures.

6. Sanctions

A Hearing Officer or a Hearing Panel may impose sanctions as a result of an Informal Resolution, or formal hearing, when a student is found responsible. Implementation of the disciplinary Sanction(s) will begin when the time period to file an appeal has expired or when the appeal decision has been sent to the parties.

Both the Complainant and Respondent will be simultaneously notified of the Appeal Officer's decision and Sanctions as appropriate. When sanctions are final, appropriate University Administrators may be notified of the student's sanctions. Findings and Sanctions agreed upon through the Informal Resolution are final and cannot be appealed.

All records related to the disciplinary process will remain on file with the Title IX Coordinator for a minimum of seven (7) years from the date the case is completed through an Informal Resolution, formal hearing and/or the Appeal Procedures. All records related to the Grievance Process resulting in suspension and/or expulsion will remain on file indefinitely.

If a student is found responsible for violating the University Sexual Misconduct policies, sanctions may be imposed and can include, but are not limited to the following:

- a. *Disciplinary Reprimand.* The Disciplinary Reprimand is an official written notification using the notice procedures outlined in this section to the student that the action in question was Misconduct.
- b. *Disciplinary Probation.* Disciplinary Probation is a period of time during which a student's conduct will be observed and reviewed. The student must demonstrate the ability to comply with University policies, rules, and/or standards and any other

requirement stipulated for the probationary period.

- c. Time-Limited Disciplinary Suspension. Time-Limited Disciplinary Suspension is a specific period of time in which a student is not allowed to participate in class, University related activities, or be present on campus property. The status of Disciplinary Suspension will be shown on the student's academic record, including the transcript. Disciplinary Suspension is noted on the student's transcript by the phrase "Disciplinary Suspension" and will include the period of time in which the student is/was suspended from the University. In most instances, the notation of Disciplinary Suspension will remain on the transcript permanently. A student has the ability to petition to remove a Disciplinary Suspension notation in the following instances: 1) the student is eligible to reenroll in the institution or 2) the Title IX Coordinator or designee determines that good cause exists to remove the notation. A Disciplinary Suspension of a student will indicate the date on which the suspension period begins and the earliest date the application for student readmission will be considered. The Title IX Coordinator or designee may deny a student's readmission, if the student's Misconduct during the suspension would have warranted additional disciplinary action. If the student has failed to satisfy any Sanction that was imposed prior to application for readmission, the Title IX Coordinator or designee may recommend denial of readmission of a student. On denial of a student's readmission, the Title IX Coordinator or designee will set a date when another application for readmission may again be made. An administrative hold will be placed on the student's record to prevent registration during the Disciplinary Suspension.
- d. Disciplinary Expulsion: Disciplinary Expulsion occurs when the student is permanently withdrawn and separated from the university. This status of Disciplinary Expulsion will be shown permanently on the student's academic record, including the transcript. Disciplinary Expulsion is noted on the student's transcript by the phrase, "Expulsion" and the date in which the student's expulsion became effective. In most instances, the notation of Disciplinary Expulsion will remain on the transcript permanently. A student has the ability to petition to remove a Disciplinary Expulsion in the following instances: 1) the student is eligible to reenroll in the institution or 2) the Title IX Coordinator or designee determines that good cause exists to remove the notation. An administrative hold will be placed on the student's record to prevent future registration.

7. Appeal Procedures

Either the Complainant or Respondent may appeal the decision, or the sanction(s), condition(s) and restriction(s) imposed by the Hearing Officers by submitting a written appeal to the Provost or their designee within three (3) business days of receiving the written decision. The appeal must clearly set forth the grounds for the appeal, together with the evidence upon which the appeal is based. A disagreement with the decision alone shall not constitute grounds for appeal. The only proper grounds for appeal and the only issues that may be considered on appeal are as follows:

a. A procedural irregularity that affected the outcome of the matter;

- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- c. The Title IX Coordinator, Investigator(s), or Hearing Panel Members had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; or
- d. The sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions.

The appeal process is initiated upon a party's filing of a written appeal within three (3) University business days after University's delivery of the written decision regarding responsibility. The written appeal must be filed with the University's Title IX Coordinator or System Office of Equal Opportunity, as directed in the written determination regarding responsibility, and the party's written appeal must set forth the grounds for the appeal and any supporting information.

Upon the filing of a written appeal, University will give written notice of the filed appeal to the non-appealing party. The non-appealing party will have three (3) University business days after University's delivery of the written notice to respond to the appeal.

The Provost or their designee will review the appeal to determine if the appeal is timely and properly sets forth the appropriate grounds for appeal. If any of these requirements are not met, the appeal will be dismissed, and the original decision of the Hearing Officers will be final. If the grounds for an appeal are determined proper by the Provost or their designee, the Title IX Coordinator will provide the request for appeal to the other party and provide opportunity for response. Any responses must be provided to the Provost or their designee within five (5) business days after receiving a copy of the request for appeal.

If the Provost or their designee determines that a procedural [or substantive] error occurred that significantly impacted the outcome of the hearing, they may order a new hearing. If a new hearing is ordered, all hearing procedures in will be followed. The Title IX Coordinator will notify the Complainant and Respondent of the outcome within five (5) business days of the decision of the Hearing Officers. The decision of the Hearing Officers is final and may not be appealed.

If the Provost or their designee determines that new evidence should be considered, they may return the complaint to the original Hearing Officers to reconsider the new evidence or may order a new hearing. If new evidence is considered, the Hearing Officers may increase, decrease, or otherwise modify the findings, sanctions, conditions, and/or restrictions. The Title IX Coordinator will notify the student of the outcome within five (5) business days of the decision of the Hearing Officers. The decision is final and may not be appealed. If a new hearing is ordered, all hearing procedures will be followed. The Title IX Coordinator will notify the student of the outcome within five (5) business days of their decision. The decision of the Hearing Officers is final and may not be appealed.

If the Provost or their designee determines that the sanctions imposed substantially vary

from the range of sanctions normally imposed for similar infractions, they may then increase, decrease or otherwise modify the sanctions, conditions, and/or restrictions instead of returning the case to the original Hearing Officers or ordering a new hearing. If the Provost or their designee makes a decision regarding the sanctions, conditions, and/or restrictions without returning the case to the original Hearing Officers, they will notify the student in writing of the outcome within five (5) business days of their decision. The decision of the Provost or their designee is final and cannot be appealed. If the Provost or their designee returns the case to the original Hearing Officers, the Hearing Officers may increase, decrease, or otherwise modify the findings, sanctions, conditions, and/or restrictions. The Title IX Coordinator will notify the student of the outcome within five (5) business days of their decision. The decision is final and may not be appealed. If a new hearing is ordered, all hearing procedures in Part IV, Section C(3)(e), will be followed. The Title IX Coordinator will notify the Complainant and Respondent of the outcome within five (5) business days of their decision. The decision of the Hearing Officers is final and may not be appealed.

In those cases, in which the error cannot be cured by the original Hearing Officers (i.e., some cases of bias), the Provost or their designee may order a new hearing with a new panel of Hearing Officers.

After the findings(s) and sanctions become final and all appeals, if any, are exhausted, the Complainant shall be advised that if the complained activity persists, they should contact the Title IX Coordinator. Likewise, in the event the Complainant believes retaliation for filing a complaint has taken place, they should contact the Title IX Coordinator.

The Title IX Coordinator will follow up with the Complainant within sixty (60) calendar days after conclusion of the matter to ensure that the complained of behavior has ceased.

E. Non-Title IX Sexual Misconduct Hearing Procedure

This Section E sets forth the Hearing Procedure for Non-Title IX Sexual Misconduct. The Hearing Procedure for Title IX Sexual Misconduct is set forth in <u>System Regulation 07.06.A</u> and its Attachment 2.

1. Prehearing/Formal Allegations Assigned

Once the investigation is complete, if the complaint is not otherwise resolved, the Complainant and the Respondent will be given notice of a pre-hearing meeting. Should the Complainant or the Respondent not participate in the pre-hearing meeting, the conduct process may continue without their participation through resolution. During this meeting, the Complainant and the Respondent will be given the opportunity to review the investigation report, relevant evidence, and other documents to be used in the hearing. Other documents may include Complainant's allegations, list of potential Hearing Officers, and hearing script. Following the pre-hearing, the Complainant and the Respondent will be notified of a date, time, and location of the hearing. While the Complainant and the Respondent may identify errors in their own statements during the pre-hearing, they are not able to add additional information to the investigation report unless that information, in the judgment of the Title IX Coordinator, was unavailable during the investigative process and is pertinent to the complaint. If a Complainant or Respondent discovers new, previously unavailable information during the time after the prehearing but before the hearing, the party should inform the Title IX Coordinator immediately. If the new information is pertinent to the consideration of the complaint, the Title IX Coordinator will determine whether the new information should be included in the investigation report or presented verbally during the hearing. If there is new evidence introduced, the Complainant and the Respondent will be given the opportunity to provide a response to any such evidence that will be presented in the hearing.

The Title IX Coordinator or designee will schedule the hearing no sooner than five (5) business days from the date of the last pre-hearing meeting. The five-day period can be waived by the Title IX Coordinator with agreement by the involved Parties.

2. Hearing

After notice has been given to the Complainant and the Respondent, the University may proceed to conduct a hearing and render a finding of Responsible or Not Responsible for the Respondent's alleged misconduct and, in the event of a responsible finding, decide appropriate sanctions, conditions, and/or restrictions. The Provost or their designee shall appoint a panel of three (3) Hearing Officers to conduct the hearing. All persons serving as Hearing Officers shall be oriented and trained to adjudicate a Sexual Misconduct case in accordance with this Student Handbook. If there is a conflict of interest, or appearance thereof, with one of the selected Hearing Officers, that person will recuse themselves and the Provost or their designee shall appoint another person to the panel. Additionally, both the Complainant and the Respondent may raise issues of conflicts of interest with regard to the potential Hearing Officer panel to the Provost or their designee within three (3) business days after notice has been given to the Parties of the panel members. The Provost or their designee will weigh these issues and resolve them accordingly. No party has a right to disqualify a Hearing Officer panel member absent a demonstrated bias.

The hearing may be held and a decision or recommendation made, regardless of whether the Complainant or the Respondent fail to respond or fail to attend the hearing. Should the Complainant or the Respondent fail to respond or fail to attend the hearing, the Hearing Officers may consider the available information and render a decision.

Hearings are closed to the public. Both the Complainant and Respondent have the right to be present at the hearing; however, they do not have the right to be present during the deliberation of the Hearing Officers. Arrangements can be made so that Complainant and Respondent do not have to be in the hearing room at the same time. To request changes in the scheduled hearing time, the parties should contact the Title IX Coordinator not less than five (5) business days prior to the scheduled hearing.

During the hearing, the Title IX Coordinator or designee presents the allegations, investigation report, evidence, witnesses, and questions for deliberation in the hearing. The Hearing Officers may question the Title IX Coordinator, Title IX Investigator, Complainant, Respondent, and any witnesses. The Complainant and Respondent do not have the right to question each other nor witnesses directly but may do so through the Title IX Coordinator or designee. The Complainant and Respondent have the right to add or make additional comments about the facts of the complaint. Should new evidence be presented without prior discussion with the Title IX Coordinator, the hearing may be halted to consider the inclusion of this information. Impact statements will also be halted if they are shared prior to the sanctioning phase of the hearing. In the event the Hearing Officers remove a student due to misconduct in the hearing process, the alleged misconduct in the hearing process will be forwarded to the appropriate student conduct administrator, who will follow the conduct process in Part II of this Student Handbook.

Following the hearing, the Hearing Officers will deliberate and will render a finding of responsible or not responsible for the Respondent's alleged misconduct as well as decide any sanctions, conditions and/or restrictions if applicable. Any findings of the investigation will be based upon a preponderance of the evidence, which means more likely than not. The Hearing Officers will inform the Complainant and the Respondent in writing within five (5) business days of their decision(s).

Either the Complainant or Respondent may utilize the Appeal Procedures.

F. Pregnancy

Discrimination based on pregnancy is a form of discrimination based on sex. Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all educational opportunities as other persons not so affected but similar in their ability or inability to participate in education programs or activities.

If a pregnant or parenting student feels that they require flexibility or an accommodation in order to be successful at TTUHSC EI Paso, it is the student's obligation to make the request initially through their appropriate school's student affairs personnel. Students requesting a pregnancy or parenting related accommodation should do so as soon as they become aware that an accommodation may be needed. If the student and school are unable to come to a mutually agreeable decision in relation to reasonable flexibility and adjustments, the student should contact the TTUHSC EI Paso Title IX Coordinator. The Title IX Coordinator will consult with the student and school administrator(s) to begin the interactive process and ultimately, reasonable flexibility and adjustments will be determined.

If a student disagrees with the determination and/or proposed accommodation after engaging in the interactive process, the student may file a complaint with the Title IX Coordinator.

In certain situations, if there is a medical condition due to pregnancy, it may be protected under the Americans with Disabilities Act (ADA), entitling the student to a reasonable accommodation. Accommodation requests due to pregnancy- related complications should be directed to Student Disability Services.

ATTACHMENT 6

Ι

TTUS *Regents' Rules* Chapter 01 (Bylaws) with proposed amendments (Consent Item h.)

Chapter 01 (Bylaws) amendment to rename the Finance, Administration and Investments Committee the Finance and Investments Committee.

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- 01.02.8 Board committees
 - d. Standing committees
 - • •
 - (3) Finance, Administration, and Investments Committee. The Finance, Administration, and Investments Committee shall consist of three members. This committee shall consider, summarize facts, recommend actions, and present alternatives to the board as necessary for the following:
 - (a) the budgeting process;
 - (b) all requests for budgets covering expenditures of educational and general funds, designated funds, auxiliary programs, and funding from external sources (including public/private partnerships);
 - (c) handling of TTU system funds and depositories whether from appropriated or non-appropriated funds;
 - (d) the pursuit, negotiation, and closing of outside financing, including the issuance of notes, bonds, securities of any type, and agreements of any description that result in indebtedness by the TTU system;
 - (e) all administrative matters relating to affirmative action and equal employment opportunity, central computing services, communication services, purchasing and contracting, office services, financial administration of grants, accounting services, personnel, budgeting, cash management, investments, utility management, police operations, and all parts thereof;
 - (f) contracts and easements related to business or administrative functions that require board action;

- (g) the annual review of all actual expenditures as well as the detailed review of the expenditures of the Office of the Chancellor and the Offices of the Presidents, with the board approving all budgets;
- (h) being informed of all appropriations requests and providing coordination of issues related to legislative appropriations;
- (i) review of all private fund-raising activities for the TTU system and make recommendations that will ensure coordination of all private fundraising functions;
- (j) all administrative matters relating to physical plant operations and traffic and parking;
- (k) review and approval of all quasi-endowments that exceed \$250,000; and
- (l) approve primary performance benchmarks, long-term strategic ranges for asset class allocations, provide oversite in setting the objectives and performance goals, and receive quarterly and annual updates of the investments performance returns and distributions.