



# TEXAS TECH UNIVERSITY SYSTEM

## BOARD OF REGENTS

### AGENDA BOOK

August 10-11, 2023



BOARD OF REGENTS  
TEXAS TECH UNIVERSITY SYSTEM

AGENDA

August 10-11, 2023

BOARD OF REGENTS

Mr. Mark Griffin, Chairman

Mrs. Ginger Kerrick Davis, Vice Chairwoman

Ms. Arcilia C. Acosta

Mr. Cody C. Campbell

Mr. Clay Cash

Mr. Tim Culp

Mr. Pat Gordon

Dr. Shelley Sweatt

Mr. Dusty Womble

Ms. Steeley Smith, Student-Regent

Standing Committee Chairs and Vice Chairs:

Academic, Clinical and Student Affairs:

Ginger Kerrick Davis (Chair); Shelley Sweatt (Vice Chair); and Steeley Smith (Student Regent)

Audit:

Arcilia Acosta (Chair) and Pat Gordon (Vice Chair)

Facilities:

Dusty Womble (Chair) and Arcilia Acosta (Vice Chair)

Finance and Investments:

Cody Campbell (Chair) and Pat Gordon (Vice Chair)

[NOTE: All nine board members serve as voting members of each committee.]

# **AGENDA**

**Board of Regents Meeting**

**Lubbock, Texas**

**August 10-11, 2023**

Abbreviated Agenda with Approximate Times\*

**Thursday, August 10, 2023**

Swearing-in of new student regent

8:50 am Ceremonial swearing-in of newly appointed student regent  
Location: Regents Conference Room (104A), First Floor,  
System Administration Building, 1508 Knoxville  
Avenue, Lubbock, Texas

Board of Trustees Meeting of the Carr Scholarship Foundation  
(Shown for informational purposes only.)

9:00 am Call to Order; convene Meeting of the Board of Trustees of  
(or immediately following the Carr Scholarship Foundation  
the swearing-in ceremony) Location: Regents Conference Room (104A), First Floor,  
System Administration Building, 1508 Knoxville  
Avenue, Lubbock, Texas

9:30 am Adjournment

*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 Administration 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 Administration Building, 1508 Knoxville Avenue, Lubbock, Texas. The times listed are estimates, with periodic recesses. On Thursday, August 10, 2023, prior to the start of the day's meetings, at 8:50 am, a ceremonial swearing-in of the newly appointed student regent will take place. Immediately following the swearing-in ceremony, at approximately 9:00 am, the Carr Scholarship Foundation meeting will take place. Committee meetings will commence, sequentially, upon adjournment of the Carr Scholarship Foundation meeting, at approximately 9:30 am. The Board will convene the Meeting of the Board to convene into Executive Session upon adjournment of the last committee meeting or whenever deemed necessary. The Meeting of the Board is expected to recess for the day on Thursday, August 10, 2023, on or before 4:15 pm; however, if needed, the meeting may continue beyond 4:15 pm until completed. The Meeting of the Board will reconvene on Friday, August 11, 2023, at 8:30 am. If necessary, the Meeting of the Board will recess after introductions/ recognitions at approximately 9:00 am to conduct any committee meetings which were not concluded on Thursday, August 10, 2023. The Meeting of the Board will reconvene upon adjournment of the any committee meeting(s), if applicable, at approximately 9:45 am to complete the remainder of its business. The Meeting of the Board is expected to adjourn on or before 11:00 am; however, if needed, the meeting may continue beyond 11:00 am until completed. The full board agenda is detailed on pages vi through xv. The agenda for each session of the board meeting or a meeting of a committee of the board is detailed behind the appropriate divider tab.

**Board of Regents Meeting**

**Lubbock, Texas**

**August 10-11, 2023**

Abbreviated Agenda with Approximate Times\*

**Thursday, August 10, 2023**

Committee Meetings

*CONTINUED FROM PREVIOUS PAGE*

9:30 am (or upon adjournment of the Carr Scholarship Foundation meeting)	<b>Audit Committee</b> Location: Regents Conference Room (104A), First Floor, System Administration Building, 1508 Knoxville Avenue, Lubbock, Texas
9:45 am (or upon adjournment of the Audit Cmte. meeting)	<b>Facilities Committee</b> Location: Regents Conference Room (104A), First Floor, System Administration Building, 1508 Knoxville Avenue, Lubbock, Texas
10:35 am (or upon adjournment of the Facilities Cmte. meeting)	<b>Finance and Investments Committee</b> Location: Regents Conference Room (104A), First Floor, System Administration Building, 1508 Knoxville Avenue, Lubbock, Texas
10:55 am (or upon adjournment of the Finance and Investments Cmte. Meeting)	<b>Academic, Clinical and Student Affairs Committee</b> Location: Regents Conference Room (104A), First Floor, System Administration Building, 1508 Knoxville Avenue, Lubbock, Texas

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## Board of Regents Meeting

Lubbock, Texas

August 10-11, 2023

Abbreviated Agenda with Approximate Times\*

Thursday, August 10, 2023

### Meeting of the Board

*CONTINUED FROM PREVIOUS PAGE*

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|--|--|
| 11:45 am<br>(or adjournment of the last committee meeting) | Call to Order; convene as Meeting of the Board and Committee of the Whole Board<br>Location: Regents Conference Room (104A), First Floor, System Administration Building, 1508 Knoxville Avenue, Lubbock, Texas  |
| 11:45 am   | Executive Session<br>Location: Regents Committee Room (106), First Floor, System Administration Building, 1508 Knoxville Avenue, Lubbock, Texas  |
| 4:10 pm  | Following Executive Session, reconvene into Open Session as Committee of the Whole <ul style="list-style-type: none"> <li>• ES Motions, if any</li> </ul> Location: Regents Conference Room (104A), First Floor, System Administration Building, 1508 Knoxville Avenue, Lubbock, Texas |
| 4:15 pm  | Recess   |

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## Board of Regents Meeting

Lubbock, Texas

August 10-11, 2023

Abbreviated Agenda with Approximate Times\*

**Friday, August 11, 2023**

### Meeting of the Board

- |          |  |
|----------|--|
| 8:30 am  | <p>Call to Order; reconvene as Meeting of the Board and Committee of the Whole Board</p> <ul style="list-style-type: none"> <li>• Introductions and Recognitions</li> <li>• Approval of minutes</li> <li>• Approval of Consent and Information agendas</li> <li>• 2023 and 2024 BOR meeting schedule</li> <li>• SGA President Reports</li> </ul> <p>Location: Regents Conference Room (104A), First Floor, System Administration Building, 1508 Knoxville Avenue, Lubbock, Texas</p> |
| 9:45 am  | <p>Executive Session</p> <p>Location: Regents Conference Room (104A), First Floor, System Administration Building, 1508 Knoxville Avenue, Lubbock, Texas</p>   |
| 10:45 am | <p>Following Executive Session, reconvene into Open Session as Committee of the Whole</p> <ul style="list-style-type: none"> <li>• ES Motions, if any</li> <li>• Announcements</li> </ul> <p>Location: Regents Conference Room (104A), First Floor, System Administration Building, 1508 Knoxville Avenue, Lubbock, Texas</p>  |
| 11:00 am | <p>Adjournment</p>   |

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**Board of Regents Meeting**

**August 10-11, 2023**

**Agenda**

**Thursday, August 10, 2023**

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

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

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

**Board of Trustees of the Carr Scholarship Foundation:** This meeting will take place upon completion of the swearing-in ceremony; refer to agenda provided by the Chief Financial Officer’s Office

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

**I. Meeting of Standing Committees**

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

A. Audit Committee

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- 1. TTUS: Approve 2024 annual audit plan for the Texas Tech University System ..... 2
- 2. TTUS: Report on audits..... 3
- 3. Adjournment



B. Facilities

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	F
1. ASU: Approve total project budget for the Elta Joyce Murphey Auditorium Renovation project and accept the Construction Manager At Risk GMP .....	3
2. ASU: Authorize expenditures of the ASU Aviation Program Training Facility project for Design Professional Stage II design services and Construction Manager At Risk Pre-construction services .....	5
3. ASU: Approve concept and authorize expenditures of the Concho Hall Demolition project for Design Professional Stage II design services.....	7
4. MSU: Authorize expenditures of the Bolin Hall Renovation and Expansion (CCAP) project and accept the Design-Build GMP for Bid Package 1 – Early Equipment.....	9
5. TTU: Approve honorary naming of the College of Education building, Room 257, the “Dr. Doug Hamman Classroom.”.....	11
6. TTUHSC El Paso: Approve honorary naming of the School of Nursing building, Room 201, the “Ida Rascon Memorial Room”.....	13
7. TTUHSC: Authorize expenditures for purchase of Equipment for the Laboratory Animal Resources Center (“LARC”) Expansion (CCAP) project.....	15
8. TTUHSC: Approve concept and authorize expenditures of the Lubbock HSC – 5B West Research Lab Renovations (CCAP) project for Design Professional Stage I design services.....	18
9. TTUS: Report on Facilities Planning and Construction projects.....	20
10. Adjournment	

C.	Finance and Investments Committee	<u>Page</u> FI
1.	TTUSA, TTU, ASU, MSU, TTUHSC and TTUHSC- El Paso: Approve FY 2024 operating budgets.....	2
2.	TTUS: Update on bond sale and rating agency results.....	3
3.	TTUS: Investment Performance Update.....	4
4.	Adjournment	

D.	Academic, Clinical and Student Affairs Committee	<u>Page</u> ACS
1.	ASU: Approve appointment with tenure .....	3
2.	ASU: Approve the addition of the Master of Arts degree in Professional Counseling with LPC.....	4
3.	MSU: Approve changes in academic rank and granting of tenure .....	7
4.	TTU: Approve changes in academic rank.....	8
5.	TTU: Approve appointments with tenure .....	9
6.	TTU: Approve Bachelor of Applied Arts and Science (“B.A.A.S.”) Degree with a major in Renewable Energy .....	11
7.	TTUHSC: Approve appointment with tenure .....	13
8.	TTUHSC: Approve appointments of Grover E. Murray Professors .....	14
9.	TTUHSC: Approve conferral of emeritus posthumous appointment .....	17
10.	TTUS: Strategic report on research collaborations and growth.....	19
11.	Adjournment	

**II. Meeting of the Board—Call to Order; convene into Open Session of the Board.....** Chairman Griffin

**III. Executive Session:** The Board will convene into Executive Session, in the Regents Committee Room (106), First Floor, System Administration Building, 1508 Knoxville Avenue to consider matters permissible under Chapter 551 of the *Texas Government Code*, including, for example: ..... Chairman Griffin

- A. Consultation with attorney regarding privileged communications, pending or contemplated litigation and settlement negotiations – Section 551.071
- B. Deliberations regarding real property: The purchase, lease, exchange, or value of real property – Section 551.072
- C. Deliberations regarding prospective gifts – Section 551.073
- D. Personnel matters: Discuss the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of employees – Section 551.074
- E. Deliberations regarding security devices—deployment of security personnel or devices – Section 551.076

**IV. Open Session:** The Board will convene into Open Session in the Regents Conference Room (104A), First Floor, System Administration 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 Chairwoman Kerrick Davis

**V. Recess** ..... Chairman Griffin

**Friday, August 11, 2023**  
**Regents Conference Room (104A), First Floor,**  
**System Administration Building, 1508 Knoxville Avenue,**  
**Lubbock, Texas**

**VI. 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 Griffin

- A. Introductions and Recognitions ..... Chancellor Mitchell,  
President Hawkins,

President Haynie,  
President Schovanec,  
President Rice-Spearman, and  
President Lange

- VII. **Recess** (if necessary, for standing committees to meet; otherwise continue in Open Session (X.))
- VIII. **Meeting of Standing Committees** (if not concluded on Thursday)
- IX. **Meeting of the Board—Call to Order; reconvene into Open Session of the Board** (only if the Meeting of the Board was recessed to conduct committee meetings)
- X. **Open Session:** The Board will continue in Open Session and meet as a Committee of the Whole and Meeting of the Board to consider and act on:
  - A. Approve minutes of the board meeting held on May 4-5, 2023 and June 20, 2023..... Chairman Griffin
  - B. Committee of the Whole..... Vice Chairwoman Kerrick Davis

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CW

- 1. ASU, MSU, TTU, TTUHSC, TTUHSC El Paso, TTUSA and TTUS: Approve Consent Agenda; acknowledge review of Information Agenda ..... 10

**Consent Agenda**

- a. ASU: Approve revisions to the Student Handbook of Angelo State University, effective August 11, 2023 (ACS)
- b. ASU: Approve the title change and designation change of the Master of Science degree in Professional School Counseling (ACS)
- c. ASU: Approve Revisions to Operating Policy OP 06.02 Academic Workload Calculation (ACS)
- d. MSU: Approve revisions to the Student Handbook, effective August 11, 2023 (ACS)
- e. TTU: Approve emeritus appointments (ACS)
- f. TTU: Approve exception to nepotism policy (ACS)
- g. TTU: Approve revisions to the Student Handbook, effective August 11, 2023 (ACS)

- h. TTUHSC: Approve faculty development leave of absence (ACS)
- i. TTUS: Approve amendments to *Regents' Rules*, Chapter 04 (Academic Affairs) related to academic boycotts (ACS)
- j. ASU: Approve exception to *Regents' Rules* and the total project budget for the Vanderventer Retail Conversion project (F)
- k. TTU: Approve exception to *Regents' Rules* and the total project budget for the Music Building - Hemmle Recital Hall Renovation project (F)
- l. MSU: Approve acceptance of gift to Dillard College of Business Administration (FI)
- m. TTU: Approve commissioning of police officers (FI)
- n. TTU: Approve modification of endowment (FI)
- o. TTU: Approve modification of endowment (FI)
- p. TTU: Approve purchasing contract(s) in excess of \$1,000,000 (FI)
- q. TTUHSC: Approve establishment of Quasi Account – Dr. Steven and Shirley Berk School of Medicine Deanship (FI)
- r. TTUHSC El Paso: Approve modification of endowment (FI)
- s. TTUS: Approve delegation of authority for Board action as required by various bills of the 88th Legislature Regular Session (FI)
- t. TTUS: Authorize a consulting agreement to provide support for advancing state and strategic initiatives (FI)

### **Information Agenda**

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

- (1) ASU, MSU, TTU, TTUHSC and TTUHSC El Paso: Summary of Revenues and Expenditures by Budget Category, FY 2023 (as of May 31, 2023), per Section 01.02.8.d(3)(g), *Regents' Rules* – All actual expenditures will be reviewed by the Finance and Investments Committee annually and provided as information. Financial reports for the most recently completed quarter for each of the component institutions are available at:

<https://www.texas-tech.edu/offices/cfo/board-financial-reports.php>

- (2) TTUHSC: Contracts for ongoing and continuing health-related service relationships per Section 07.12.4.c, *Regents' Rules* – The following are excepted from the requirements of Section 07.12.3.a and 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 or new health related services 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. Before such a contract may be executed, the president shall obtain the prior review of the TTU system Office of General Counsel and the TTU system 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, MSU, and TTU: Consulting contracts with an initial consideration of \$100,000 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 \$100,000 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 and TTUS, and TTUHSC: 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* – The following are excepted from the requirements of Section 07.12.3.a and 07.12.3.b, *Regents' Rules*, “the chancellor or president, or the

chancellor or presidents designee, 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) TTU and TTUHSC: Contracts for Sponsored Programs 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.”
- (6) 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.”
- (7) TTUHSC El Paso: Exigent circumstances approval by Section 13.05.8, *Regents’ Rules* – “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 naming proposal submitted by the chancellor and VCIA, or their designees, by verbal approval of the chair and vice chair of the board. The board, as a whole, will be made aware of the naming at the time the decision is made and, if accepted, namings approved in this manner shall be presented to the board as an information item at the next board meeting.”

- (8) TTUS: *Regents' Rules*, Section 13.02.3.a.,  
Named Funds – “The board delegates approvals to name endowments or other gift funds established through a private gift of less than \$5 million to the president of the benefitting institution, in consultation and cooperation with the chancellor and the vice chancellor of Institutional Advancement. Notice shall be provided to the board of regents as part of the information agenda at the next board meeting.”
- (9) TTUS: *Regents' Rules*, Section 06.04.3.,  
Restrictions on Donor-Established Funds – “Prohibition on illegal or unlawful use. Under no circumstances shall the TTU system or a component institution knowingly accept a gift subject to donor restrictions that are considered unlawful or illegal pursuant to applicable federal or state law.”
- (10) TTUS: *Regents' Rules*, Section 06.04.1.,  
Restrictions on Donor-Established Funds – “In the event a modification to the donor-identified purpose becomes necessary, TTUS IA shall work with the necessary parties, including the benefitting TTU system component institution, affiliated entity, donor, and Attorney General of the State of Texas, if necessary, to modify the terms of the gift as may be appropriate and in accordance with Texas law.”

2. ASU, MSU, TTU: Certify and Acknowledge adoption of policies to maintain resident undergraduate academic costs at currently approved levels for the next two academic years and authorize submission by the chair of the Board of Regents a required letter certifying these policies ..... 11

- C. Schedule for Board meetings:  
November 16-17, 2023, Lubbock  
February 29 – March 1, 2024, Wichita Falls  
May 23-24, 2024, Lubbock  
August 8-9, 2024, Lubbock  
November 14-15, 2024, Lubbock ..... Keino McWhinney
- D. Student Government Association Reports ..... Kam Wiese,  
Zetta Cannedy,  
Joel Rivero,  
Cheyanna Petty,  
and Georgia Hejny



- XI. Executive Session:** The Board may convene into Executive Session, in the Regents Committee Room (106), First Floor, System Administration Building, 1508 Knoxville Avenue to consider matters permissible under Chapter 551 of the *Texas Government Code*, including, for example: ..... Chairman Griffin
  - 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
  
- XII. Open Session:** The Board will convene into Open Session in the Regents Conference Room (104A), First Floor, System Administration 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 Chairwoman Kerrick Davis
  - B. Chairman’s Announcements ..... Chairman Griffin
  
- XIII. Adjournment** ..... Chairman Griffin

**AUDIT**

**Audit Committee**

Committee Meeting  
August 10, 2023

**Time:** 9:30 am (or upon adjournment of the Carr Scholarship Foundation meeting)

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

Regents: Acosta (Chair) and Gordon (Vice Chair)  
(The Audit Committee consists of all nine board members.)

Agenda

- Approve minutes of committee meeting held on May 4, 2023
- I.A.** Consideration of items to be recommended by the Audit Committee to the Board of Regents of the Texas Tech University System (“TTUS”) for and on behalf of Angelo State University (“ASU”), Midwestern State University (“MSU”), 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.	TTUS: Approve 2024 annual audit plan for the Texas Tech University System .....	2
2.	TTUS: Report on audits .....	3
3.	Adjournment	

NOTE: All members of the Texas Tech University System Board of Regents serve as members on the Audit Committee. Action taken by this committee is final and does not require a report to the Full Board.

1. **TTUS: Approve 2024 annual audit plan for the Texas Tech University System.**

Presenter: Kim Turner

Presentation Time: 5 minutes

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

**RECOMMENDATION**

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

**BACKGROUND INFORMATION**

The *Regents' Rules* and the Texas Internal Auditing Act require that the Board of Regents approve the annual audit plan. The projects included in the 2024 annual audit plan have been selected as a result of an enterprise-wide risk assessment process.

**2. TTUS: Report on audits.**

Presenter: Mrs. Kim Turner

Presentation Time: 5 minutes

Report to Board required by: Section 07.02.7, *Regents' Rules*; and Audit Committee Charter

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

# **FACILITIES**

**Facilities Committee**

Committee Meeting  
August 10, 2023

**Time:** 9:45 am (or upon adjournment of the Audit Committee Meeting)

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

Regents: Womble (Chair) and Acosta (Vice Chair)  
(The Facilities Committee consists of all nine board members.)

Agenda

- Approve minutes of committee meeting held on May 4, 2023
- I.B.** Consideration of items to be recommended by the Facilities Committee to the Board of Regents of the Texas Tech University System (“TTUS”) for and on behalf of Angelo State University (“ASU”), Midwestern State University (“MSU”), 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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6.	TTUHSC El Paso: Approve honorary naming of the School of Nursing building, Room 201, the “Ida Rascon Memorial Room” .....	13
7.	TTUHSC: Authorize expenditures for purchase of Equipment for the Laboratory Animal Resources Center (“LARC”) Expansion (CCAP) project .....	15
8.	TTUHSC: Approve concept and authorize expenditures of the Lubbock HSC – 5B West Research Lab Renovations (CCAP) project for Design Professional Stage I design services .....	18
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10.	Adjournment	

NOTE: All members of the Texas Tech University System Board of Regents serve as members on the Facilities Committee. Action taken by this committee is final and does not require a report to the Full Board.



**1. ASU: Approve total project budget for the Elta Joyce Murphey Auditorium Renovation project and accept the Construction Manager At Risk GMP.**

Presenter: Mr. Billy Breedlove

Presentation Time: 5 minutes

Board approval required by: Section 08.01., *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 Elta Joyce Murphey Auditorium Renovation project; (ii) increase the budget by \$5,053,785 for a total project budget of \$6,000,000; and (iii) amend the Construction Manager At Risk ("CMAR") Agreement. The total project budget which includes the previously approved \$946,215 will be funded through the Revenue Finance System ("RFS") repaid with gifts and Higher Education Funds ("HEF").

The Board reasonably expects to incur debt obligations for the design, planning and construction of the project, and all or a portion of the debt proceeds are reasonably expected to be used to reimburse the System for project expenditures previously expended. The maximum principal amount of debt obligations to be issued for the Project is \$6,000,000.

The president further recommends that the chancellor authorize the president to negotiate and execute 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 and renovate the Elta Joyce Murphey Auditorium project for a total project budget of \$6,000,000. The total project budget will be funded through the Revenue Finance System ("RFS") repaid with gifts and Higher Education Funds ("HEF").

Project overview comprised both life/safety and accessibility code review and analysis, programming, and design of the existing 8,205 SF, 400+ seat auditorium theatre and support spaces located inside the Sol Mayer Administration Building built in 1947.

The project will renovate 5,679 SF of existing space, excluding below stage areas (dressing rooms, restrooms, etc.). The building will be expanded by approximately 598 GSF to accommodate additional restroom facilities for theater occupancy, accessibility, and plumbing code compliance. The lobby will be updated with new finishes, and lighting. The auditorium will be remodeled for accessibility compliance. The main exterior entrance to the auditorium will be

reworked to include new steps, and a TAS compliant ramp. Additional electrical, mechanical, and plumbing distribution and fixtures will be provided.

In May 2023, the Board of Regents granted authority to award a Construction Manager At Risk Agreement and authorized pre-construction services 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”).

In February 2023, the Board of Regents granted authority to amend the Design Professional Agreement for Stage II design services consisting of Design Development (“DD”), Construction Documents (“CD”), Construction Administration (“CA”) Phases, and to provide a Statement of Probable Cost.

In November 2022, the Board of Regents authorized the institution to proceed with the Elta Joyce Murphey Auditorium Renovation project, with an anticipated project budget of \$6,000,000. Awarded a Design Professional Agreement and authorized Stage I design services 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 Board also waived the use of a Construction Manager Agent (“CMA”); waived the board directed fee for landscape enhancements; and waived the board directed fee for public art.

On June 14, 2022, ASU President Hawkins announced a major gift from local philanthropist and arts enthusiast Elta Joyce McAfee to help fund the restoration and renovation of ASU’s University Auditorium, which will be re-named the Elta Joyce Murphey Auditorium. The auditorium is being commemorated under McAfee’s given name of Murphey to honor her contribution and her family.

The May 5, 2022, Board of Regents’ Minute Order from Executive Session authorized naming an area within an ASU facility in accordance with terms and conditions set forth in Executive Session and delegate to President Hawkins the authority to announce the naming at the appropriate time.

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

**2. ASU: Authorize expenditures of the ASU Aviation Program Training Facility project for Design Professional Stage II design services and Construction Manager At Risk Pre-construction services.**

Presenter: Mr. Billy Breedlove

Presentation Time: 5 minutes

Board approval required by: Section 08.01., *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 \$354,611 for a total of \$514,782 for the ASU Aviation Program Training Facility project, with an anticipated project budget of \$6,200,000; (ii) amend the Design Professional Agreement and authorize Stage II design services; and (iii) award a Construction Manager At Risk Agreement and authorize Pre-construction services. The total expenditure of \$514,782 which includes the previously approved \$160,171 will be funded with gifts.

The president further recommends that the chancellor authorize the president to negotiate and execute 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 design services consisting of Design Development ("DD"), Construction Documents ("CD"), Construction Administration ("CA") Phases, and to provide a Statement of Probable Cost. Also, award a Construction Manager At Risk Agreement and authorize 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 project will provide an approximate 14,504 GSF facility located on leased land located on the City of San Angelo's Mathis Field Airport property. The facility will contain classrooms, simulator rooms, open study/work cubicles, program director, chief pilot, and instructor offices. Also, the facility will host a main lobby/waiting area with recruiting lounge, restrooms, and service area.

In May 2023, the Board of Regents authorized the institution to proceed with the ASU Aviation Program Training Facility project, with an anticipated project budget of \$6,200,000. Awarded a Design Professional Agreement and authorized Stage I design services 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 Board also waived the use of a

Construction Manager Agent (“CMA”); waived the board directed fee for landscape enhancements; and waived the board directed fee for public art.

In November 2021, the Board of Regents authorized the ASU president to negotiate a ground lease agreement with the City of San Angelo for approximately 3.0 acres of land at the Mathis Field Airport for the construction of a future facility to house the Bachelor of Commercial Aviation (“BCA”) program.

In March 2020, the Board of Regents approved the new degree program for the Bachelor of Commercial Aviation (“BCA”) degree with a major in Commercial Aviation in the Department of Management and Marketing within the Norris-Vincent College of Business and authorized submission to the Texas Higher Education Coordinating Board for approval.

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

**3. ASU: Approve concept and authorize expenditures of the Concho Hall Demolition project for Design Professional Stage II design services.**

Presenter: Mr. Billy Breedlove

Presentation Time: 5 minutes

Board approval required by: Section 08.01., *Regents' Rules*

**RECOMMENDATION**

The president recommends and the chancellor concurs that the Board of Regents approve the concept for the project and authorize the chancellor or the chancellor's designee to (i) approve expenditures of \$486,650 for the Concho Hall Demolition project, with an anticipated project budget of \$5,000,000; (ii) waive the use of a Construction Manager Agent ("CMA"); (iii) waive the board directed fee for landscape enhancements; (iv) waive the board directed fee for public art; (v) award the Design Professional Agreement; and (vi) authorize Stage II design services. The expenditures will be funded with Housing Revenues.

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

**BACKGROUND INFORMATION**

This approval grants authorization to proceed with the Concho Hall Demolition project, with an anticipated project budget of \$5,000,000. Award a Design Professional Agreement and authorizes Stage II design services to move forward on updating the existing demolition documents, provide a Statement of Probable Cost, and project schedule. Also, waives the use of a Construction Manager Agent ("CMA"); waives the board directed fee for landscape enhancements; and waives the board directed fee for public art.

Due to the university's previous work on this initiative, the design professional was selected from the university's approved design professional pre-qualification list. The firm R2M Engineering was selected based upon their specific expertise and previous involvement in the analysis and design of the demolition documents.

The project will demolish the existing 10-story Concho Hall Residence building that was constructed in 1969 and contains 99,483 GSF.

In May 2013, the Board of Regents authorized the Office of Facilities Planning and Construction to cancel the project to Abate and Demolish Concho Hall.

In October 2012, the Board of Regents approved the use of the Revenue Finance System (RFS) to renovate Concho Hall with a project budget of

\$1,500,000. The project was to be funded through the RFS repaid through debt service over five years with Residential Programs Revenue. However, the ASU administration internally cancelled this initiative and planned to move forward with the abatement and demolition of Concho Hall as approved in May 2010.

In 2012, the Angelo State University (ASU) administration made the decision to bring Concho Hall, the 432-bed facility back online as a functional residence hall starting with the 2013 fall semester or sooner. The facility would provide ASU students with a low-cost housing alternative. Additionally, it would accommodate the growing number of international students on campus as well as provide flexibility and growth for camps and conferences.

In May 2010, the Board of Regents approved a construction project to abate and demolish Concho Hall with a project budget of \$2,500,000. The project was to be funded through the Revenue Finance System repaid with Future Residence Life Revenue. In 2011, the project was put on hold in order to evaluate the available low-cost housing needs on campus.

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

**4. MSU: Authorize expenditures of the Bolin Hall Renovation and Expansion (CCAP) project and accept the Design-Build GMP for Bid Package 1 – Early Equipment.**

Presenter: Mr. Billy Breedlove

Presentation Time: 5 minutes

Board approval required by: Section 08.01., *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 \$1,427,813 for a total of \$5,555,561 for the Bolin Hall Renovation and Expansion (CCAP) project, with an anticipated project budget of \$43,356,000; (ii) accept the Guaranteed Maximum Price ("GMP") for construction of Bid Package 1 – Early Equipment; and (iii) amend the Design-Build Agreement for execution of Bid Package 1 – Early Equipment. The total expenditures of \$5,555,561 which includes the previously approved \$4,127,748 will be funded with a gift (\$5.0M cash) and through the Revenue Finance System ("RFS"), repaid with Capital Construction Assistance Projects ("CCAP") Legislative appropriations.

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 \$38,356,000.

The president further recommends that the chancellor authorize the president to negotiate and execute 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 execute Bid Package 1 – Early Equipment for the Bolin Hall Renovation and Expansion (CCAP) project and incur additional expenditures of \$1,427,813. Total current expenditures of \$5,555,561 will be funded through the Revenue Finance System ("RFS"), repaid with Capital Construction Assistance Projects ("CCAP") Legislative appropriations.

Bolin Hall, built in 1966 is a three-story facility containing a total of 91,736 GSF. The building consists of instructional spaces for Geosciences, Biology, Math, Chemistry, and Computer Science, along with ancillary storage spaces, administrative spaces, and a greenhouse. The Bolin Hall Renovation and Expansion project will include a roof replacement and partial renovation of the existing building and provide new space to address the programmatic needs of

the sciences and math departments determined through the programming process.

Bid Package 1 – Early Equipment includes the purchase of all mechanical air handling units, and electrical equipment.

A significant part of the project's scope is to upgrade, replace, and retro-commission the existing mechanical, electrical, and plumbing systems to gain energy efficiencies as well as comply with the current energy and building codes. This will include an addition to a recently installed partial fire sprinkler system, replacement of the pneumatic control system with Andover digital controls, replacement/retrofit of air handling equipment, replacement of exhaust fans, upgrade of electrical switchgear and transformers, replacement of the existing network system, a new temperature control system for the greenhouse, and accessibility upgrades to the restroom facilities in the building.

In February 2023, the Board of Regents authorized expenditures of \$2,914,544 for a total of \$4,127,748 for the Bolin Hall Renovation and Expansion project and to amend the Design-Build Agreement for Stage II design services consisting of Design Development ("DD"), Construction Documents ("CD"), Construction Administration ("CA") Phases, and to provide a Statement of Probable Cost.

In November 2022, the Board of Regents granted authorization to proceed with the Bolin Hall Renovation and Expansion project through the Capital Construction Assistance Projects with an anticipated total budget of \$38,656,000. Awarded a Design-Build Agreement and authorized Stage I design services 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 Board also authorized 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").

In May 2022, the Board of Regents acknowledged that on April 19, 2022, the chair granted an exigent circumstances approval that authorized use of the Revenue Finance System for the individual total project budgets of the Capital Construction Assistance Projects for TTU System institutions.

The vice president for administration and finance 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.



**5. TTU: Approve honorary naming of the College of Education building, Room 257, the “Dr. Doug Hamman Classroom.”**

Presenter: Mr. Patrick Kramer & Dr. Ronald Hendrick    Presentation Time: 5 minutes  
Board approval required by: Section 13.04.2., *Regents' Rules*

**RECOMMENDATION**

The president recommends and the chancellor concurs that the Board of Regents approve the honorary naming of Texas Tech University College of Education building, Room 257, the “Dr. Doug Hamman Classroom,” in honor and recognition of Dr. Hamman’s tremendous legacy in teacher education and the lasting impact he had on Texas Tech University. Signage for the space will specify the approved name.

**BACKGROUND INFORMATION**

Dr. Doug Hamman joined Texas Tech University in 2002 and served the College of Education in a variety of roles: Director of Teacher Education, founding Chair of the Department of Teacher Education, Helen DeVitt Jones Endowed Professor in Professional Education, and Interim Associate Dean for Faculty Development and Research. More important than the titles Dr. Hamman held was his passion rooted in the desire to create sustainable pathways for people to become effective teachers and to increase teacher retention.

Dr. Hamman was the driving force behind the award-winning TechTeach educator preparation program, which established partnerships with school districts and communities across Texas allowing aspiring teachers everywhere to access top-quality, university-based education. Launched in 2011, TechTeach introduced innovated teacher residencies that have now become widely viewed as “best practice.” Today, the TechTeach model is a blueprint for colleges of education nationwide and has helped position Texas as a leader in high-quality teacher preparation pathways and residencies.

In his final years, Dr. Hamman focused on creating sustainable teacher pipelines for rural West Texas. He created the West Texas Rural Education Partnership Network, an alliance of West Texas universities, community colleges and school districts that produces 250 new teachers each year for rural classrooms in the region.

While running the West Texas Rural Education Partnership, Dr. Hamman also played a key role in the Teacher Incentive Allotment-Texas’ statewide educator merit-pay program. Dr. Hamman received a \$24.9 million grant—the largest in Texas Tech history at the time—to provide quality assurance for the pay

program, which last year alone provided an additional \$55.5 million in compensation to 6,000 outstanding Texas teachers.

Dr. Hamman's impact on the field of teacher education is immeasurable. He has impacted countless classrooms and lives throughout the state of Texas and beyond. His appointment last fall as the Helen DeVitt Jones Endowed Chair of Professional Education was a testament to his reputation as a renowned national leader in teacher education.

Dr. Hamman passed away on Saturday, February 4, 2023. Texas Tech University wishes to honor Dr. Hamman's longtime legacy to Texas Tech, its students, faculty, and staff, and to the industry of Education, through this honorific naming.

Section 13.04.2., *Regents' Rules*, requires approval of the board of any naming of an academic unit or facility in honor of an individual who, as an employee, has provided exemplary service to the TTU System.

**6. TTUHSC El Paso: Approve honorary naming of the School of Nursing building, Room 201, the “Ida Rascon Memorial Room.”**

Presenter: Mr. Patrick Kramer and President Richard Lange      Presentation Time: 5 min  
Board approval required by: Section 13.04.2., *Regents' Rules*

**RECOMMENDATION**

The president recommends and the chancellor concurs that the Board of Regents approve the honorary naming of Texas Tech University Health Sciences Center El Paso School of Nursing building, Room 201, the “Ida Rascon Memorial Room.” Signage for the space will specify the approved name.

**BACKGROUND INFORMATION**

Ida Rascon was a native El Pasoan who worked to support the region’s health care providers and first responders for 30 years. Her positive and nurturing guidance to medical school students, residents, and faculty on the TTUHSC El Paso campus made her loved by all who had the pleasure to collaborate with her.

Beginning in 1993 Ida Rascon worked with The Sierra Providence Health Network to provide continuing medical education (“CME”) for their multiple hospital campuses. She continued in this role for over 14 years before joining the Border Regional Advisory Council (“BorderRAC”) in 2007 as an Assistant Director. BorderRAC is one of 22 health care coalitions created by the Texas Department of State Health Services (“DSHS”) with a comprehensive interprofessional membership of hospitals, EMS, and other healthcare agencies. In this role, she oversaw the development of educational programs and resources for the trauma service areas that include the Texas counties of El Paso, Hudspeth, and Culberson plus the New Mexico counties of Catron, Dona Ana, Grant, Hidalgo, Luna, Sierra, and Otero.

Many of the educational resources she created are still used today. BorderRAC is accredited to provide CME, CNE, and EMS credit. She is why the organization received accreditation with commendation when seeking reaccreditation for CME. Ida was integral in the other aspects of BorderRAC, such as community outreach and emergency preparedness. She assisted with full-scale regional exercises to prepare the hospitals and EMS partners for disasters. In 2014, El Paso was at the breaking point with the surge of undocumented children from Central America. Ida helped with rostering medical professionals to help triage and treat migrants at the border patrol stations. This action prevented an unnecessary influx of patients to the local emergency departments and was recognized nationally as a best practice.

Ida joined TTUHSC El Paso in 2016 where she served as the Emergency Medicine Clerkship Coordinator. Here she organized the 4th year medical student emergency medicine elective and contributed to the educational experiences of nearly 600 medical students and numerous medical residents.

In addition to her work coordinating the education schedules and activities of students on 4th year rotation in the emergency department, Ida spent a large portion of her time coordinating and supporting the delivery and evolution of the TTUHSC El Paso 4th year capstone course now called "Bootcamp". Whether she was portraying a simulated patient, supporting disaster training drills, or ensuring that students and faculty were able to engage in educational sessions, Ida played a major role in the success of the Training and Educational Center for Healthcare Simulation ("TECHS"). TECHS was often her 'second office' when she was supporting the medical student and resident education such as the 4th-year student's Bootcamp and graduate medical education simulations. Although she was never officially part of the TECHS staff, she was an integral part of the education provided at the simulation center. Those who knew her were privileged to call her a friend and colleague.

Ida Rascon passed away on February 10, 2023, in the comfort of her home surrounded by her husband and children. She exemplified the mission of TTUHSC El Paso by supporting healthcare providers at all levels and working to improve the lives of people in the State and the El Paso community by helping to train providers to support the unique health care needs of our socially and culturally diverse border population. She supported hundreds of students and physicians to achieve excellence by ensuring the programs she directed provided optimal education, research, and patient care throughout El Paso and the state of Texas. In addition to her work at TTUHSC El Paso she was a devoted mother of three children and four grandchildren. Her legacy will live on through her husband Lawrence "Larry" Rascon who continues to support the education of all levels of healthcare providers and students at TTUHSC El Paso and throughout the region. We will never know the depth and breadth of her impact, but she has undoubtedly been a positive influence on the healthcare education in the region. Ida was caring, compassionate, and positive at all times, attributes all healthcare providers should aim to portray. We wish to honor her by dedicating this entry space in her name as a reminder of her warm and inviting personality.

Section 13.04.2., *Regents' Rules*, requires approval of the board of any naming of an academic unit or facility in honor of an individual who, as an employee, has provided exemplary service to the TTU System.

**7. TTUHSC: Authorize expenditures for purchase of Equipment for the Laboratory Animal Resources Center (“LARC”) Expansion (CCAP) project.**

Presenter: Mr. Billy Breedlove

Presentation Time: 5 minutes

Board approval required by: Section 08.01., *Regents’ Rules*

**RECOMMENDATION**

The president recommends and the chancellor concurs that the Board of Regents authorize the chancellor or the chancellor’s designee to approve expenditures of \$2,334,610 for owner furnished equipment and contractor installed for a total of \$3,738,096 for the Laboratory Animal Resources Center (“LARC”) Expansion (CCAP) project, with an anticipated project budget of \$15,000,000. The total expenditures of \$3,738,096 which includes the previously approved \$1,403,486 will be funded through the Revenue Finance System (“RFS”), repaid with Capital Construction Assistance Projects (“CCAP”) Legislative appropriations.

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 \$15,000,000.

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

**BACKGROUND INFORMATION**

This approval authorizes expenditures for the purchase of owner furnished equipment for contractor installation for the Laboratory Animal Resources Center (“LARC”) Expansion (CCAP) project and incur additional expenditures of \$2,334,610. Total current expenditures of \$3,738,096 will be funded through the Revenue Finance System (“RFS”), repaid with Capital Construction Assistance Projects (“CCAP”) Legislative appropriations.

The Laboratory Animal Resources Center (“LARC”) operates and maintains the TTUHSC animal facilities in Lubbock, under the direct supervision of the Institutional Veterinarian. Through these operations the LARC provides for the procurement, housing, health, and welfare of research animals housed in TTUHSC facilities. The LARC, in partnership with the Institutional Animal Care & Use Committee (“IACUC”), monitors the use of research animals to ensure compliance with applicable Federal, State, and Local laws and guidelines as well as Institutional Policy. Finally, the LARC provides technical assistance, advice

and education to faculty, research staff and students in order to facilitate research and academic goals while maintaining regulatory compliance.

The owner furnished equipment to be installed by the contractor includes steam sterilizer units (autoclaves) and cage and rack washer units. The sterilizer is designed for general purpose steam sterilization in Lab and Biomedical Research applications. The cage and rack washer provides detergent solution washing, clean rinsing and drying of transport carts, cages, racked utensils, and bottles used in the research animal care laboratories and facilities.

The project will expand the existing Lubbock LARC vivarium by approximately 13,962 GSF in order to meet the current and future needs of the TTUHSC research community. The expansion has been designed to aid in elevating research at TTUHSC by creating a facility that meets contemporary industry standards for research animal housing. The project will incorporate innovative technologies and advanced built-in equipment necessary for the future needs of principal investigators. The expansion will create a dedicated bio-exclusion (Barrier) facility adjacent to the existing vivarium with the flexibility to house multiple species.

In May 2023, the Board of Regents granted authority to amend the Design Professional Agreement for Stage II design services consisting of Design Development ("DD"), Construction Documents ("CD"), Construction Administration ("CA") Phases, and to provide a Statement of Probable Cost. Award a Construction Manager At Risk Agreement and authorize 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").

In November 2022, the Board of Regents authorized the institution to proceed with the Laboratory Animal Resources Center ("LARC") Expansion project through the Capital Construction Assistance Projects ("CCAP") with an anticipated total budget of \$15,000,000. Awarded a Design Professional Agreement and authorized Stage I design services 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 Board also waived the use of a Construction Manager Agent ("CMA"); waived the board directed fee for landscape enhancements; and waived the board directed fee for public art.

In May 2022, the Board of Regents acknowledged that on April 19, 2022, the chair granted an exigent circumstances approval that authorized use of the Revenue Finance System for the individual total project budgets of the Capital Construction Assistance Projects for TTU System institutions.

The executive vice president of finance and operations 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.

**8. TTUHSC: Approve concept and authorize expenditures of the Lubbock HSC – 5B West Research Lab Renovations (CCAP) project for Design Professional Stage I design services.**

Presenter: Mr. Billy Breedlove

Presentation Time: 10 minutes

Board approval required by: Section 08.01., *Regents' Rules*

**RECOMMENDATION**

The president recommends and the chancellor concurs that the Board of Regents approve the concept for the project and authorize the chancellor or the chancellor's designee to (i) approve expenditures of \$244,219 in order to provide planning and design services for the Lubbock HSC – 5B West Research Lab Renovations (CCAP) project, with an anticipated project budget of \$11,000,000; (ii) award the Design Professional Agreement; and (iii) authorize Stage I design services. The total expenditures of \$244,219 will be funded through the Revenue Finance System ("RFS"), repaid with Capital Construction Assistance Projects ("CCAP") Legislative appropriations.

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 \$11,000,000.

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

**BACKGROUND INFORMATION**

This approval grants authorization to proceed with the Lubbock HSC – 5B West Research Lab Renovations (CCAP) project, with an anticipated project budget of \$11,000,000. Award a Design Professional Agreement and authorizes Stage I design services to move forward on the project's vision through the programming and schematic design phases, provide a Statement of Probable Cost, and project schedule.

In 1974, the Health Sciences Center building began construction. Over the course of a few decades, the facility was finished out in stages. The west half of Pod B on the fifth floor has not seen any major renovations since its initial construction. Finishes, wall systems, mechanical equipment, piping, electrical and other utilities need refurbishment and/or replacement due to their age and to improve functionality. Upgrading the space is critical to maintain a state-of- the-



art facility and allow TTUHSC to remain competitive for research grants while recruiting and retaining principal investigators/faculty.

This project consists of renovating approximately 12,700 square feet of research space located in the west half of Pod B on the fifth floor of the Health Sciences Center building. Research labs and support spaces will be renovated into modern, innovative BSL2/BSL2+ labs. All existing furniture, finishes, and built-in equipment (FFE) will be removed, the floor plan reconfigured, and new FFE installed. All mechanical, electrical, and plumbing systems within the area of renovation will be updated and/or reconfigured. The renovations will result in decreased operating costs, improved efficiency, functionality, collaboration and increased levels of safety, security, and accessibility while providing a positive impression for recruitment.

In May 2022, the Board of Regents acknowledged that on April 19, 2022, the chair granted an exigent circumstances approval that authorized use of the Revenue Finance System for the individual total project budgets of the Capital Construction Assistance Projects for TTU System institutions.

The executive vice president of finance and operations 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.

**9. TTUS: Report on Facilities Planning and Construction projects.**

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

Presentation Time: 5 minutes

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

# **FINANCE AND INVESTMENTS**

**Finance and Investments Committee**

Committee Meeting  
August 10, 2023

**Time:** 10:35 am (or upon adjournment of the Facilities Committee meeting)

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

Regents: Campbell (Chair) and Gordon (Vice Chair)  
(The Finance and Investments  
Committee consists of all nine board  
members.)

Agenda

- Approve minutes of committee meeting held on May 4, 2023
- I.C.** Consideration of items to be recommended by the Finance and Investments Committee to the Board of Regents of the Texas Tech University System (“TTUS”) for and on behalf of Angelo State University (“ASU”), Midwestern State University (“MSU”), 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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4.	Adjournment	

NOTE: All members of the Texas Tech University System Board of Regents serve as members on the Finance and Investments Committee. Action taken by this committee is final and does not require a report to the Full Board.

1. **TTUSA, TTU, ASU, MSU, TTUHSC and TTUHSC-EI Paso:  
Approve FY 2024 operating budgets.**

Presenter: Mr. James Mauldin

Presentation Time: 15 minutes

Approval required by: Section 07.04.2, *Regents' Rules*

**RECOMMENDATION**

The chancellor recommends and concurs with the recommendation from each respective president that the Board of Regents approve the FY 2024 operating budgets for: Texas Tech University System Administration, Texas Tech University, Angelo State University, Midwestern State University, Texas Tech University Health Sciences Center, and Texas Tech University Health Sciences Center El Paso.

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

**BACKGROUND INFORMATION**

The Board is required to approve on or before September 1, 2023, budget covering operations for the ensuing fiscal year.

The FY 2024 budget has been prepared on the basis of funds appropriated by the 88th Legislature, Regular Session and in accordance with guidelines from the Texas State Comptroller's Office.

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

**2. TTUS: Report on the 2023 Bond Issuance Update.**

Presenter: Mr. James Mauldin  
Report requested by: Board of Regents

Presentation Time: 5 minutes

Mr. James Mauldin, Vice Chancellor and CFO, will present a report on the 2023 issuance of Revenue Financing System Refunding and Improvement Bonds.

**BACKGROUND INFORMATION**

Follow up to the May 2023 approval of the 20<sup>th</sup> Supplemental Resolution to the Revenue Financing System Master Resolution adopted October 21, 1993. The 20<sup>th</sup> Supplemental Resolution authorized “the sale and delivery of Board of Regents of Texas Tech University System Revenue Financing System Refunding and Improvement Bonds, Series 2023, tax-exempt and taxable bonds in the maximum aggregate amount of \$715 million and resolving other matters incident and related thereto.”

**3. TTUS: Investment Performance Update.**

Presenter: Mr. James Mauldin  
Report requested by: Board of Regents

Presentation Time: 10 minutes

James Mauldin, 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  
August 10, 2023

**Time:** 10:55 am (or upon adjournment of the Finance and Investments Committee meeting)

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

Regents: Kerrick Davis (Chair) and Sweatt (Vice Chair) and Steeley Smith (Student Regent) (The Academic, Clinical, and Student Affairs Committee consists of all nine board members and the student regent.)

Agenda

- Approve minutes of committee meeting held on May 4, 2023

**I.D.** Consideration of items to be recommended by the Academic, Clinical and Student Affairs Committee to the Board of Regents of the Texas Tech University System (“TTUS”) for and on behalf of Angelo State University (“ASU”), Midwestern State University (“MSU”), 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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NOTE: All members of the Texas Tech University System Board of Regents serve as members on the Academic, Clinical and Student Affairs Committee. Action taken by this committee is final and does not require a report to the Full Board.

**1. ASU: Approve appointment with tenure.**

Presenter: Dr. Donald Topliff

Presentation Time: 2 minutes

Board approval required by: Section 04.02, *Regents' Rules*; ASU Operating Policy 06.23

**RECOMMENDATION**

The president recommends and the chancellor concurs that the Board of Regents approve granting tenure to the faculty member as listed below, concurrently with their appointment.

Sandra Mohr, Ed.D., was appointed a new associate professor in the Department of Curriculum and Instruction, College of Education and Dean of the Center for Digital Learning and Instruction, effective August 1, 2023. Dr. Mohr holds an Ed.D. in Global Educational Leadership from Lamar University and M.S. and M.A. degrees from California University of Pennsylvania and West Virginia University respectively. Dr. Mohr was formerly the Dean of Academic Resources and Administration at the New England College of Optometry in Boston, MA. She also held other academic positions at that institution as well as teaching and administrative positions at Wentworth Institute of Technology, the Sloan Consortium, the Urban College of Boston, and the University of Phoenix among others. Her credentials in digital learning and instruction qualify her for tenure in the Department of Curriculum and Instruction in the College of Education.

**BACKGROUND INFORMATION**

The faculty member whose name appears above has been judged by the appropriate committees and administrative personnel as worthy of academic tenure and appointment as Associate Professor. The procedure established by OP 06.23: Tenure and Promotion Standards and Procedures has been carefully followed.

Approval of this individual brings the number of tenured faculty at Angelo State University to 155. There is a total of 222 faculty that are tenure-track or tenured. After this appointment, the percentage of tenure-track faculty who have been awarded tenure will be 70 percent. The number of faculty that are non-tenure track is 90.

**2. ASU: Approve the addition of the Master of Arts degree in Professional Counseling with Licensed Professional Counselor Certification.**

Presenter: Dr. Don Topliff

Presentation Time: 3 minutes

Board approval required by: 04.09.01, *Regents' Rule, and Title 19, Part 1, Chapter 5, Subchapter C, Texas Administrative Code*

**RECOMMENDATION**

The president recommends and the chancellor concurs that the Board of Regents approve the new degree program request for the Master of Arts (“M.A.”) degree in Professional Counseling with Licensed Professional Counselor certification in the Department of Curriculum and Instruction within the College of Education and authorize submission to the Texas Higher Education Coordinating Board seeking its approval for such a program and to the Southern Association of Colleges and Schools for its review. Implementation of this new program will begin in fall 2024.

**BACKGROUND INFORMATION**

Currently, the M.A. degree in Mental Health and Wellness Counseling provides a thirty-semester credit hour (30 sch) foundation online. The M.A. degree feeds into the Online LPC Bridge requiring the completion of 30 additional semester credit hours to meet the sixty-semester credit hour (60 sch) academic requirements for Licensed Professional Counselor (“LPC”) in Texas as outlined in Texas Administrative Code (TAC§681.82). The proposed 60-hour M.A. in Professional Counseling with LPC will combine the current coursework offered in both the M.A. and Bridge to provide a cohesive online graduate degree for individuals seeking licensure as a professional counselor in Texas. All courses are already offered at ASU online.

Table 1. Five-Year Enrollment Projection

	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
<b>Total New Students</b>	<b>5</b>	<b>10</b>	<b>15</b>	<b>15</b>	<b>15</b>
Attrition	0	2	2	2	2
<b>Cumulative Headcount</b>	<b>5</b>	<b>13</b>	<b>21</b>	<b>21</b>	<b>21</b>
FTSE	5	13	21	21	21
Graduates	0	5	13	13	13

Table 2. Five-Year Costs and Funding Sources

Cost Category	Cost Sub-Category	1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year	TOTALS
Faculty Salaries <sup>1</sup>	New	\$0	\$0	\$0	\$0	\$0	\$0
	Reallocated	\$35,000	\$35,000	\$35,000	\$35,000	\$35,000	\$175,000
Program Administration	New	\$0	\$0	\$0	\$0	\$0	\$0
	Reallocated	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$40,000
Graduate Assistants	New	\$0	\$0	\$0	\$0	\$0	\$0
	Reallocated	\$0	\$0	\$0	\$0	\$0	\$0
Clerical/ Staff	New	\$0	\$0	\$0	\$0	\$0	\$0
	Reallocated	\$0	\$0	\$0	\$0	\$0	\$0
Student Support (Scholarships)		\$0	\$0	\$0	\$0	\$0	\$0
Supplies and Materials		\$0	\$0	\$0	\$0	\$0	\$0
Library & Instructional Technology Resources <sup>2</sup>		\$0	\$0	\$0	\$0	\$0	\$0
Equipment <sup>2</sup>		\$0	\$0	\$0	\$0	\$0	\$0
Facilities		\$0	\$0	\$0	\$0	\$0	\$0
Other (Identify)		\$0	\$0	\$0	\$0	\$0	\$0
<b>TOTALS</b>		<b>\$43,000</b>	<b>\$43,000</b>	<b>\$43,000</b>	<b>\$43,000</b>	<b>\$43,000</b>	<b>\$215,000</b>

<sup>1</sup> Report costs for new faculty hires, graduate assistants, and technical support personnel. For new faculty, prorate individual salaries as a percentage of the time assigned to the program. If existing faculty will contribute to program, include costs necessary to maintain existing programs (e.g., cost of adjunct to cover courses previously taught by faculty who would teach in new program).

<sup>2</sup> Equipment has the meaning established in the Texas Administrative Code §252.7(3) as items and components whose cost are over \$5,000 and have a useful life of at least one year.

Table 3. Anticipated Funding for the First Five Years of the Program

Funding Category	1st Year	2nd Year	3rd Year	4th Year	5th Year	TOTALS
<b>I. Formula Funding<sup>1</sup></b>			\$73,500	\$73,500	\$73,500	\$220,500
<b>III. Reallocation of Existing Resources</b>	\$43,000	\$43,000	\$43,000	\$43,000	\$43,000	\$215,000
<b>V. Tuition and Fees</b>	\$55,970	\$145,522	\$235,074	\$235,074	\$235,074	\$906,714
<b>TOTALS</b>	<b>\$98,970</b>	<b>\$188,522</b>	<b>\$351,574</b>	<b>\$351,574</b>	<b>\$351,574</b>	<b>\$1,342,214</b>

<sup>1</sup> Indicate formula funding for students new to the institution because of the program; formula funding should be included only for years three through five of the program and should reflect enrollment projections for years three through five.

The projected five-year costs are \$215,000 and the projected revenue over the five-year period is \$1,342,214. No new faculty lines will be added to the program.

**3. MSU: Approve changes in academic rank and granting of tenure.**

Presenter: Dr. Marcy Brown Marsden

Presentation Time: 2 minutes

Board approval required by: Section 04.02, *Regents' Rules*; MSU Operating Policy 06.05

**RECOMMENDATION**

The president recommends and the chancellor concurs that the Board of Regents approve changes in academic rank and the granting of tenure, effective September 1, 2023, for the faculty member listed below.

**Tenure and Promotion to Associate Professor:**

Robin Lockhart, Ph.D., assistant professor to associate professor and tenure, Wilson School of Nursing, Gunn College of Health Sciences and Human Services.

**BACKGROUND INFORMATION**

The faculty member whose name appears above has been judged by the appropriate departmental, collegiate, and university committees and administrative personnel as worthy of promotion and tenure for which they have been recommended. University policy (OP 06.05) for recommending the promotion and tenure of qualified members of the faculty has been carefully followed.

Approval of tenure of this individual will bring the number of full-time tenured faculty at Midwestern State University in fall 2023 to 134. There are 181 full-time tenured or tenure-track faculty. After this appointment, the percentage of tenure-track faculty who have been awarded tenure will be 55 percent, and tenured faculty represent 28 percent of all faculty. Together, tenured and tenure-track faculty represent 38 percent of all faculty and 74 percent of all full-time faculty.

**4. TTU: Approve changes in academic rank.**

Presenter: Dr. Ronald Hendrick

Presentation Time: 2 minutes

Board approval required by: Section 04.02, Regents' Rules; TTU Operating Policy 32.01.

**RECOMMENDATION**

The president recommends and the chancellor concurs that the Board of Regents approve changes in academic rank for the faculty as listed below, effective September 1, 2023.

Akbar Namin, Ph.D., associate professor to professor, Department of Computer Science, Edward E Whitacre College of Engineering.

**BACKGROUND INFORMATION**

The faculty members whose names appear above have been judged by the respective department faculty, appropriate committees and administrative personnel as worthy of the promotions for which they have been recommended. University procedures (OP 32.01) for recommending promotion of qualified members of the faculty have been carefully followed.



## 5. **TTU: Approve appointments with tenure.**

Presenter: Dr. Ronald Hendrick

Presentation Time: 2 minutes

Board approval required by: Section 04.02, *Regents' Rules*; TTU Operating Policy 32.01

### **RECOMMENDATION**

The president recommends, and the chancellor concurs that the Board of Regents approve the granting of tenure for the following faculty of Texas Tech University concurrently with their respective appointments.

Carolyn Arnold, Ph.D., DVM, joined the School of Veterinary Medicine as a professor of Large Animal Surgery on January 9, 2023. Dr. Arnold came to Texas Tech University from Texas A&M University, where she was an associate professor and was granted tenure in 2015. Dr. Arnold received her DVM at Michigan State University in 1998 and her Ph.D. from Texas A&M in 2020.

Roland Faller, Ph.D., joined the Edward E. Whitacre College of Engineering as dean and professor of Chemical Engineering on August 1, 2023. Dr. Faller came to Texas Tech University from the University of California, where he served as executive associate dean in the College of Engineering. He was granted tenure in 2006. He earned a bachelor's degree in physics at the University of Bayreuth in Germany (1997) and his doctorate in physics at Johannes Gutenberg University in Mainz (2000) and completed a post-doctorate at the University of Wisconsin.

Daniel Hirmas, Ph.D., joined the Department of Plant and Soil Science as a professor and the B.L. Allen Endowed Chair of Pedology on January 15, 2023. Dr. Hirmas came to Texas Tech University from the University of California-Riverside, where he established himself as a highly respected scholar and teacher in soil and water science. Dr. Hirmas was first granted tenure at the University of Kansas in 2014. Dr. Hirmas received his B.A. in Biology from Texas A&M University (1999), his M.S. in Soils Science from Texas Tech University (2003), and his Ph.D. In Soil and Water Science from the University of California-Riverside (2008).

Geoffrey Sauer, Ph.D., will join the Department of English as an associate professor on September 1, 2023. Dr. Sauer comes to Texas Tech University from Iowa State University where he was tenured in 2010. Dr Sauer received his B.A in English from the University of Notre Dame (1990), and his Ph.D. in English from Carnegie Mellon University (1998).

Daniel Scheller, Ph.D., will join the Department of Political Science as an associate professor on September 1, 2023. Dr. Scheller comes to Texas Tech University from The University of Nebraska-Omaha where he was tenured in 2019. Dr. Scheller received his B.A. in Political Science from Hanover College (2005), his M.S. and Ph.D. in Political Science from Florida State University (2006, 2010).

Donghee Shin, Ph.D., joined the Department of Professional Communications faculty as a professor and Department Chair on August 1, 2023. Dr. Shin comes to Texas Tech University from Zayed University, Abu Dhabi, in the United Arab Emirates where he was a tenured full professor and past program director of Digital Media. He is a native of South Korea and earned his bachelor's degree in journalism and mass communications from Sungkyunkwan University (1997), his master's degree from Southern Illinois University (1998), and his second master's degree and doctorate from Syracuse University (2001 & 2004).

Tingting Yan, Ph.D., is joining the Area of Marketing and Supply Chain Management as a professor and the Jerry S Rawls Endowed Professor of Supply Chain Management on September 1, 2023. Dr. Yan comes to Texas Tech University from Wayne State University, where he was tenured in 2016 and promoted to full professor in 2021. Dr. Yan is a native of China and received his Bachelor's degree from Zhongnan University of Economics and Law (2003), his master's degree from Fudan University (2008), and his Ph.D. in Supply Chain Management from Arizona State University in 2011.

### **BACKGROUND INFORMATION**

The faculty members whose names appear above have been judged by the respective department faculty, appropriate committees and administrative personnel as worthy of tenure. University procedures (OP 32.01) for recommending the tenure of qualified members of the faculty have been carefully followed.

Approval of these faculty members will bring the number of full-time tenured faculty at Texas Tech University to 798. There are 1,121 full-time tenured and tenure-track faculty. After these appointments, the percentage of tenure-track faculty who have been awarded tenure will be 71.1%, and tenured faculty represent 42.4% of all faculty (including part-time). Together, tenured, and tenure-track faculty represent 59.6% of all faculty and 71.3% of all full-time faculty.

**6. TTU: Approve Bachelor of Applied Arts and Science (“B.A.A.S.”) Degree with a major in Renewable Energy.**

Presenter: Dr. Ronald Hendrick

Presentation Time: 3 minutes

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

**RECOMMENDATION**

The president recommends and the chancellor concurs that the Board of Regents approve the new degree program, Bachelor of Applied Arts and Science (“B.A.A.S.”) degree with a major in Renewable Energy, and authorize submission by the Office of the Provost and Senior Vice President to the Texas Higher Education Coordinating Board seeking its certification of such a program and to the Southern Association of Colleges and Schools for acknowledgment of a new degree program.

**BACKGROUND INFORMATION**

The Bachelor of Applied Arts and Science in Renewable Energy will be offered face-to-face on the Lubbock campus and online. The objective of the B.A.A.S in Renewable Energy is to provide a multidisciplinary education covering various technical and managerial topics in renewable energy. The program will build on the vocational and technical knowledge earned by students in relevant Applied Arts and Science (“A.A.S.”) programs and empower students to move into management positions in the renewable energy industry. Students applying for the B.A.A.S Renewable Energy program must have an A.A.S. degree from an approved institution. During the admission review process, a committee within the Renewable Energy Program’s administrative unit will determine eligibility for a student’s A.A.S. degree.

The renewable industry is a vital and rapidly growing sector of the United States economy, with projections that twenty percent of the nation’s electricity be provided through renewable energy generation by the year 2030. To reach the 20% projected goal, an estimated 300 GW of installed wind capacity will be needed, and the US Department of Energy estimates approximately 350,000 jobs will need to be created, of which about 42,000 will require an associate’s degree and 22,400 a bachelor’s degree.

Texas leads the nation in this energy transition as the top producer of wind energy, and it is Texas Tech University’s ambition to become the foremost institution in educating skilled professional workers in the renewable energy industry. Based in the geographic epicenter of significant renewable development and having a fifty-year history of wind-related education and research programs, Texas Tech has the knowledge and resources to develop programs that will support this rapidly growing industry. Creating a Bachelor of Applied Arts and Sciences in Renewable Energy will advance the industry by

developing the skills needed for a career in renewable energy. This innovative program will enhance the recognition and reputation of Texas Tech University by providing highly educated professionals in this sector of the energy industry. The proposed multidisciplinary curriculum will prepare students for a long-term career in the industry and satisfy current and future job demands.

A review of existing programs in Texas indicates there are 34 B.A.A.S. programs in Texas, but none of these target the job sector of renewable energy; thus, the proposed program uniquely fills a critical market need.

The enrollment projections in the table below are based on TTU alumni surveys, feedback from renewable industry managers and recruiters, and inquiries from prospective students with an A.A.S. in a renewable energy concentration over the past five years.

	Year 1	Year 2	Year 3	Year 4	Year 5
Total New Students	15	20	25	30	35
Attrition*	4	5	6	6	6
Cumulative Headcount	15	31	51	75	95
FTSE (fall)	8	16	26	38	48
Graduates	0	0	0	9	14

\* Attrition applied at the beginning of the following year

The projected five-year costs and funding are given in the table below. Because all courses required for the degree program are already taught, no additional funds are needed to develop the degree content. The personnel costs reflect new positions requested in year three, assuming forecasted enrollment and SCH production - one new faculty and one new administrative staff. Supplies and Materials costs reflect estimates for office expenses and supplies, promotional materials, and travel. The five-year funding shown reflects estimated tuition and fees for all years and state formula funding in years three through five.

<b>Five-Year Costs</b>		<b>Five-Year Funding</b>	
Personnel (administration and salaries)	\$375,000	Reallocated Funds	\$0
Facilities and Equipment	\$0	Anticipated New Formula Funding	\$150,000
Supplies and Materials*	\$20,000	Special Item Funding	\$0
Other	\$0	Tuition and fees	\$593,000
<b>Total Costs</b>	<b>\$395,000</b>	<b>Total Funding</b>	<b>\$743,000</b>

**7. TTUHSC: Approve appointment with tenure.**

Presenter: Dr. Darrin D'Agostino

Presentation Time: 2 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 granting of tenure to the faculty member as listed below, concurrently with his appointment, effective August 10, 2023.

Homgmin Wang, Ph.D. joined the TTUHSC School of Medicine, Department of Pharmacology and Neuroscience on July 1, 2023 at the Professor rank. Dr. Wang received tenure from the University of South Dakota on May 12, 2015 with his promotion to Associate Professor in the Division of Basic Biomedical Sciences. He received a B.S. in Biology from the Shandong Normal University, Jinan, China in 1986, M.S. degree in Zoology from the same university in 1988, and his Ph.D. in Zoology/Neuroscience from the University of Idaho in 2000. His postdoctoral fellowship was in Neurodegeneration with the Department of Neurology and Institute for Cell Engineering, Johns Hopkins University School of Medicine. His research interests are in therapeutic targets and compounds used in treating ischemic stroke, aging and Alzheimer's Disease.

**BACKGROUND INFORMATION**

Pursuant to Section 04.02, *Regents' Rules*, the Board of Regents approves the awarding of academic tenure with initial appointment. Approval of tenure at this BOR meeting for this individual brings the number of tenured faculty in all academic schools of the Health Sciences Center to 150. There are a total of 210 faculty either in the tenure-track or tenured. After this appointment, the percentage of tenure track faculty who has been awarded tenure will be approximately 71.43 percent. The number of faculty on the non-tenure track is 530.

## **8. TTUHSC: Approve appointments of Grover E. Murray Professors.**

Presenter: Dr. Darrin D'Agostino

Presentation Time: 5 minutes

Board approval required by: 04.01.1, *Regents' Rules*; TTUHSC Operating Policy 10.06

### **RECOMMENDATION**

The president recommends and the chancellor concurs that the Board of Regents approve the appointment of Thomas J. Abbruscato, PhD (Jerry H. Hodge School of Pharmacy) and Billy Ulysses Philips, Jr., PhD, MPH (School of Medicine), as Grover E. Murray Professors.

### **BACKGROUND INFORMATION**

The Grover E. Murray Professorship is the highest honor the Texas Tech University Health Sciences Center ("TTUHSC") may bestow on a professor in recognition of national and/or international distinction for outstanding teaching, research, or clinical practice. Thomas J. Abbruscato, PhD and Billy Ulysses Philips, Jr., PhD, MPH meet the criteria for such a distinction.

Dr. Abbruscato has been a member of the Pharmaceutical Sciences Department at the Jerry H. Hodge School of Pharmacy for 23 years. Dr. Abbruscato was hired as an Assistant Professor in January 2000, was promoted to Associate Professor and awarded Tenure in 2006, and became a full Professor in 2012. In 2008 he was appointed Associate Dean for the Graduate School of Biomedical Sciences on the Amarillo Campus. In 2015, Dr. Abbruscato was named a TTUHSC University Distinguished Professor.

Dr. Abbruscato's teaching, clinical, and research interests lie in blood-brain barrier and drug transport, neurovascular protection in brain ischemia/stroke, and neurovascular effects of nicotine and tobacco chemicals. He has received more than 30 awards and honors in his career, including, but not limited to, the 2003 TTUHSC's President's Young Investigator Award. He was twice awarded the Chancellor's Council Distinguished Research Award, first in 2013 and again in 2020.

The importance of Dr. Abbruscato's research, the quality of his publications, his reputation as an expert in his field, and multiple invitations to speak at conferences worldwide have brought TTUHSC national and international recognition.

Dr. Abbruscato has substantial grant funding and publication records. He currently has four active NIH-funded RO1 grants with two new NIH grants pending support and more than a dozen past extramurally-funded grants from

the NIH and other federal agencies, foundations, and industries as the Principal Investigator.

Dr. Philips's service at TTUHSC began in 2009 as the Director of the F. Marie Hall Institute for Rural and Community Health and the Vice President for Rural and Community Health for TTUHSC and was promoted to Executive Vice President in 2012. Dr. Philips holds the endowed Marie Hall Chair in Rural Health and is a full Professor in the Department of Family and Community Medicine in the School of Medicine.

Dr. Philips is a proven innovator and has developed multiple proofs of concept programs during his time at TTUHSC, including the Telemedicine Wellness Intervention Triage and Referral (TWITR) Project and the Campus Alliance for Telehealth Resource (CATR) program, which led to TTUHSC receiving over \$30 million for the Texas Child Health Access Through Telemedicine (TCHAT). Dr. Philips also started the Next Gen 911 project and has secured continued state funding for this project. In addition, Dr. Philips created the Frontiers in Telemedicine (FIT) Lab, the nation's first hands-on telehealth simulation learning lab.

Dr. Philips is an accomplished researcher with more than \$40 million in external funding from federal organizations such as the Office of the National Coordinator for Health Information Technology and the Health Resources and Services Administration and state organizations such as the Texas State Office of Rural Health and the Texas Commission on State Emergency Communications. Dr. Philips was awarded the Chancellor's Council Distinguished Research Award in 2017 in recognition of his research contributions at TTUHSC.

Dr. Philips is an ardent supporter of students and has held multiple academic roles across the university. Additionally, Dr. Philips is a dedicated university citizen and has lent his time and expertise in various ways to the entirety of the TTUHSC. Most recently, Dr. Philips served as the Acting Dean for the newly formed Julia Jones Matthews School of Population and Public Health.

Based on their achievements, as well as through their demonstration of excellence in living our TTUHSC's values – One Team, Kindhearted, Integrity, Visionary, Beyond Service – both Dr. Abbruscato and Dr. Phillips are deserving of the distinction of being named a Grover E. Murray Professor.

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

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

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

- Dr. Steven Berk
- Dr. Sharon Decker
- Dr. Michael Evans
- Dr. Vadivel Ganapathy
- Dr. Thomas Hale
- Dr. Neil Kurtzman (retired)
- Dr. John Orem (retired)
- Dr. Gabor Racz (retired)
- Dr. Cynthia Raehl (retired)
- Professor Sherry Sancibrian
- Dr. Afzal Siddiqui
- Dr. Quentin Smith
- Dr. Doug Stocco (retired)
- Dr. Surendra Varma
- Dr. Abraham Verghese (no longer at TTUHSC)



**9. TTUHSC: Approve conferral of emeritus posthumous appointment.**

Presenter: President Lori Rice-Spearman

Presentation Time: 4 minutes

Board approval required by: Section 04.01.2, *Regents' Rules*, and HSC OP 10.12

**RECOMMENDATION**

The president recommends and the chancellor concurs that the Board of Regents approve to confer the title of posthumous dean and professor emeritus on Steven L. Berk, M.D. for his distinguished service to the School of Medicine ("SOM") and the Texas Tech University Health Sciences Center ("TTUHSC").

**BACKGROUND INFORMATION**

In accordance with the HSC OP 10.12 and the *Regents' Rules*, Section 04.01.2, the Faculty Council Executive Committee unanimously recommended posthumous dean and professor emeritus for Dr. Berk.

Dr. Steven L. Berk joined the faculty of the TTUHSC SOM as the Regional Dean for the Amarillo Campus, Professor of Medicine, and the Mirick-Myers Endowed Chair in Geriatric Medicine. Dr. Berk was appointed Dean of the School of Medicine in 2006, and Executive Vice President in 2010. Dr. Berk graduated from Boston University School of Medicine and completed his Internal Medicine residency and Infectious Disease fellowship at Boston City Hospital. He was a member of Phi Beta Kappa, Alpha Omega Alpha, and Sigma Xi. Dr. Berk authored or co-authored over 150 peer-reviewed publications and four textbooks. He has served on the NIH Special Advisory Panel on the evaluation of vaccines against infections in the elderly, on the editorial board of the *Journal of the American Geriatric Society*, and as a reviewer for most Internal Medicine and Infectious Disease journals. He has served on the Board of Directors Nominating Committee for the Association of American Medical Colleges ("AAMC") and chaired the AAMC community-based deans subcommittee for eight years. In 2020, both his editorials on wearing a facemask and dealing with the issue of COVID-19 in nursing homes were circulated nationally by the AAMC.

Dr. Berk has been recognized for many achievements throughout his distinguished career. His teaching ability was well-recognized at East Tennessee State University, where he received the medical school's Teacher of the Year Award ten times and the university's Distinguished Faculty Award. The American College of Physicians bestowed the title of Laureate in Medicine on Dr. Berk in 1998, and he was elected to the national board of Alpha Omega Alpha in 1999. In 2006, his memoir entitled *Anatomy of a Kidnapping* was published by the Texas Tech Press and received the 2011 Forward Reviews Book of the year Award (silver). In 2012 he was elected Distinguished Alumni by Boston University

School of Medicine, and had an endowed University Medical Center chair named in his honor. In 2020, Dr. Berk was named a Grover E. Murray Professor, the highest honor for TTUHSC faculty. Dr. Berk published his first novel, *In Search of the Animalcule* in 2023.

Through Dr. Berk's leadership, the School of Medicine has experienced continued growth of innovative ideas and programs. His personal vision for addressing the ever-increasing need for primary care physicians launched a unique Family Medicine Accelerated Track, the first program of its kind in the country. Other innovations include the creation of the Covenant Branch Campus for 3<sup>rd</sup> and 4<sup>th</sup> year clerkship training, the medical student barbershop hypertension program, Deans' Ambassadors, the Clinical Research Institute, created the Department of Medical Education, the Women's Health Research Institute of Amarillo, and the Lubbock medical student led free clinic. Dr. Berk passed away while serving as the Dean of the TTUHSC School of Medicine on May 26, 2023.

**10. TTUS: Strategic report on research collaborations and growth.**

Presenters: Drs. Darrin D'Agostino, Joseph Heppert      Presentation Time: 15 minutes  
David Bixler, Deborah Clegg and Lance McMahon  
Report requested by: Board of Regents

Drs. Darrin D'Agostino, Joseph Heppert, David Bixler, Deborah Clegg and Lance McMahon will present a strategic report on research collaborations and growth.

**MEETING OF THE  
BOARD/  
COMMITTEE OF  
THE WHOLE**

**Meeting of the Board**  
Thursday, August 10, 2023

**Ceremonial swearing-in of newly appointed student regent:** Prior to the start of the day’s meetings, at approximately 8:50 am, the newly appointed student regent will participate in a ceremonial swearing-in.

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

**Board of Trustees of the Carr Scholarship Foundation:** This meeting will take place upon completion of the swearing-in ceremony; refer to agenda provided by the Chief Financial Officer’s Office

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

**I. Meeting of Standing Committees:** Conducted sequentially and separately from the Meeting of the Board beginning upon adjournment of the Carr Scholarship Foundation meeting at approximately 9:30 am—refer to agenda for each respective committee meeting.

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

**Meeting of the Board**  
Thursday, August 10, 2023

**Time:** 11:45 am

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

Agenda

**II. Meeting of the Board—Call to Order; convene into Open Session of the Board.** The Board will convene in Open Session and meet as a Committee of the Whole and Meeting of the Board:..... Chairman Griffin

**III. Executive Session:** The Board will convene into Executive Session in the Regents Committee Room (106), First Floor, System Administration Building, 1508 Knoxville Avenue to consider matters

permissible under Chapter 551 of the *Texas Government Code*, including, for example: ..... Chairman Griffin

- A. Consultation with attorney regarding privileged communications, pending or contemplated litigation and settlement negotiations – Section 551.071
- B. Deliberations regarding real property: The purchase, lease, exchange, or value of real property – Section 551.072
- C. Deliberations regarding prospective gifts – Section 551.073
- D. Personnel matters: Discuss the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of employees – Section 551.074
- E. Deliberations regarding security devices—deployment of security personnel or devices – Section 551.076

**IV. Open Session:** The Board will reconvene in the Regents Conference Room (104A), First Floor, System Administration 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 Chairwoman Kerrick Davis

**V. Recess** ..... Chairman Griffin

**Meeting of the Board**  
Friday, August 11, 2023

**Time:** 8:30 am

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

Agenda

**VI. Meeting of the Board—Call to Order; reconvene into Open Session of the Board.** The Board will reconvene in Open Session and meet as a Committee of the Whole and Meeting of the Board to consider and act on: ..... Chairman Griffin

A. Introductions and Recognitions ..... Chancellor Mitchell,  
President Hawkins,  
President Haynie,  
President Schovanec  
President Rice-Spearman, and  
President Lange

**VII. Recess** (if necessary, for standing committees to meet; otherwise continue in Open Session (X.)) ..... Chairman Griffin

**VIII. Meeting of Standing Committees** (if not concluded on Thursday)

**IX. Meeting of the Board—Call to Order; reconvene into Open Session of the Board** (only if the Meeting of the Board was recessed to conduct committee meetings) ..... Chairman Griffin

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

A. Approve minutes of Board meetings held on May 4-5, 2023 and June 20, 2023..... Chairman Griffin

B. Committee of the Whole..... Vice Chairwoman Kerrick Davis

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CW

1. ASU, MSU, TTU, TTUHSC, TTUHSC El Paso, TTUSA, and TTUS: Approve Consent Agenda; acknowledge review of Information Agenda ..... 10

**Consent Agenda**

- a. ASU: Approve revisions to the Student Handbook of Angelo State University, effective August 11, 2023 (ACS)
- b. ASU: Approve the title change and designation change of the Master of Science degree in Professional School Counseling (ACS)
- c. ASU: Approve Revisions to Operating Policy OP 06.02 Academic Workload Calculation (ACS)
- d. MSU: Approve revisions to the Student Handbook, effective August 11, 2023 (ACS)
- e. TTU: Approve emeritus appointments (ACS)
- f. TTU: Approve exception to nepotism policy (ACS)
- g. TTU: Approve revisions to the Student Handbook, effective August 11, 2023 (ACS)
- h. TTUHSC: Approve faculty development leave of absence (ACS)
- i. TTUS: Approve amendments to *Regents' Rules*, Chapter 04 (Academic Affairs) related to academic boycotts (ACS)
- j. ASU: Approve exception to *Regents' Rules* and the total project budget for the Vanderventer Retail Conversion project (F)
- k. TTU: Approve exception to *Regents' Rules* and the total project budget for the Music Building - Hemmle Recital Hall Renovation project (F)
- l. MSU: Approve acceptance of gift to Dillard College of Business Administration (FI)
- m. TTU: Approve commissioning of police officers (FI)
- n. TTU: Approve modification of endowment (FI)
- o. TTU: Approve modification of endowment (FI)
- p. TTU: Approve purchasing contract(s) in excess of \$1,000,000 (FI)
- q. TTUHSC: Approve establishment of Quasi Account – Dr. Steven and Shirley Berk School of Medicine Deanship (FI)
- r. TTUHSC El Paso: Approve modification of endowment (FI)



- s. TTUS: Approve delegation of authority for Board action as required by various bills of the 88th Legislature Regular Session (FI)
- t. TTUS: Authorize a consulting agreement to provide support for advancing state and strategic initiatives (FI)

### **Information Agenda**

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

- (1) ASU, MSU, TTU, TTUHSC and TTUHSC EI Paso: Summary of Revenues and Expenditures by Budget Category, FY 2023 (as of May 31, 2023), per Section 01.02.8.d(3)(g), *Regents' Rules* – All actual expenditures will be reviewed by the Finance and Investments Committee annually and provided as information. Financial reports for the most recently completed quarter for each of the component institutions are available at:  
<https://www.texastech.edu/offices/cfo/board-financial-reports.php>
- (2) TTUHSC: Contracts for ongoing and continuing health-related service relationships per Section 07.12.4.c, *Regents' Rules* – The following are excepted from the requirements of Section 07.12.3.a and 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 or new health related services 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. Before such a contract may be executed, the president shall obtain the prior review of the TTU system Office of General Counsel and the TTU system 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, MSU, and TTU: Consulting contracts with an initial consideration of \$100,000 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 \$100,000 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 and TTUS, and TTUHSC: 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* – The following are excepted from the requirements of Section 07.12.3.a and 07.12.3 b, *Regents' Rules*, "the chancellor or president, or the chancellor or presidents designee, 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) TTU and TTUHSC: Contracts for Sponsored Programs 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.”
- (6) 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.”
- (7) TTUHSC El Paso: Exigent circumstances approval by Section 13.05.8, *Regents' Rules* – “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 naming proposal submitted by the chancellor and VCIA, or their designees, by verbal approval of the chair and vice chair of the board. The board, as a whole, will be made aware of the naming at the time the decision is made and, if accepted, namings approved in this manner shall be presented to the board as an information item at the next board meeting.”
- (8) TTUS: *Regents' Rules*, Section 13.02.3.a., *Named Funds* – “The board delegates approvals to name endowments or other gift funds established through a private gift of less than \$5 million to the president of the benefitting institution, in consultation and cooperation with the chancellor and the vice chancellor of Institutional Advancement. Notice shall be provided to the board of regents as part of the information agenda at the next board meeting.”

- (9) TTUS: *Regents’ Rules*, Section 06.04.3.,  
Restrictions on Donor-Established Funds –  
“Prohibition on illegal or unlawful use. Under no  
circumstances shall the TTU system or a component  
institution knowingly accept a gift subject to donor  
restrictions that are considered unlawful or illegal  
pursuant to applicable federal or state law.”
- (10) TTUS: *Regents’ Rules*, Section 06.04.1.,  
Restrictions on Donor-Established Funds –  
“In the event a modification to the donor-identified  
purpose becomes necessary, TTUS IA shall work with  
the necessary parties, including the benefitting TTU  
system component institution, affiliated entity, donor,  
and Attorney General of the State of Texas, if  
necessary, to modify the terms of the gift as may be  
appropriate and in accordance with Texas law.”

2. ASU, MSU, TTU: Certify and Acknowledge  
adoption of policies to maintain resident  
undergraduate academic costs at currently  
approved levels for the next two academic years  
and authorize submission by the chair of the  
Board of Regents a required letter certifying  
these policies..... 11

- C. Schedule for Board meetings:  
November 16-17, 2023, Lubbock  
February 29 – March 1, 2024, Wichita Falls  
May 23-24, 2024, Lubbock  
August 8-9, 2024, Lubbock  
November 14-15, 2024, Lubbock ..... Keino McWhinney
- D. Student Government Association Reports ..... Kam Wiese,  
Zetta Cannedy,  
Joel Rivero,  
Cheyanna Petty,  
and Georgia Hejny

**XI. Executive Session:** The Board will convene into Executive Session  
in the Regents Committee Room (106), First Floor, System  
Administration Building, 1508 Knoxville Avenue to consider matters  
permissible under Chapter 551 of the *Texas Government Code*,  
including, for example: ..... Chairman Griffin

- 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

**XII. Open Session:** The Board will reconvene in the Regents Conference Room (104A), First Floor, System Administration 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 Chairwoman Kerrick Davis
- B. Chairman’s Announcements..... Chairman Griffin

**XIII. Adjournment** ..... Chairman Griffin

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

Presenter: Vice Chairwoman Kerrick Davis  
minutes

Presentation Time: 2

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 August 10-11, 2023; 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.

**2. ASU, MSU, TTU: Certify and Acknowledge adoption of policies to maintain resident undergraduate academic costs at currently approved levels for the next two academic years and authorize submission by the chair of the Board of Regents a required letter certifying these policies.**

Presenter: Chair Mark Griffin

Presentation Time: 5 minutes

Board approval required by: Article III, Special Provisions of the 88th Legislature, Regular Session

**CERTIFICATION AND ACKNOWLEDGMENT**

As required by Article III, Special Provisions of the 88th Legislature, Regular Session, Angelo State University (“ASU”), Midwestern State University (“MSU”) and Texas Tech University (“TTU”), as component institutions of the Texas Tech University System (“TTUS”), must adopt policies to maintain resident undergraduate academic costs, including tuition, mandatory academic fees, all academic-related general fees, and college course fees at currently approved levels for the next two academic years; AY 2023 (beginning Fall of 2023) and AY 2024 (beginning Fall of 2024). Article III, Special Provisions of the 88th Legislature, Regular Session further requires the Board of Regents of the Texas Tech University System (“Board”) to submit to the Legislative Budget Board a letter certifying that the policies of each component institution have been adopted by September 1, 2023.

Pursuant to the above-referenced requirements, the Board hereby certifies and acknowledges that each of the three TTUS general academic component institutions (ASU, MSU and TTU) have adopted policies to maintain resident undergraduate academic costs, including tuition, mandatory academic fees, all academic-related general fees, and college course fees at currently approved levels for the next two academic years: AY 2023 (beginning Fall of 2023) and AY 2024 (beginning Fall of 2024). The three general academic component institution presidents have submitted notice to the Chairman of the Board of Regents on July 10 (TTU), July 11 (MSU), July 12 (ASU), 2023, confirming that the above-referenced policies have been adopted. The Chairman of the Board of Regents is thereafter authorized to submit a letter to the Legislative Budget Board by September 1, 2023, certifying that the policies of the three general academic institutions have been adopted.

**CONSENT/  
INFORMATION  
AGENDA**



BOARD OF REGENTS  
TEXAS TECH UNIVERSITY SYSTEM

CONSENT AGENDA  
and  
INFORMATION AGENDA

August 10-11, 2023

BOARD OF REGENTS

Mr. Mark Griffin, Chairman  
Mrs. Ginger Kerrick Davis, Vice Chairwoman  
Ms. Arcilia C. Acosta  
Mr. Cody C. Campbell  
Mr. Clay Cash  
Mr. Tim Culp  
Mr. Pat Gordon  
Dr. Shelley Sweatt  
Mr. Dusty Womble  
Ms. Steeley Smith, Student-Regent

Standing Committee Chairs and Vice Chairs:

Academic, Clinical and Student Affairs:  
Ginger Kerrick Davis (Chair); Shelley Sweatt (Vice Chair); and Steeley Smith (Student Regent)

Audit:  
Arcilia Acosta (Chair) and Pat Gordon (Vice Chair)

Facilities:  
Dusty Womble (Chair) and Arcilia Acosta (Vice Chair)

Finance and Investments:  
Cody Campbell (Chair) and Pat Gordon (Vice Chair)

[NOTE: All nine board members serve as voting members of each committee.]

**TEXAS TECH UNIVERSITY SYSTEM  
BOARD OF REGENTS**

**August 10-11, 2023**

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## INFORMATION AGENDA

*(Titles only; full agenda is on page 32)*  
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, MSU, TTU, TTUHSC and TTUHSC El Paso: Summary of Revenues and Expenditures by Budget Category, FY 2023 (as of May 31, 2023), per Section 01.02.8.d(3)(g), *Regents' Rules*** – All actual expenditures will be reviewed by the Finance and Investments Committee annually and provided as information. Financial reports for the most recently completed quarter for each of the component institutions are available at: <https://www.texas-tech.edu/offices/cfo/board-financial-reports.php>
  
- (2) **TTUHSC: Contracts for ongoing and continuing health-related service relationships per Section 07.12.4.c, *Regents' Rules*** – The following are excepted from the requirements of Section 07.12.3.a and 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 or new health related services 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. Before such a contract may be executed, the president shall obtain the prior review of the TTU system Office of General Counsel and the TTU system 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, MSU, and TTU: Consulting contracts with an initial consideration of \$100,000 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 \$100,000 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 and TTUS, and TTUHSC: 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*** – The following are excepted from the requirements of Section 07.12.3.a and 07.12.3 b, *Regents' Rules*, “the chancellor or president, or the chancellor or presidents designee, 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) **TTU and TTUHSC: Contracts for Sponsored Programs 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.”
- (6) **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.”
- (7) **TTUHSC El Paso: Exigent circumstances approval by Section 13.05.8, *Regents' Rules*** – “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 naming proposal submitted by the chancellor and VCIA, or their designees, by verbal approval of the chair and vice chair of the board. The board, as a whole, will be made aware of the naming at the time the decision is made and, if accepted, namings approved in this manner shall be presented to the board as an information item at the next board meeting.”
- (8) **TTUS: *Regents' Rules*, Section 13.02.3.a., Named Funds** – “The board delegates approvals to name endowments or other gift funds established through a private gift of less than \$5 million to the president of the benefitting institution, in consultation and cooperation with the chancellor and the vice chancellor of Institutional Advancement. Notice shall be provided to the board of regents as part of the information agenda at the next board meeting.”

- (9) **TTUS: *Regents' Rules*, Section 06.04.3., Restrictions on Donor-Established Funds** – “Prohibition on illegal or unlawful use. Under no circumstances shall the TTU system or a component institution knowingly accept a gift subject to donor restrictions that are considered unlawful or illegal pursuant to applicable federal or state law.”
- (10) **TTUS: *Regents' Rules*, Section 06.04.1., Restrictions on Donor-Established Funds** – “In the event a modification to the donor-identified purpose becomes necessary, TTUS IA shall work with the necessary parties, including the benefitting TTU system component institution, affiliated entity, donor, and Attorney General of the State of Texas, if necessary, to modify the terms of the gift as may be appropriate and in accordance with Texas law.”

a. **ASU: Approve revisions to the *Student Handbook of Angelo State University, effective August 11, 2023.***

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

The request is to approve revisions to the Angelo State University *Student Handbook*, effective August 11, 2023. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

[Note: The *ASU Student Handbook 2023-24* with proposed revisions is included as a supplemental attachment to the agenda book.]

**Executive Summary**

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

Revisions were coordinated by the Dean of Students, 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.

**BACKGROUND INFORMATION**

According to the *Regents' Rules, Section 05.01.2*, revisions to student handbooks must be approved by the Board of Regents. The *ASU Student Handbook* is reviewed annual by university departments with related content. The proposed revisions of the *Student Handbook* are summarized below. The majority of changes are editorial and not substantive.

1. Updating organizational hierarchy for the Office of Title IX Compliance that was moved under the Vice President for Student Affairs Office.
2. Updating title changes including Dean of Students, Dean of Students Office, Associate Director of Conduct, and Executive Director of Student Life.
3. Updating organizational hierarchy in the Office of Student Life.

Other changes are editorial.

b. **ASU: Approve the title change and designation change of the Master of Science degree in Professional School Counseling.**

Board approval required by: 04.09.01, *Regents' Rule*

The request is to approve the program name change and the degree designation change of one degree and authorize submission to the Texas Higher Education Coordinating Board seeking its approval for such a program change and to the Southern Association of Colleges and Schools for its review. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

The Department of Curriculum and Instruction within the College of Education seeks to change the name and degree designation of the following program:

Master of Science (M.S.) in Professional School Counseling  
to  
Master of Education (M.Ed.) in School Counseling

Implementation of this program change, effective fall 2024, will not require additional space or facilities. There are no new costs for this program for faculty.

**BACKGROUND INFORMATION**

The M.Ed. school counseling (48 hour) degree will result in Texas School Counselor certification. Because School Counselor is the name of the certification changing the title of the degree clearly designates its purpose and the degree is specifically in the field of education which is the reason for changing to a Master of Education.

ASU offers the M.A. in Mental Health and Wellness counseling for those roles that do not require clinical counseling and will not be in a K-12 school setting. ASU also proposed for approval the M.A. in Professional Counseling with LPC, an online 60 SCH degree, that will be clinical and will allow students to meet requirements to apply to be a Licensed Professional Counselor (LPC).



**c. ASU: Approve Revisions to Operating Policy OP 06.02 Academic Workload Calculation.**

Board approval required by: Section 04.06, *Regents' Rules*; ASU Operating Policy 06.02

The request is to approve revisions to OP 06.02 Academic Workload Calculation effective fall 2023. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

For clarity of content and consistency with other OPs the revisions to ASU OP 06.02 include:

- Policy/Procedure:
  - 2. Deleted "In compliance with Section 51.402 of the Texas Education Code"
  - 5. Added "up to a maximum of six hours of teaching load credit per semester"; added "who has a significant academic administrative responsibility (temporary or permanent) relating the institution as a whole. Examples of administrative assignments include".
  - 6. Deleted "Faculty overload information will be maintained by the Provost's Office."
  - 6. Deleted "A reduced teaching load may be granted for significant temporary academic administrative responsibilities relating to the institution as a whole." [Redundant with #5. Deleted and renumbered.]
  - 8 (renumbered as 7). Added "who will monitor and report overload information to the Office of the Provost. The department chair's discretionary authority over class sizes and assignments includes all courses offered through an academic department, whether face-to-face or online, and including dual credit." Added "likewise" after "Academic Affairs".
  - 9 (renumbered as 8). Deleted "paid by funds appropriated...for the equivalent of" and added "will teach" before 24 semester credit hours. Deleted "in an" and replaced it with "each" academic year.
  - 10 (renumbered as 9). Equivalencies:
    - b. Reworded: Teaching load "direction of" and changed .1 to .2
    - c. Added a section (c) to address doctoral programs: "Teaching load credit for direction of doctoral dissertations shall be granted on an accumulative basis of .33 of the "dissertation" research semester credit hours that doctoral students have successfully completed.

- g. Deleted the example in parentheses.

NOTE: OP 06.02 Academic Workload Calculation with proposed revisions is included as a supplemental attachment to the agenda book.

### **BACKGROUND INFORMATION**

Section 04.06, *Regents' Rules*, require regents' approval of the institutional operating policies for academic workload guidelines, and any changes thereto. Minor changes to policy to address changes to programs offered at ASU.

d. **MSU: Approve revisions to the Student Handbook, effective August 11, 2023.**

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

The request is to approve revisions to the *Midwestern State University Student Handbook*, effective August 11, 2023. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

[Note: The *MSU Student Handbook 2023-2024* with proposed revisions is included as a supplemental attachment to the agenda book.]

**Executive Summary**

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

**BACKGROUND INFORMATION**

According to the *Regents' Rules, Section 05.01.2*, revisions to the *Student Handbook* must be approved by the Board of Regents. The *MSU Student Handbook* is reviewed annually by university departments with related content.

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

- Policy listings where the permanent policy resides in MSU Operating Policies/Procedures (OP) were modified by replacing the former text copy of an OP in the Handbook with an introduction to the policy and its purpose, followed by a link to access the permanent OP online. This change makes the MSU Student Handbook consistent with the handbook formatting of Texas Tech University and Angelo State University. The change helps ensure users are able to access current policies of record, reduces the potential for errors associated with maintenance of duplicative policy listings, and reduces the handbook length as a user-friendly student and campus resource. These policy listings included:
  - Campus Crime Reporting
  - Carrying Concealed Handguns on Campus Policy
  - Disaster Policy
  - Freedom of Expression
  - Posting on University Property
  - Student Travel
  - Use of Tobacco Products

- Updates to the Bias Incident Policy were completed for modifications to personnel and office titles reflecting changes pursuant to SB17.
- Updates to the Academic Dishonesty Policy were completed for clarification of procedural steps and associated notifications, updates to position titles, and consistent verbiage throughout the policy.
- Included notation that the residency requirement for students will increase from 45 to 60 semester credit hours beginning with the 2024-2025 academic year.
- Included links to relevant Texas Tech University System Regulations, where appropriate.
- Several miscellaneous edits were made for formatting, grammar or spelling, page numbers, and links within the handbook were updated to current web URLs or anchors within the document for user navigation.

**e. TTU: Approve emeritus appointments.**

Board approval required by: Section 04.01.2, *Regents' Rules*

The request is to grant emeritus status to the individuals listed below. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

Amy Anderson	Associate Professor of Music, J.T. and Margaret Talkington College of Visual and Performing Arts (29 years).
Satya N. Atluri	Professor of Mechanical Engineering, Edward E. Whitacre Jr. College of Engineering (7 years).
Kathryn Button	Associate Professor of Teacher Education, College of Education (31 years).
Mukaddes Darwish	Associate Professor of Civil, Environmental, and Construction Engineering, Edward E. Whitacre Jr. College of Engineering (32 years).
Keith Dye	Professor of Music, J.T. and Margaret Talkington College of Visual and Performing Arts (17 years).
Lloyd Heinze	Professor of Petroleum Engineering, Edward E. Whitacre Jr. College of Engineering (31 years).
Priyantha Jayawickrama	Associate Professor of Civil, Environmental, and Construction Engineering, Edward E. Whitacre Jr. College of Engineering (32 years).
Kenneth Ketner	Director of the Institute for Studies in Pragmaticism, Office of the Provost (51 years).
Curtis Peoples	Archivist of Southwest Collection and Special Collections, University Libraries (24 years).
Kenneth Rainwater	Professor of Civil, Environmental, and Construction Engineering, Edward E.

	Whitacre Jr. College of Engineering (37 years).
Robert Ricketts	Professor of Accounting, Jerry S Rawls College of Business (34.5 years).
Sanjaya Senadheera	Associate Professor of Civil, Environmental, and Construction Engineering, Edward E. Whitacre Jr. College of Engineering (28 years).
Linda Warner	Librarian of Southwest Collection and Special Collections, University Libraries (31 years).

**BACKGROUND INFORMATION**

According to the *Regents' Rules*, emeritus appointments shall be honorary and without stipend. The appointments are given at retirement and are intended to recognize long and faithful service or very distinguished service to the university. The named individuals qualify for emeritus appointment under the policy of the Board of Regents.

**f. TTU: Approve exception to nepotism policy.**

Board approval required by: Section 03.01.11, *Regents' Rules*; TTU Operating Policy 32.01, TTU Operating Policy 70.08

This request is to approve an exception to the nepotism policy in the following instance. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

Dr. Emily Skidmore and Dr. Jacob Baum are both Associate Professors in the Department of History, and they are spouses. Dr. Skidmore has been appointed interim chairperson in the Department of History. To avoid any conflict of interest, Dr. Skidmore will not participate in any performance reviews, assign merit or cost-of living raises, or participate in any transactions that pertain to Dr. Baum's employment. Instead, the Associate Chair in the Department of History and/or an Associate Dean in the College of Arts & Sciences, will conduct, review and/or approve Dr. Baum's performance reviews and any other records, correspondence, or transactions involving his appointment, wages, hours, advancement, or other conditions of employment. Directly reporting to the Associate Chair/Associate Dean will circumvent the line of reporting to Dr. Skidmore, the Interim Chair of the Department of History. At the end of every academic year, this arrangement will be re-evaluated by the dean to ensure that there is effective management of conflict of interest and to see if any modifications are necessary.

**BACKGROUND INFORMATION**

Section 03.01.11, *Regents' Rules*, 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 supervisor.

**g. TTU: Approve revisions to the Student Handbook, effective August 11, 2023.**

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

The request is to approve revisions to the Student Handbook and *Code of Student Conduct* for Texas Tech University, effective August 11, 2023. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

[Note: The TTU Student Handbook 2023-2024 with proposed revisions is included as a supplemental attachment to the agenda book.]

**Executive Summary**

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

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

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

**BACKGROUND INFORMATION**

In accordance with *Regents' Rules*, Section 05.01.2, revisions to the Student Handbook and *Code of Student Conduct* must be approved by the Board of Regents. On May 5, 2022, the Board of Regents approved revisions to the Student Handbook effective May 5, 2022 (Minute Order 4.B.1.).

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

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

**Overall**

- Title/Name Changes per the Reorganization
  - Student Affairs was changed to Student Life
  - Dean of Students was changed to Dean of Students/Vice Provost for Student Life (DOS/VPSL)



- Managing Director was changed to Assistant Dean of Students/Senior Director (ADOS)
- Center for Campus Life was changed to the Student Involvement Office and/or The Office of Fraternity & Sorority Life
- Grammatical and Formatting Corrections
- The Office of General Counsel suggested “immediate updates” throughout the handbook based on recent litigation trends concerning the definition of “harassment” and university policies, in a student-on-student context.

### **Part I Foreword**

- Hyperlink broken- updated URL for Veterinary School Policies and Procedures

### **Part I, Section B: Misconduct**

- 17. Violation of Published University Policies, Rules or Regulations
  - Added “i. Texas Tech University System Regulations” (general update)

### **Part II, Section E: Complaint Processes**

- 5. Disability-Related Complaints
  - Added “and TTU System Regulation 07.11 – Access for Individuals with Disabilities” (general update)

### **Part II, Section F: Student Support Services**

- Removed “2. Campus Inclusion Resource Team (CIRT)” (Office of General Counsel recommendation)

### **Part II, Section R: Withdrawals**

- 1. Voluntary Withdrawal from the University
  - Added “A student may not withdraw from a term when any course for that term has been completed. Intercession courses are a part of the subsequent term (e.g. August intercession is a part of the Fall term) and factor into enrolled hours, GPA, academic standing and other calculations.” (Language Clarification)
- 2. Involuntary Withdrawals
  - Informed by Office of Civil Rights guidance on this topic, there have been updates to promote compliance, provide discretion for the committee, and to help ensure individualized assessments of students under such circumstances. This will aid in not having a “one-size fits all” approach, which aligns with OCR messaging. (Language Clarification)

**h. TTUHSC: Approve faculty development leave of absence.**

Board approval required by Section 04.05.1, *Regents' Rules*, and HSC OP 60.02

The request is to approve faculty development leave with full salary as listed below. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

Luis Cuello, PhD, a tenured professor in the Department of Cell Physiology & Molecular Biophysics in the TTUHSC School of Medicine, for the period September 1<sup>st</sup>, 2023 through November 31<sup>st</sup>, 2023. The purpose of this leave is to be trained in Lanthanide Resonance Transfer Energy ("LRET") to measure the conformational changes of membrane proteins in physiologically relevant conditions to UC Merced in California. The primary objectives of the training include gaining experience and developing new technologies to be used for LRET measurements which will benefit his laboratory and many other laboratories in the department and in the institution. This benefit will be in basic and translational science as well as in providing increased competitiveness for extramural research funding. Not only will this training benefit Professor Cuello's current research, but it will also promote increased competitiveness for extramural research funding.

**BACKGROUND INFORMATION**

Section 04.05.1, *Regents' Rules*, requires Regents' approval of leaves of absence for faculty. The existing policy provides that leaves may be granted under conditions allowable by the state of Texas. Pursuant to TTUHSC OP 60.02, faculty members submit requests for leave through their respective deans to the president. The president has approved the leave as indicated.

i. **TTUS: Approve amendments to Regents' Rules, Chapter 04 (Academic Affairs) related to academic boycotts.**

Board approval required by: Sec. 01.08, *Regents' Rules*

The request, upon recommendation of the Regents' Rules Review Committee (Rules Committee), is to approve amendments to Chapter 04 (Academic Affairs), *Regents' Rules*, to add language to comply with state law that prohibits certain academic boycotts of a foreign country unless that country is a state sponsor of terrorism. This request has been approved administratively by the chancellor and is recommended for approval by the Board of Regents.

**BACKGROUND INFORMATION**

As required by Senate Bill 1517 of the 88th Legislature, Regular Session, an amendment to Chapter 04, *Regents' Rules* is proposed to add language that prohibits certain academic boycotts of a foreign country unless that country is a state sponsor of terrorism.

Section 04.04.2, *Regents' Rules*; outlines the core responsibilities of the Texas Tech University System ("TTUS") and faculty in maintaining an environment that is conducive to freedom of inquiry while advancing knowledge through scholarship and research.

The Rules Committee (composed of Regents Pat Gordon -chair, Clay Cash, Tim Culp, and Shelley Sweatt) is charged with considering and when applicable, submitting to the appropriate Board committee proposed amendments to the TTUS *Regents' Rules*. 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*.

**Change to Chapter 04 (Academic Affairs), amended to comply with state law that prohibits certain academic boycotts of a foreign country:**

- 04.04.2 Responsibilities of the TTU system. As centers for learning, component institutions have the obligation to maintain conditions which are conducive to freedom of inquiry and expression in the maximum degree compatible with the orderly conduct of their functions... [Component institutions of the TTU system shall not adopt policies or rules allowing for an academic boycott that would deprive students or faculty members of the ability to study or conduct research in or about a foreign country or to interact with its scholars or representatives. Notwithstanding, academic boycotts of a foreign country are allowable if a foreign country is a state sponsor of terrorism, as defined by the U.S. Department of State.](#)

**j. ASU: Approve exception to *Regents' Rules* and the total project budget for the Vanderventer Retail Conversion project.**

Board approval required by: Section 08.01.4.d., Section 08.01.3., Section 08.01.3.e, Section 08.01.3.g., Section 08.02.4.a., and Section 08.02.6, *Regents' Rules*

The request is to approve (i) approve exception to the *Regents' Rules*, Section 08.01.3, in order for the Vanderventer Retail Conversion project to be managed by the Angelo State University Facilities Services office in lieu of TTU System Facilities Planning and Construction office; (ii) waive the use of a Construction Manager-Agent ("CMA"); (iii) waive the board directed fee for landscape enhancements; (iv) waive the Board directed fee for public art; (v) report the project to the Board of Regents at regular meetings; (vi) report the project to the Texas Higher Education Coordinating Board ("THECB"); and (vii) authorize a total project budget of \$4,733,949 for the Vanderventer Retail Conversion project. The project will be funded with Higher Education Funds ("HEF") (\$254,420 cash) and through the Revenue Finance System ("RFS") repaid with HEF and Institutional designated funds.

The Board reasonably expects to incur debt obligations for the design, planning and construction of the project, and all or a portion of the debt proceeds are reasonably expected to be used to reimburse the System for project expenditures previously expended. The maximum principal amount of debt obligations to be issued for the Project is \$4,479,529.

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

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

**BACKGROUND INFORMATION**

The project will renovate approximately 10,000 GSF of the existing Vanderventer Plaza Retail Center. The 17,000 GSF retail property was acquired December of 2020 and the University has identified a section to renovate for the police station, faculty offices, and E&G support offices.

Scope of the work will include the following: (1) demolition and shell-out of the existing retail spaces with minor asbestos abatement; (2) upgrade electrical, plumbing, HVAC and IT infrastructure for new build-out; (3) build-out approximately 7,500 GSF for the Police Station which includes: Offices, Conference Rooms, Interrogation Rooms, Locker Rooms, Training Room, Dispatch, and the Emergency Command Center for Campus; (4) build-out

approximately 2,100 GSF for E&G faculty offices and support spaces; (5) construct new restrooms; (6) install a 150kw Generator System; (7) reconstruct parking lot, drive aisles, parking lot entries, perimeter sidewalks, parking lot lights and striping/zoning; (8) construct proper ADA/TAS and code egress elements; (9) construct a 3,500 SF canopy to provide covered parking for the Police fleet with a covered access to the building; (10) upgrade storefront façade to match ASU's building standards; and (11) additional awning and canopy structural work required above front storefronts.

The project transitioned from a minor project to a major project due to unforeseen conditions and poor existing construction of the exterior walls of the facility, which required demolition during the extensive façade, mansard, and storefront restoration.

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

Section 08.01.4.d., *Regents' Rules*, if changes in a minor construction project (those less than \$4 million) cause the project budget to fall within the definition of a major construction project (those in excess of \$4 million), then the FP&C Office must be notified as soon as the revised total project cost is identified; and in accordance with Section 08.01.3, the project must be brought to the chair of the Facilities Committee for board approval.

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

Section 08.01.3.e., *Regents' Rules*, major construction projects (those in excess of \$4 million), requires the projects to be managed by FP&C with the assistance of a Construction Manager-Agent ("CMA") per Section 51.781, Texas Government Code, or an alternative method recommended by FP&C, the institution's president, and the chancellor and approved by the board.

Section 08.01.3.g., *Regents' Rules*, at each regular meeting of the board, a summary of each major construction project in progress shall be provided to the board that includes photos of the project and the status of the project's schedule and budget.

Section 08.02.4.a., *Regents' Rules*, each project shall include a statement from the chancellor and/or president as to whether public art is applicable based on the scope of the project, campus location, and proximity to other public art. If applicable, up to one percent (1%) or a maximum of \$500,000, whichever is less, of the original board approved total project budget of each major construction project, as defined in Section 08.01.3, will be allocated for the acquisition of original works of public art, unless an exception is approved by the board.

Section 08.02.6., *Regents' Rules*, each project shall include a statement from the chancellor and/or president as to whether landscape enhancement is applicable based on the scope of the project, campus location, and proximity to other landscaping. If applicable, up to one percent (1%) or a maximum of \$500,000, whichever is less, of the original board approved total project budget of each new major construction project will be allocated to the enhancement of exterior landscape, hardscape, and waterscape features unless an exception is granted by the board.

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

**k. TTU: Approve exception to Regents' Rules and the total project budget for the Music Building - Hemmle Recital Hall Renovation project.**

Board approval required by: Section 08.01.4.d., Section 08.01.3., Section 08.01.3.e, Section 08.01.3.g., Section 08.02.4.a., and Section 08.02.6, *Regents' Rules*

The request is to (i) approve exception to the *Regents' Rules*, Section 08.01.3, in order for the Music Building - Hemmle Recital Hall Renovation project to be managed by the Texas Tech University Operations Division in lieu of TTU System Facilities Planning and Construction office; (ii) waive the use of a Construction Manager-Agent ("CMA"); (iii) waive the board directed fee for landscape enhancements; (iv) waive the Board directed fee for public art; (v) report the project to the Board of Regents at regular meetings; (vi) report the project to the Texas Higher Education Coordinating Board ("THECB"); and (vii) authorize a total project budget of \$4,090,000 for the Music Building - Hemmle Recital Hall Renovation project. The project will be funded with Gifts (\$349,310), Designated Funds (\$340,690), and Higher Education Funds (\$3,400,000).

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

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

**BACKGROUND INFORMATION**

The renovation project will involve work only in the Hemmle Recital Hall area of the Music Building. Scope of the work will include the following: (1) selective demolition and abatement; (2) HVAC modifications with controls; (3) acoustical improvements with reflectors, ceiling, and motorized variable acoustics; (4) new house seating and flooring; (5) new lighting and electrical infrastructure; (6) Sound Transmission Class (STC) rated doors, frames, and hardware; (7) ADA modifications, and (8) finish upgrades.

The project transitioned from a minor project to a major project due to the replacement of seating and flooring material.

Select equipment and mobile storage will be reused in this project in an effort to incorporate existing and/or surplus furniture, fixtures, and equipment into the project.

Section 08.01.4.d., *Regents' Rules*, if changes in a minor construction project (those less than \$4 million) cause the project budget to fall within the definition of a major construction project (those in excess of \$4 million), then the FP&C Office

must be notified as soon as the revised total project cost is identified; and in accordance with Section 08.01.3, the project must be brought to the chair of the Facilities Committee for board approval.

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

Section 08.01.3.e., *Regents' Rules*, major construction projects (those in excess of \$4 million), requires the projects to be managed by FP&C with the assistance of a Construction Manager-Agent ("CMA") per Section 51.781, Texas Government Code, or an alternative method recommended by FP&C, the institution's president, and the chancellor and approved by the board.

Section 08.01.3.g., *Regents' Rules*, at each regular meeting of the board, a summary of each major construction project in progress shall be provided to the board that includes photos of the project and the status of the project's schedule and budget.

Section 08.02.4.a., *Regents' Rules*, each project shall include a statement from the chancellor and/or president as to whether public art is applicable based on the scope of the project, campus location, and proximity to other public art. If applicable, up to one percent (1%) or a maximum of \$500,000, whichever is less, of the original board approved total project budget of each major construction project, as defined in Section 08.01.3, will be allocated for the acquisition of original works of public art, unless an exception is approved by the board.

Section 08.02.6., *Regents' Rules*, each project shall include a statement from the chancellor and/or president as to whether landscape enhancement is applicable based on the scope of the project, campus location, and proximity to other landscaping. If applicable, up to one percent (1%) or a maximum of \$500,000, whichever is less, of the original board approved total project budget of each new major construction project will be allocated to the enhancement of exterior landscape, hardscape, and waterscape features unless an exception is granted by the board.

The senior 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.



**I. MSU: Approve acceptance of gift to Dillard College of Business Administration.**

Approval required by: *Regents' Rules* 06.03.2.b

The request is to accept a gift from the Dillard Family Foundation made directly to Midwestern State University in the amount of \$600,000.00. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

**BACKGROUND INFORMATION**

The Dillard Family Foundation (“Donor”) desires to pledge a contribution of \$600,000.00 over a three-year period directly to Midwestern State University for use by the Dillard College of Business Administration (the “Gift”).

The Gift will be used to establish the “Dillard Success Initiative” within Midwestern State University’s Dillard College of Business Administration. The Gift is intended to support programs within the college designed to improve student retention, enhance college programs for mentorship and tutoring, and to provide financial support for student workers acting as mentors and tutors. The Gift will also fund a full-time program coordinator until the gift fund is depleted or the Initiative ends.

Donor is a longtime supporter of Midwestern State University, making numerous gifts over the years to support its students, staff and faculty. Led by Mr. Jeff Dillard, the son of the late A.R. and Kay Dillard, the Dillard Family Foundation and members of the Dillard family have played an essential role in the growth of the Dillard College of Business Administration. The Dillard family made what was then the largest gift in the university’s history culminating in the naming of the Dillard College of Business Administration. Mr. Dillard continues the family’s legacy with his continuing support and commitment to the success of the Dillard College.

*Regents’ Rule* 06.03.2.b requires approval and formal acceptance by the Board of Regents to accept restricted gifts in excess of \$250,000.00 made directly to the Texas Tech University System or one or more of its component institutions (and not thru an affiliated entity). This gift is directly to Midwestern State University.

m. **TTU: Approve commissioning of police officers.**

Board approval required by: Section 51.203, *Texas Education Code*

The request is to commission the individuals as listed below as a police officer, effective on the date indicated below. This request has been approved administratively by the chancellor and the president and is recommended for approval by the Board of Regents.

David Reyes, effective April 3, 2023  
Matthew Chavez effective June 12, 2023

**BACKGROUND INFORMATION**

The Board of Regents routinely takes action to commission certain employees as peace officers in accordance with *Texas Education Code*, Section 51.203.

**n. TTU: Approve modification of endowment.**

Approval required by: Texas Tech University Operating Policy 02.08.5

The request is to approve modification of the criteria for the Terry and Linda Fuller Engineering Graduate Fellowship Quasi Endowment in the Whitacre College of Engineering, as listed below. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

**New name:** Terry & Linda Fuller Undergraduate Support in Petroleum Engineering Quasi Endowment

**New criteria:** To support undergraduate scholarships and undergraduate recruitment in the Department of Petroleum Engineering, to be managed by the Department of Petroleum Engineering.

**BACKGROUND INFORMATION**

The Terry and Linda Fuller Engineering Graduate Fellowship Quasi Endowment (the “Quasi-Endowment”) was established on August 25, 2009, as the result of Terry and Linda Fuller’s generous gift of \$1.2 million to the Texas Tech Foundation, Inc., for the benefit of the Whitacre College of Engineering (the “Gift”). The Gift was matched by the Texas Research Incentive Program on a 1:1 basis, subsequently establishing the Quasi-Endowment. Both funds were established to benefit endowed fellowships for all engineering disciplines, as managed by the Dean.

Donors desire to benefit the Whitacre College of Engineering and Department of Petroleum Engineering through increased support for recruitment and retention of undergraduate students. Therefore, Donors request to modify the use of both the endowment established by the Gift and the related Quasi-Endowment for differing purposes—both benefitting undergraduate students in Petroleum Engineering.

Donors request to modify the Quasi-Endowment to support undergraduate scholarships and undergraduate recruitment within the Whitacre College of Engineering’s Department of Petroleum Engineering, as managed by the Department of Petroleum Engineering.

Donors believe this revision will assist the college and department with both recruitment and retention efforts of undergraduate students specifically, and financially ease the burden of undergraduate students majoring in Petroleum Engineering.

The balance of the Endowment as of June 30, 2023, including the corpus and spendable is \$1,175,928.64

Texas Tech University Operating Policy 02.08.5 states that a modification of an endowment with a principal balance of greater than \$25,000.00 requires a written request of the donor and approval of the Board of Regents of the Texas Tech University System.

**o. TTU: Approve modification of endowment.**

Approval required by: Texas Tech University Operating Policy 02.08.5

The request is to approve modification of the criteria for the Pertain-Pasewark Scholarship Endowment in the Rawls College of Business Administration, as listed below. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

**New criteria:** Fifty percent (50%) of the spendable balance awarded to two Master of Science in Accounting students per year with preference to U.S. citizens who demonstrate financial need according to FAFSA.

Fifty percent (50%) of the spendable balance awarded to two entering Master of Business Administration (“MBA”) students per year, with a preference to U.S. citizens participating in the Center for the Integration of STEM Education and Research (“CISER”) program at Texas Tech University.

These scholarships should not be used for premium priced programs (such as the Professional MBA),

**BACKGROUND INFORMATION**

The Pertain-Pasewark Scholarship Endowment (the “Endowment”) was established in 2015 through an initial gift from Dr. William and Mary Pasewark to benefit students in the Master of Account and Master of Business Administration programs at the Rawls College of Business Administration.

Donors desire to extend the benefit of the scholarship from one student in each area to two students in each area, in an effort to make a greater impact.

Donors request to modify the Endowment to allow the spendable be split evenly and benefit two (2) students entering into each of the Master of Science in Accounting or Master of Business Administration programs within the Rawls College of Business Administration.

The balance of the Endowment as of June 30, 2023, including the corpus and spendable is \$98,443.80.

Texas Tech University Operating Policy 02.08.5 states that a modification of an endowment with a principal balance of greater than \$25,000.00 requires a written request of the donor and approval of the Board of Regents of the Texas Tech University System.

p. **TTU: Approve purchasing contract(s) in excess 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 *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.

**TTU: Approve Purchasing Contracts**

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

Component	Vendor	Services or Goods to be Provided	Estimated Per Annum Expenditures (includes renewals)	Estimated Term Expenditures (includes renewals)	Start	End	Procurement Method	
TTU	Chick-Fil-A (C20621)	Chick-Fil-A Franchise Operations (new contract record)	\$3,000,000 (est. expenses and revenue)	\$ 30,000,000	6/1/2024	5/31/2034	RFP	Section 07.12.3.c, <i>Regents' Rules</i>
TTU	McLane Food Service (C20622)	Chick-Fil-A Food Service Supplier (new contract record)	\$ 2,000,000	\$ 20,000,000	6/1/2024	5/31/2034	RFP (tied to Chick-Fil-A)	Section 07.12.3.c, <i>Regents' Rules</i>
TTU	Anthony Mechanical (C20623)	Various Maintenance Services	\$ 1,500,000	\$ 12,000,000	Execution	8 years after execution	RFP	Section 07.12.3.c, <i>Regents' Rules</i>
TTU	LVR Carpet Center (C20624)	Various Maintenance Services	\$ 1,200,000	\$ 9,600,000	Execution	8 years after execution	RFP	Section 07.12.3.c, <i>Regents' Rules</i>
TTU	United Airlines (C20625)	Air Charter Services for Athletics	\$ 1,500,000	\$ 1,500,000	Execution	1 year after execution	Exempt	Section 07.12.3.c, <i>Regents' Rules</i>

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.

**q. TTUHSC: Approve establishment of Quasi Account – Dr. Steven and Shirley Berk School of Medicine Deanship.**

Board approval required by: Section 01.02.8.d(3)(k), *Regents' Rules* and Section 02, Investment Policy Statement for the Long-Term Investment Fund

The request is to approve establishment of a quasi-endowment with an initial investment of \$3,000,000 to support the Texas Tech University Health Sciences Center ("TTUHSC") Dr. Steven and Shirley Berk School of Medicine Deanship. The investment of \$3,000,000 to support this Deanship will be provided from the previously established School of Medicine Research Collaboration Endowment, fund 501048. No donor funds will be used for the creation of this endowment but may be used in the future to enhance the endowment. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

TTUHSC's mission is to enrich the lives of others by educating students to become collaborative health care professionals, providing excellent patient care, and advancing knowledge through innovative research. The spendable income of this deanship will be used to recruit and retain outstanding leaders by providing funds to support salaries, pursuit of professional goals and the development of the School of Medicine.

**BACKGROUND INFORMATION**

Dr. Steven Berk was a respected Dean in the School of Medicine until his passing in 2023. Dr. Berk joined the faculty of the School of Medicine in 1999, and served as Regional Dean for the Amarillo Campus, Professor of Medicine, until 2006 when he was appointed Dean of the School of Medicine. Dr. Berk served as Dean, Executive Vice President for Clinical Affairs, and was a Grover E. Murray Professor. Under his leadership, the School of Medicine grew and built strong relationships with our hospital partners. His approach to addressing the need for primary care physicians led to the creation of a unique Family Medicine Accelerated Track, the first program of its kind in the country. Dr. Berk demonstrated the importance of education, research, clinical care, and service to the community - all of which he did with integrity, compassion, and excellence.

Mrs. Shirley Berk was an integral part of Dr. Berk's success. Her contributions included chairing the Faculty Women's Club for many years; hosting numerous fund-raising celebrations in their home for student scholarships and community charities; hosting medical student socials in their home for yearly student club leadership transitions and third year clerkship promotions; and participating in fund-raisers for the American Heart Association, American Cancer Society and the March of Dimes, among others. Through these contributions, Mrs. Berk supported numerous faculty and student events organized by the Office of the Dean.



The current balance of the School of Medicine Research Collaboration Endowment (fund 501048) including the corpus and spendable is \$6,123,920. After the creation of the Dr. Steven and Shirley Berk School of Medicine Deanship through the investment of \$3,000,000, the balance of the School of Medicine Research Collaboration Endowment will be \$3,123,920.

Per Section 01.02.8.d.(3)(k) *Regents' Rules*, the Finance and Investments Committee shall review and approve all quasi-endowments that exceed \$250,000. Per the Investment Policy Statement for the Long-Term Investment Fund, a quasi-endowed 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.

Section 4 of the LTIF Investment Policy Statement also provides that, "Institutional funds are defined in Section 51.002, Texas Education Code, as amended or modified. In this policy statement, long-term institutional funds are all non-endowment institutional funds approved by the Board, for investment purposes, for inclusion in the LTIF.

**r. TTUHSC El Paso: Approve modification of endowment.**

Approval required by: Texas Tech University Operating Policy 02.08.5

The request is to approve modification of the criteria of a quasi-endowment in existence at Texas Tech University Health Sciences Center El Paso and connected to a now defunct and dissolved private endowment.

**New name:** President's Discretionary Quasi-Endowment

**New criteria:** To support initiatives of Texas Tech University Sciences Center El Paso, in the discretion of the President

**BACKGROUND INFORMATION**

The matching quasi endowment (the "Endowment") was established on September 15, 2007, as a result of a private donors philanthropic donation to Texas Tech University Health Sciences Center's then-El Paso-campus establishing a Chair in Pediatric Surgery. The Endowment supported the charitable purpose of the Chair; however, the private endowment establishing and supporting the Chair was recently liquidated and dissolved. This leaves the Endowment with no real purpose.

Therefore, TTUHSC El Paso desires to modify the purpose of the Endowment to allow the matching funds to benefit the broader initiatives of the entire TTUHSC El Paso campus and community, within the discretion of the President.

The balance of the Quasi-Endowment as of **June 30, 2023**, including the corpus and spendable is \$1,127,865.54.

Texas Tech University Operating Policy 02.08.5 states that a modification of an endowment with a principal balance of greater than \$25,000.00 requires a written request of the donor and approval of the Board of Regents of the Texas Tech University System.

**s. TTUS: Approve delegation of authority for Board action as required by various bills of the 88<sup>th</sup> Legislature Regular Session.**

Board approval required by: Texas Education Code, Section 51.956, Section 51.942, Section 51.5325; and Section 04.02 *Regents' Rules*

As allowed by Section 109.001, Texas Education Code, the request is to authorize the Board to (1) delegate to the chancellor, presidents, or their designee, the authority to adopt policies and procedures by amending Texas Tech University System Regulation 07.07 to comply with the requirements set forth under Section 51.3525, Texas Education Code relating to Diversity, Equity and Inclusion Offices, Divisions, and Units ("DEI") and certain prohibited activities; and file subsequent required reports; (2) delegate to the chancellor, or his designee, the authority to establish a policy framework for research security at component institutions of the Texas Tech University System ("TTUS") including the designation of a research security officer at component institutions or system-wide, as set forth under Section 51.956, Texas Education Code; and (3) delegate to the chancellor, presidents, or their designee, the authority to amend Texas Tech University System Regulation 07.07 and component institution operating policies and procedures relating to faculty tenure in consultation with the Office of General Counsel, to be in compliance with Section 51.942, Texas Education Code; and authorize each institution to file copies of these revised policies with the Texas Higher Education Coordinating Board ("THECB") on or before September 1, 2023 and all subsequent years.

**BACKGROUND INFORMATION**

Section 109.001, Texas Education Code, states that the board "by rule may delegate a power or duty of the board to an officer, employee, or other agent of the board." The Board of Regents hereby:

1. Delegate to the chancellor, presidents, or their designee, the authority to adopt policies and procedures by amending TTUS Regulation 07.07 to comply with the requirements set forth under Section 51.3525, Texas Education Code relating to prohibited DEI activities; and file subsequent required reports. The adoption of the aforementioned policies will be reviewed by the Office of General Counsel to ensure compliance with all applicable court orders or state and federal laws. Compliance with Section 51.3525 is applicable to TTUS employees and any third-party contractors. The policy will be effective January 1, 2024.
2. Delegate to the chancellor, or his designee, the authority to establish a policy framework for research security at component institutions of TTUS including the designation of a research security officer at component institutions or system-wide, as set forth under Section 51.956, Texas Education Code.

3. Delegate to the chancellor, presidents, or their designee, the authority to amend Texas Tech University System Regulation 07.07 and component institution operating policies and procedures relating to faculty tenure in consultation with the Office of General Counsel, to be in compliance with Section 51.942, Texas Education Code; and authorize each institution to file copies of these revised policies with THECB on or before September 1, 2023, and all subsequent years. Section 04.02, *Regents' Rules* requires each component institution of the TTU system to publish and maintain Tenure and Promotion Regulations and Guidelines as part of their operating policies. The *Regents' Rules* further states that changes to these operating policies for tenure and promotion must be approved by the board.

**t. TTUS: Authorize a consulting agreement to provide support for advancing state and strategic initiatives.**

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

The request is to authorize the chancellor to execute an agreement with Hance Scarborough, LLP to advance state and strategic initiatives for the Texas Tech University System ("TTUS") and its components. This request has been approved administratively by the chancellor and is recommended for approval by the Board of Regents.

Approval is being requested to exercise a two-year extension and up to one additional one-year extension on an existing consulting agreement authorized by the Board at the May 5, 2022, board meeting.

Services and objectives of Hance Scarborough, LLP include advancing state and strategic initiatives with TTUS: 1) supporting state affairs and legislative initiatives for TTUS; 2) coalition building of stakeholders for TTUS and in higher education; 3) supporting strategy and advancement of specific initiatives identified by the chancellor.

The estimated cost for this engagement is to be determined by the chancellor based on services needed, not to exceed monthly rates from previous agreements. TTUS will also reimburse reasonable direct expenses of the consultant, only with prior approval from TTUS, as outlined in the consulting agreement.

**BACKGROUND INFORMATION**

Section 07.12.3.e, *Regents' Rules*, requires board approval for consulting agreements with specific terms and monetary amounts.

## 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, MSU, TTU, TTUHSC and TTUHSC El Paso: Summary of Revenues and Expenditures by Budget Category, FY 2023 (as of May 31, 2023), per Section 01.02.8.d(3)(g), *Regents' Rules*** – All actual expenditures will be reviewed by the Finance and Investments Committee annually and provided as information. Financial reports for the most recently completed quarter for each of the component institutions are available at: <https://www.texastech.edu/offices/cfo/board-financial-reports.php>

- (2) **TTUHSC: Contracts for ongoing and continuing health-related service relationships per Section 07.12.4.c, *Regents' Rules*** – “The following are excepted from the requirements of Section 07.12.3.a and 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 or new health related services 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. Before such a contract may be executed, the president shall obtain the prior review of the TTU system Office of General Counsel and the TTU system vice chancellor and chief financial officer, or their designees. A list of health-related services contracts that have been executed under this delegation of authority since the previous regular board meeting shall be provided to the board as an information item at the next regular board meeting.”

TTUHSC					
<i>Regents' Rules, 07.12.4.c</i>					
Component	Vendor (Include Contract #)	Service or Goods to be Provided	Start Date	End Date	Extension/ Amendment
TTUHSC	(CON3500078) Discovery Medical Network Inc	Anesthesiology & Surgery Trauma Burn Services	4/1/2023	6/30/2024	Extension
TTUHSC	(AMEND1592373-011) University Medical Center - UMC Lubbock	Amendment to Compensation - Agreement for faculty support Department of	2/1/2023	6/30/2024	Amendment

		Internal Medicine, Medical Oncology			
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- (3) **ASU, MSU, and TTU: Consulting contracts with an initial consideration of \$100,000 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 \$100,000 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.”

ASU					
<i>Regents Rules, 07.12.4.e.(2)</i>					
Component	Vendor (Include Contract #)	Consulting Service to be Provided	Term Consideration	Start Date	End Date
ASU	Dr Paul Child III (C23PCHI1)	Reviewer of the Graduate Program in English	\$1,000	5/1/2023	7/1/2023
ASU	Dr Melinda Weathers (C23MWEA1)	Reviewer of the Graduate Program in Communications	\$1,000	5/1/2023	7/15/2023
ASU	Dr Ray Willis (C23RWIL1)	Reviewer of the Graduate Program in Biology	\$1,000	6/1/2023	7/15/2023
ASU	Stephanie Jones (C23SJON3)	Review HUSE HSI NSF Grant Years 1-2 outcomes	\$6,000	7/1/2023	8/30/2023
ASU	Stephanie Jones (C23SJON4)	Evaluation of Title V CREEME Grant	\$10,000	5/1/2023	9/30/2023

MSU					
<i>Regents Rules, 07.12.4.e.(2)</i>					
Component	Vendor (Include Contract #)	Consulting Service to be Provided	Term Consideration	Start Date	End Date
Midwestern State University	(C23493) Logicas Mentium Statistical Analysis and Research Design, LLC	Review of MSU Office of Institutional Effectiveness	\$15,000	04/01/2023	07/31/2023

TTU					
<i>Regents Rules, 07.12.4.e.(2)</i>					
Component	Vendor (Include Contract #)	Consulting Service to be Provided	Term Consideration	Start Date	End Date
TTU	(Req#171400429) So Hyun Park	Comprehensive Evaluations related to two Projects: Tri-City Cervical Cancer	\$28,908.37	09/01/2023	11/30/2023



		Prevention Study among Women in the Justice System; Localized mHealth approach to boosting COVID-19 testing and vaccine literacy among women with criminal legal system involvement.			
TTU	(Req#170848674) Fuentek, LLC	PEEK Assessment with IP section add-on	\$1,100.00	05/09/2023	06/06/2023
TTU	(C20247) Cultural Connections by Design/Nicole Robinson	Audit and analysis of TTU job descriptions and hiring models	\$24,250.00	04/22/2023	06/20/2023
TTU	(Req#170293667) YHAT Enterprises LLC	Data analysis and implementation related to an 8-week study	\$10,000	01/01/2023	05/30/2023

**(4) TTU and TTUS, and TTUHSC: 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**

– The following are excepted from the requirements of Section 07.12.3.a and 07.12.3 b, *Regents' Rules*, “the chancellor or president, or the chancellor or presidents designee, 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.”

TTU and TTUS: Approved Purchasing Contracts								
<i>Regents Rules, 07.12.4</i>								
Component	Vendor (Include Contract #)	Service or Goods to be Provided	Per Annum Consideration	Term Consideration (includes renewal)	Start Date	End Date	New or Extension	Procurement Method
TTUS/ TTU	(C20626) Adobe Inc.	Adobe Enterprise License Solutions (including Adobe Sign)	\$800,000/ year	\$4.0 mil.	Execution	5 years after execution	New	TIPS Cooperative

TTU	(C20627) Tecta America	Various Maintenance Services	\$200,000/ year	\$1.6 mil.	Execution	8 years after execution	New	RFP
TTU	(C20628) Turfmaster Irrigation and Landscaping	Various Maintenance Services	\$350,000/ year	\$2.8 mil.	Execution	8 years after execution	New	RFP
TTU	(C20629) Bailey Boiler Works	Boiler Welding and Industrial Services	\$225,000/ year	\$1.8 mil.	Execution	8 years after execution	New	RFP
TTU	(C20403) Hamilton Acoustical	Acoustical Ceiling and Related Materials and Services	\$500,000/ year	\$4.0 mil.	Execution	8 years after execution	New	RFP
TTU	(C14700) Texas Workforce Commission	Vocational, Social, and Life Skills for Young Adults with Autism Spectrum Disorder through the Transition Academy at the Burkhart Center	\$500,000/ year (revenue)	\$2.5 mil	09/01/2019	08/31/2024	Extension	Other State Agency
TTU	(C20525) SHI Government Solutions	Technology Solutions, Products, and Services	\$300,000/ year	\$1.5 mil.	06/01/2023	05/31/2028	New	TIPS Cooperative
TTU	(C20694) Fazoli's	Food Franchise Agreement	\$700,000/ year (expense/rev enue)	\$5.6 mil.	Execution	8 years after execution	New	RFP
TTU	(C07691) McGraw Hill Education	Publishing Services for Political Science	\$400,000/ year (revenue)	\$1.2 mil.	Execution	12/31/2023	Extension	Other
TTU	(C18996) TELUS Health/LifeW orks	Telehealth Counseling Services	\$400,000/ year	\$1.2 mil.	08/01/2022	07/31/2025	New	Sole Source

TTUHSC: Approved Purchasing Contracts								
<i>Regents Rules, 07.12.4</i>								
Component	Vendor (Include Contract #)	Service or Goods to be Provided	Per Annum Consideration	Term Consideration (includes renewal)	Start Date	End Date	New or Extension	Procurement Method
TTUHSC	(AMEND318 5310-001) John Wiley and Sons Inc	Amendment to Terms and Compensation - Collections and Journals	\$ 471,806	\$ 1,967,218	1/1/2022	12/31/2025	Extension	Exempt Library
TTUHSC	(AMEND318 5310-003) John Wiley and Sons Inc	Amendment for Products - Collections and Journals	\$ 489,134	\$ 1,984,547	1/1/2022	12/31/2025	Extension	Exempt Library

- (5) **TTU and TTUHSC: Contracts for Sponsored Programs 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:

- (a) Quantification and Modeling of Perchlorate Impacts from Fireworks on Drinking Water Sources; William A. Jackson, Department Chairperson, Water Resources Center, and Principal Investigator; Environmental Protection Agency; \$2,499,579 awarded
- (b) Electrochemical Conversion of Waste Streams for On-Site Fuel Generation; Gerri G. Botte, Professor, Chemical Engineering, and Principal Investigator; DOD Army Construction Engineering Research Laboratory; \$3,590,693 awarded
- (c) TTU CEHS Consolidation Application 2023; Stephanie Shine, Assoc Professor of Practice, Human Develop and Family Studies, and Principal Investigator; DHHS - Administration for Children and Families; \$1,469,672 awarded

TTUHSC:

- (a) Novartis Pharmaceuticals Corporation clinical trial agreement for drug inclisiran sodium. Clinical trial dates 7/14/2023 until 7/31/2030 (in excess of five (5) years).
- (b) Novartis Pharmaceuticals Corporation clinical trial agreement for drug Remibrutinib and Teriflunomide. Clinical trial dates 7/14/2023 until 7/31/2030 (in excess of five (5) years)

- (6) **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.”

The School of Nursing Center for Nursing Research, Collaboration, and Innovation at the Texas Tech University Health Sciences Center (TTUHSC) School of Nursing (SON) is positioned to address the needs of the most under resourced West Texas populations in a time when the economic, financial, and health of the residents of Texas demand it. The SON Center for Nursing Research, Collaboration, and Innovation will seek state and national funding for researchers to address the health disparities of West Texans. Our school is one of the six schools in the Texas Tech University Health Sciences Center and the only school of nursing on the South Plains that provides baccalaureate, masters, and doctoral nursing education. Presently there is no official centralized place that provides resources for nursing faculty who desire to develop their program of research or pursue innovation.

The Institute for Telehealth and Digital Innovation (ITDI) seeks to transform the delivery of health care through people, processes, and technology. Texas Tech University Health Sciences Center (TTUHSC) has been a leader in using telemedicine for 35 years. Founded on this history, the university is strategically positioned to lead efforts to expand digital health and telehealth in TTUHSC's service footprint. Efforts will be aimed at helping rural communities where they are and support their infrastructure for expanded access to health care through a "hub-and-spoke" model, which will center around establishing health care hubs at TTUHSC's campuses. From this, the ITDI will "push" health care services out to rural, underserved areas via telehealth by partnering with local entities to utilize existing resources in TTUHSC's network rather than "pulling" health care away from the rural communities. The ITDI will promote interdisciplinary opportunities across all TTUHSC schools by focusing and expanding on three pillars:

- Access to care: Increased collaboration with health care and hospital partners to expand specialty care and chronic disease management in a predominately rural service area;
- Research: Establishment of a research component that will analyze and examine clinical efficacy and health care outcomes; and
- Academic Training: Ensuring all TTUHSC graduates are formally trained in telehealth.

The ITDI is led by Executive Director Dr. John Gachago.

(7) **TTUHSC El Paso: Exigent circumstances approval by Section 13.05.8, Regents' Rules** – "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 naming proposal submitted by the chancellor and VCIA, or their designees, by verbal approval of the chair and vice chair of the board. The board, as a whole, will be made aware of the naming at the time the decision is made and, if accepted, namings approved in this manner shall be presented to the board as an information item at the next board meeting."

- (a) On July 17, 2023 the vice chancellor for institutional advancement and vice president for institutional advancement at TTUHSC El Paso notified the chair and vice chair, via teleconference, of a naming proposal related to a gift benefitting the Texas Tech University Health Sciences Center El Paso's recently approved cancer center. The chair and vice chair gave their verbal approval of the naming of the future cancer center the "Steve and Nancy Fox Cancer Center."

- (8) **TTUS: *Regents' Rules, Section 13.02.3.a., Named Funds*** – “The board delegates approvals to name endowments or other gift funds established through a private gift of less than \$5 million to the president of the benefitting institution, in consultation and cooperation with the chancellor and the vice chancellor of Institutional Advancement. Notice shall be provided to the board of regents as part of the information agenda at the next board meeting.”
- (a) Prior to the call to order of the August 10th and 11th board meeting, the vice chancellor for institutional advancement notified the board of regents of all named endowments and other gifts equaling \$100,000 or more given or pledged to the component universities via agreements executed between March 27, 2023 and June 23, 2023.
- (9) **TTUS: *Regents' Rules, Section 06.04.3., Restrictions on Donor-Established Funds*** – “Prohibition on illegal or unlawful use. Under no circumstances shall the TTU system or a component institution knowingly accept a gift subject to donor restrictions that are considered unlawful or illegal pursuant to applicable federal or state law.”
- (a) The University Women’s Club Paul Whitfield Horn Scholarship (the “Scholarship”) was modified appropriately to ensure compliance with applicable federal law, as a result of a United States Department of Education Office of Civil Rights complaint that the Scholarship discriminated upon the basis of sex. The Scholarship was modified to ensure that the eligibility requirement restricting applications based on sex was removed. Notice is being provided as a courtesy to the Board of Regents.
- (10) **TTUS: *Regents' Rules, Section 06.04.1., Restrictions on Donor-Established Funds*** – “In the event a modification to the donor-identified purpose becomes necessary, TTUS IA shall work with the necessary parties, including the benefitting TTU system component institution, affiliated entity, donor, and Attorney General of the State of Texas, if necessary, to modify the terms of the gift as may be appropriate and in accordance with Texas law.”
- (a) Texas law allows modification of certain endowed gift funds in the event the purpose becomes “unlawful, impossible or otherwise impracticable” to perform. When the donor is deceased, the TTU system and TTUS IA works directly with the Attorney General of the State of Texas to approve modification of these funds, when deemed necessary. The following loan fund endowments have been modified using this method to allow Texas Tech University to utilize the funds in a manner more beneficial to students. Notice is provided to the Board of Regents as a courtesy of the modification.

**Jewel Peters Emergency Loan Fund**

This fund was established through the Estate of Jewel Peters to be used for student loans for any student. The Court has released the restriction that the fund be used for student loans. The fund will be terminated, and the remaining balance will be transferred to the existing TTU General Scholarship Fund.

**Garvey Student Loan Fund**

This fund was established by James S Garvey to be used for student loans for any student. The Court has released the restriction that the fund be used for student loans. The fund will be terminated, and the remaining balance will be transferred to the existing TTU General Scholarship Fund.

**Jessie and Dan Thornton Student Loan Fund**

This fund was established through the Estate of Jessie Thornton to be used for student loans for any student. The Court has released the restriction that the fund be used for student loans. The fund will be terminated, and the remaining balance will be transferred to the existing TTU General Scholarship Fund.

**Women's Loan Fund**

This fund was established by the Association of Women Students to be used for loan funds for female students. The court has released the restriction that the fund be used for student loans, and the restriction that the fund be used for female students only. The fund will be terminated, and the remaining balance will be transferred to the existing TTU General Scholarship Fund.

**Betty V. Massey Memorial Loan Fund**

This fund was established by Herold L. Massey and various donors to be used for student loans for any student. The Court has released the restriction that the fund be used for student loans. The fund will be terminated, and the remaining balance will be transferred to the existing TTU General Scholarship Fund.

**Kathryn Sowder Whatley Loan Fund**

This fund was established through the estate of Mrs. Eppie Sowder to be used for student loans for freshman, sophomore, and first semester transfer students. The Court has released the restriction that the fund be used for student loans. This fund will be terminated, and the remaining balance will be transferred to a new endowed fund named the Kathryn Sowder Whatley Scholarship designated for freshman, sophomore, and first semester transfer students.

**George T. Morrow Loan Fund**

This fund was established through the Estate of George T. Morrow to be used for student loans for junior and senior students. The Court has released the restriction that the fund be used for student loans. This fund will be terminated, and the remaining balance will be transferred to a new endowed fund named the George T. Morrow Scholarship designated for junior and senior students.

**R. Vernon Jones Memorial Loan Fund**

This fund was established by various donors to be used for student loans for students majoring in chemical engineering. The Court has released the restriction that the fund be used for student loans. The fund will be terminated, and the remaining balance will be transferred to the existing TTU General Scholarship Fund designated for students majoring in Chemical Engineering.

**Minta Ellis Maedgen Loan Fund**

This fund was established through the Estate of Charles E. Maedgen for student loan funds for students majoring in Theatre Arts. The Court has released the restriction that the fund be used for student loans. The fund will be terminated, and the remaining balance will be transferred to the existing TTU General Scholarship Fund designated for students majoring in Theatre Arts.

# **ATTACHMENTS**

# **ATTACHMENT**

# **1**

**ASU Student Handbook 2023-24,  
with proposed revisions  
(Consent Item a.)**



Status **Pending** PolicyStat ID **13890461**



Origination N/A  
 Last Approved N/A  
 Effective Upon Approval  
 Last Revised N/A  
 Next Review 1 year after approval

Owner Sandra Fuentes:  
 Senior Administrative Assistant, VPSA  
 Area 00 Student Handbook

## 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~~Code of Student Conduct contained within are intended to serve

these purposes in the interest of all segments of Angelo State University. Angelo State University is accredited by the Southern Association of Colleges and Schools Commission on Colleges to award baccalaureate, masters, and doctorate degrees. ~~Contact~~Questions about the accreditation of Angelo State University may be directed in writing to the Southern Association of Colleges and Schools Commission on Colleges at 1866 Southern Lane, Decatur, ~~Georgia~~GA 30033-4097 ~~or call, by calling~~ 404-679-4500 ~~for questions about the accreditation of Angelo State University, or by using information available on SACSCOC's website~~ ([www.sacscoc.org](http://www.sacscoc.org)).

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~~ ,and other official University publications, as well as the Texas Education Code. Student organizations also agree to follow these standards, rules, and/or policies. The University or its representative may amend this document at any time without notice.

The University reserves the right to make changes to this ~~code~~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~~ 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~~11, ~~2018~~ 2023, to be effective ~~Monday August 14, August 13, 2018~~2023.

## 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~~ Code of Student Conduct outlines the standards of behavior for University students and the disciplinary processes to address misconduct.

## Mission, Vision and Values

### Mission

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

### Vision

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

### Values

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

Each member of the Ram Family is part of our journey as we continue to build a **valuesbased**

values based culture at Angelo State. ~~NOTE: The Angelo State University Mission, Vision and Core Values will be added once they are approved by the Texas Tech University Board of Regents in the August 11, 2022 meeting.~~

## Approval Signatures

Step Description	Approver	Date
Vice President Approval	Ben Lion: Vice President of Student Affairs	Pending
Dean of Students Approval	Bradley Petty: Dean of Students	06/2023
Initial Policy Reviewer	Sandra Fuentes: Senior Administrative Assistant, VPSA	06/2023
Policy Owner	Sandra Fuentes: Senior Administrative Assistant, VPSA	06/2023

COPY



Origination	04/2023	Owner	Bradley Petty: Dean of Students
Last Approved	N/A	Area	00 Student Handbook
Effective	Upon Approval		
Last Revised	06/2023		
Next Review	1 year after approval		

## Part I - Code of Student Conduct Section A: Mission and Policies from the Office of Student Conduct and the Office of Title IX Compliance

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

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

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

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

The *Code of Student Conduct* and related processes educate students about their rights and

responsibilities while promoting holistic development, self-worth, and mutual respect for all members of the University community. Freedom of discussion, inquiry, and expression is also fostered by an environment in which the privileges of citizenship are protected, and the obligations of citizenship are understood.

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

The processes outlined in *Code of Student Conduct* exist to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies. Sanctions are intended to challenge students' moral and ethical decision-making and to 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 Vice President of Student Affairs is the principal agency for the administration, investigation, and adjudication of Title IX and student conduct cases ~~while the Office of the Vice President for Student Affairs is the principal agency for the administration of student conduct and non-Title IX cases.~~ The Dean of Students, 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 Dean of Students, 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~~the Dean of Students, the Title IX Coordinator, the ~~Assistant~~Associate 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~~the Dean of Students or designee.

~~NOTE: Administrative Hearing Officers are not used in cases involving allegations of violations to the Title IX and Sexual Misconduct policy.~~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 Dean of Students 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~~the Dean of Students 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~~the Dean of Students, Title IX Coordinator, or designee.

2. *Hearing Panel Terms*

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

3. *Hearing Panel Composition*

For each Hearing, a Hearing Panel will consist of three (3) members chosen from the available pool by the ~~Executive of Student Affairs~~Dean of Students, 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~~Dean of Students, or designee will appoint three (3) Panel members consisting of only students and faculty. The Hearing Panel composition may include only professional faculty and/or staff members in cases involving sensitive issues.

For a hearing involving Sexual Misconduct, See Section D.

4. *Removal of Hearing Panel Member*

The Dean of Students, 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 Dean of Students, Title IX Coordinator, or designee will review and approve or deny student requests for removal of a Panel Member.

5. *Resource Person*

The Dean of Students, 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 Dean of Students, 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 Dean of Students, 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~~the Dean of Students and/or the Title IX Coordinator, or designee. Members are encouraged to attend additional trainings throughout their service on the Hearing Panel.

e. ***The Code of Student Conduct Review Committee***

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

1. *Committee Appointment*

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

2. *Committee Composition*

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

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

3. *Committee Removals*

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

4. *Committee Meetings*

The Vice President for Student Affairs or designee will establish meeting dates and times during which the *Code of Student Conduct* will be reviewed and will provide for



scheduling special meetings as needed.

5. *Committee Quorum*

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

6. *Additional Committee Members*

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

## 2. Jurisdiction

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

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

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

The *Code of Student Conduct* applies to behaviors which occur on University premises, at University-sponsored activities and events, and may apply to off-campus behavior when the Vice President for Student Affairs, ~~The~~the Dean of Students, 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~~the Dean of Students, the Title IX Coordinator, or designee may issue a "Failure to Comply" *Code of Student Conduct* allegation to the student. Students are advised to keep their most current local address, permanent address, and primary telephone number updated in the student records system at: [http://www.angelo.edu/services/registrar\\_office/registrar\\_forms.php](http://www.angelo.edu/services/registrar_office/registrar_forms.php).

### 4. Timelines

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

The Grievance Process utilized for Sexual Misconduct will be concluded within a reasonably prompt

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

## 5. Standard of Evidence

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

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

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

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

Individuals may also file a report in person with ~~The~~the Dean of Students 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 Dean of Students, 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~~the Dean of Students 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 at [angelo.edu/incident-form](http://angelo.edu/incident-form).

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

## 7. Confidentiality

Angelo State University is committed to ensuring confidentiality during all stages of the student conduct process. The confidentiality of 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: ([www.angelo.edu/ferpa](http://www.angelo.edu/ferpa)).

## 10. Student Organizations

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

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

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

## 11. Reporting Criminal Behavior

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

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

## 12. Amnesty

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

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



[Resources are available for students to help overcome substance abuse or other addictions.](#)

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

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

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

## Approval Signatures

Step Description	Approver	Date
Next Step	Ben Lion: Vice President of Student Affairs	Pending
Policy Owner	Bradley Petty: Dean of Students	06/2023



Origination 04/2023  
Last Approved N/A  
Effective Upon Approval  
Last Revised 07/2023  
Next Review 1 year after approval

Owner Bradley Petty:  
Dean of Students  
Area 00 Student Handbook

## Part I - Code of Student Conduct Section B: Procedures from the Office of Student Conduct for Students

Upon notice of an alleged violation of the *Code of Student Conduct*, ~~The~~the Dean of Students 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/Victim'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/Victim or the Complainant/Victim is not available, the Student Conduct Officer/Investigator will investigate the reported incident to the fullest extent of the information available.

When a Complainant/Victim 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/Victim while weighing the interests of the campus community and the possibility of a continuing threat. If the Complainant/Victim 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/Victim 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 Dean of Students or designee may proceed with the conduct process (even if the Complainant[s]/Victim[s] 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, ~~stealing, transporting, attempting to buy or sell,~~ buying, ~~stealing, transporting,~~ selling, or soliciting in whole or in part items including, but not limited to, the contents of an ~~un-administered~~ ~~unadministered~~ 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~~ ~~unadministered~~ test, test key, homework solution or computer program/software, or information about an ~~un-~~ ~~administered~~ ~~unadministered~~ 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. Uploading, downloading, or accessing complete or incomplete academic work, test, quiz, or other assignment without the prior approval of the instructor.
- k. Falsifying research data, laboratory reports, and/or other academic work offered for credit.
- l. Failing to comply with instructions given by the person administering the academic work, test, quiz, or other assignment.

2. *Plagiarism/Self-Plagiarism*

- a. The representation of words, ideas, illustrations, structure, computer code, other expression, or media of another or other resources as one's own and/or failing to properly cite direct, paraphrased, or summarized materials.
- b. The submission of the same academic work more than once without the prior permission of the instructor and/or failure to correctly cite previous work written by the same student.

3. *Collusion*

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

4. *Falsifying Academic Records*

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

5. *Misrepresenting Facts*

- a. Providing false grades, falsifying information on a resume, or falsifying other academic information.
- b. Providing false or misleading information in an effort to injure another student academically or financially.
- c. Providing false or misleading information or official documentation in an effort to receive a postponement or an extension on academic work, test, quiz, other assignment, credit for attendance, and/or obtain an academic or financial benefit for oneself or another individual.

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

6. *Violation of Professional Standards*

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

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

7. *Unfair Academic Advantage*

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

b. **Actions against Members of the University Community and Others**

Any act, or attempted act, perpetrated against another person or persons including, but not limited to:

1. *Disruptive and/or Obstructive Conduct*

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

2. *Harmful, Threatening, or Endangering Conduct*

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

3. *Assault*

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

b. Intentionally, recklessly, or knowingly causing physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or harmful.

4. ~~Threats~~ *True Threat*

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

~~Intimidation~~

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

~~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.

5. *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~~the Office of the Dean of Students.

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

6. *Hazing*

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

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

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

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

~~NOTE: Discrimination, Discriminatory Harassment, and Retaliatory Discriminatory Harassment will be addressed by the Special Assistant to the President and Title IX Coordinator in conjunction with the Chief Diversity and Inclusion Officer. The process of resolving complaints in outlined in [ASU Operating Policy 16.02 Non-Discrimination and Ant-Harassment Policy and Complaint Procedure.](#) NOTE: See [Texas Education Code, Sections 37.151-37.155 and Section 51.936.](#)~~

~~NOTE: Discriminatory Harassment and Retaliatory Discriminatory Harassment will be addressed by the Title IX Coordinator. The process of resolving complaints in outlined in [ASU Operating Policy 16.02 Non-Discrimination and Anti-Harassment Policy and Complaint Procedure.](#)~~

~~*Discrimination*~~

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

7. *Discriminatory Harassment*

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

educational environment. Examples of inappropriate behavior include, but are not limited to, the following, if related to an individual's protected category, class, or characteristic:

- a. Derogatory, disparaging, or disrespectful remarks, comments, slurs, or jokes about a particular person or protected category, class, or characteristic of persons based on, about, or because of a protected category, class, or characteristic;
  - b. Display of explicit or offensive posters, pictures, drawings, ~~cartoons, calendars,~~ correspondence, digital, or broadcast content (including ~~images~~image(s), ~~videos~~video(s), or audio), or any other physical, digital, or multimedia materials in any form that reflect disparagingly upon a category, class, or characteristic of persons or a particular person in a protected category or class;
  - c. Loud or angry outbursts or obscenities in the workplace directed toward a member of the University Community;
  - d. Disparate treatment without a legitimate business reason; ~~or other threats, discrimination, hazing, bullying, stalking, or violence.~~
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. *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 HG (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 illegal drugs, drug intoxicants, and/or controlled substances~~, prescription medications contrary to a valid prescription, chemical compound, ~~or other controlled substance~~ and/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, illegal~~ drugs, ~~intoxicants, controlled substances~~, prescription medications contrary to a valid prescription, ~~and/or~~ 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, and Vaping/or Tobacco Use**

Smoking, vaping, or use of smokeless tobacco products in unauthorized areas on University property as designated by the Angelo State University ~~Smoke/Tobacco-Free Environment policy (OP 34.23 Smoke/Tobacco-Free Environment)~~. ~~Smoke/Tobacco-Free Environment policy (Operating Policy 34.23 Smoke/Tobacco-Free Environment)~~. This includes the unlawful possession, use, or distribution of products containing nicotine.

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 ASU 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, not belonging to the student or used for the purpose originally issued.
  8. Failure to meet financial obligations owed to the University, or components owned or operated by the University, including but not limited to, issuing payment to the student's financial account from accounts with insufficient funds.
  9. Selling items including but not limited to: stolen items, student identification cards, and/or any item which may be used as a form of false identification.
- i. ***Gambling, Wagering, Gaming, and/or Bookmaking***  
Gambling, wagering, gaming, and bookmaking as defined by federal, state, local laws, and/or Angelo State University policy are prohibited on University premises involving the use of University equipment or services.
  - j. ***False Alarms, Emergency Equipment, and/or Terroristic Threats***
    1. Intentional sounding of a false fire alarm, falsely reporting an emergency in any form, and/or filing false police reports.
    2. Destruction or activation of fire sprinklers or improperly possessing, tampering with, or destroying fire equipment or emergency signs on University premises.
    3. Threats to commit any offense involving violence to any person or property with intent to:
      - Cause a reaction of any type to the threat by an official or volunteer agency organized to deal with emergencies;
      - Place any person in fear of imminent serious bodily injury;
      - Prevent or interrupt the occupation or use of a building, room, place of assembly, place to which the University Community has



access, place of employment or occupation, University automobile, or other place of use to the University Community;

- Cause impairment or interruption of University communications, University transportation, or other University service; or
- Place the University in fear of serious bodily injury.

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

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

l. **Failure to Comply**

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

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

Unauthorized use of University information systems is prohibited and may be subject to criminal prosecution in addition to disciplinary sanctions pursuant to the *Code of Student Conduct*. Use of Angelo State University information systems may be subject to security testing and monitoring, and users have no expectation of privacy except as otherwise provided by applicable privacy laws. Use of information systems is also subject to Information Technology policies ([OP Section 44ASU Operating Policy 44 Information Security Roles and Responsibilities](#)), 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 commercial purposes, or for personal gain.
  6. Access, creation, storage, or transmission of material deemed obscene (as defined by [Chapter 43 of the State of Texas Penal Code](#) on Public Indecency or other applicable laws). Exceptions may be made for academic research where this aspect of the research has the written consent of the Department Chair. Discovery of obscene material, including child pornography, on any Angelo State University information resource must be reported to the Chief Information Officer immediately.
  7. Attempted or actual destruction, disruption or modification of programs, records or data belonging to or licensed by the University or another user or destruction of the integrity of computer-based information using Angelo State University information systems.
  8. Attempted or actual use of Angelo State University information systems to interfere with the normal operation of the University.
  9. Intentional "spamming" of students, faculty or staff (defined as the sending of unsolicited and unwanted electronic communications including, but not limited to, e-mails and text messages to parties with whom the sender has no existing business, professional or personal acquaintance) using Angelo State University information systems.
- n. ***Providing False Information or Misuse of Records***  
Knowingly furnishing false information to the University, to a University official in the performance of his or her duties, or to an affiliate of the University, either verbally or through forgery, alteration, or misuse of any document, record, or instrument of identification.
- o. ***Skateboards, Rollerblades, Scooters, Bicycles, or Similar Modes of Transportation***  
Use of skateboards, rollerblades, scooters, bicycles, or other similar modes of transportation in University buildings or on University premises in such a manner as to constitute a safety hazard or cause damage to University or personal property.

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

[services/parking\\_services/](#)

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~~[TTUS Regulation 07.04 Freedom of Expression](#), 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 NOTE: See also Code of Student Conduct Part II, Section G – Freedom of Expression. Part II, Section G – Freedom of Expression Activities.~~

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

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

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

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

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

s. **Abuse of the Discipline System**

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

disciplinary body prior to and/or during and/or after the disciplinary proceeding.

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

## 2. Remedies and Resources

The University will take immediate action to eliminate hostile environments, prevent recurrence, and address any effects on the Complainant/Victim and community prior to the initiation of conduct procedures. These immediate steps will be taken to minimize the burden on the Complainant/Victim 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 Dean of Students 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~~the Dean of Students 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~~the Dean of Students or designee to demonstrate why an interim suspension is not merited. Regardless of the outcome of this meeting, the University may still proceed with the scheduling of a campus Hearing. During an interim suspension, a student may be denied access to Housing and Residential Programs and/or the University campus/facilities/events. As determined appropriate by ~~The~~the Dean of Students 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~~the Dean of Students 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~~the Dean of Students or designee via the student's official Angelo State University e-mail. The notice serves as an official directive that the student(s) have no contact with the other listed parties. Contact cannot occur in person, by telephone, e-mail, text message, or other electronic means of communication, or through a third party (other than an attorney). Should contact need to occur, the student should coordinate with ~~The~~the Dean of Students 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~~the Dean of Students 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 Dean of Students 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~~the Dean of Students 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.

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

### 3. *Other Interim Actions*

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

In the event an Interim Action is issued, a student may request a review of the Interim Action by ~~The~~the Dean of Students or designee. At the discretion of ~~The~~the Dean of Students or designee, modifications can be made that impacts off-campus courses and/or activities on a case-by-case basis.

### 4. *Non-Student Interim Actions*

Any guest to the University who is alleged to have violated the *Code of Student Conduct* and/or is deemed to pose a threat to the physical and/or emotional well-being of a student or other members or the University community and/or the presence of an individual could significantly disrupt the normal operations of the University, ~~The~~the Dean of Students or designee, in conjunction with the University Police Department, will issue a Criminal Trespass Warning to that individual(s). **NOTE: Students of Angelo State University may be held responsible for actions of their guests.** **NOTE: Students of Angelo State University may be held responsible for actions of their guests.**

### 5. *Withdrawal of Consent*

#### 1. Grounds for Removal



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

If ~~The~~ Dean of Students 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~~ Dean of Students or designee and the University Police Department. The Dean of Students 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~~ Dean of Students, 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~~the Dean of Students 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 Officer/Investigator from proceeding with the conduct process. ~~Likewise, failure of a student to respond may result in additional alleged violation and result in a charge of Failure to Comply.~~

2. *Rights and Responsibilities*

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

A student has the right to:

- a. A prompt, fair, and equitable process.
- b. Be accompanied by an advisor at any meeting or Hearing. An advisor can be any one of the following: a member of the Angelo State University Community (faculty, staff, or student not otherwise involved in the case), a parent or legal guardian, a



relative, or an attorney. An advisor's role is that of support – he or she may not speak on behalf of the student and does not have an active, participatory role in the conduct process. If an advisor for the student is an attorney, an attorney from the Texas Tech University System Office of General Counsel and/or General Counsel for Angelo State University may attend the Hearing on behalf of the University. Students are responsible for presenting their own information; 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 Dean of Students 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~~advisor. Students who have been suspended may not serve as an ~~Advisor~~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 Students are expected to cooperate with the University conduct process but may elect not to participate in the Investigative 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. 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, 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~~ process which could disadvantage the other 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 investigation 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 Dean of Students 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 or case file, 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, if appropriate, along with decisions regarding the finding(s) and sanction(s).

#### 4. *Informal Conference*

If after the Initial Inquiry/Investigation, the responding student accepts responsibility for the allegations of the *Code of Student Conduct* which may be outlined in an Investigation Report, the student can choose to resolve the issue informally. Should the student wish to participate in the Informal Conference Process, the Student Conduct Officer/Investigator conducting the initial inquiry/investigation will inform the student of the appropriate sanctions for the misconduct. To participate in the Informal Conference process, a student must accept both the finding and the sanctions. If accepted, the process ends, the finding is final, and there is no appeal. In cases involving Part I, Section B.1.a. (Academic Misconduct), the instructor of record can assign sanctions in Part I, Section B.3.e.7.h. Additional sanctions in Part I, Section B.3.e.7. can also be assigned on a case-by-case basis by ~~The~~the Dean of Students 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~~the Dean of Students or designee by the instructor of record using the online [Incident Reporting Form](#).~~Incident Reporting Form~~.

#### 5. *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 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 ~~or Panel~~ 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 ~~or Panel~~ 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, ~~Panel~~ Hearing ~~Panel~~, or Sanction Only Hearing will be held notwithstanding the student's preference.

In cases requiring a ~~Panel~~ 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~~the Dean of Students or designee will schedule the Panel Hearing.

At the discretion of ~~The~~the Dean of Students or designee, a review of the conduct case may occur at any point during the investigation or conduct process for clarification of procedural processes and may remand to investigation or adjudication, if deemed necessary.

#### 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 ~~Hearing~~ and issue a finding and accompanying sanctions, if applicable. The Administrative Hearing or ~~Hearing~~ Panel ~~Hearing~~ may be held and a decision made, regardless of whether the student responds, fails to respond, attends the Hearing, or fails to attend the Hearing. Should the student fail to attend the Administrative or Panel Hearing, the Student Conduct Officer/Investigator or the Hearing Panel may consider the information contained in the Investigation Report, relevant evidence, and/or other documents/materials and render a decision. If the student accepts responsibility for the allegations issued in the Investigation Report, the student may request a Sanction Only Hearing.

Hearings are closed to the public. In cases involving another student (a 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~~the Office of the Dean of Students 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~~the Dean of Students, 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~~the Dean of Students 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.e.8.

b. Hearing Panel

For each Hearing Panel, three (3) Hearing Panel members will be chosen from the available pool by ~~The~~the Dean of Students 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 Dean of Students 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~~the Dean of Students or designee.

Following the Hearing, the Hearing Panel will deliberate and will

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

Outcomes of the Hearing Panel will be provided simultaneously to the student(s) in writing within five (5) University business days of the conclusion of the Panel Hearing. Decisions made through the Hearing Panel may be appealed by students by utilizing the Disciplinary Appeal Procedures outlined in Part I, Section B.3.e.8.

c. **Sanction Only Hearing**

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

7. **Sanctions**

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



Student Conduct Officer/Investigator, Administrative Hearing Officer, and/or the Hearing Panel may deviate from the grid for sufficient reason.

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~~the Dean of Students or designee, some cases resulting in sanctioning of suspension and expulsion may begin prior to the completion of the disciplinary appeal process. Findings and sanctions agreed upon through the Informal Conference Process are final and cannot be appealed.

All records related to the disciplinary process will remain on file in Room 112 of the Houston Harte University Center for a minimum of seven (7) years from the date the case is completed through an Informal Conference, Administrative Hearing, Hearing Panel, Sanction Only Hearing, and/or Disciplinary Appeal Procedures in Part I, Section B.3.e.8. All records related to the disciplinary process resulting in suspension and/or expulsion will remain on file indefinitely.

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

- a. **Disciplinary Reprimand**  
The Disciplinary Reprimand is an official written notification using the notice procedures outlined in Part I, Section A.3. (Notice) to the student that the action in question was misconduct.
- b. **Disciplinary Probation**  
Disciplinary Probation is a period of time which a student's conduct will be observed and reviewed. The student must demonstrate the ability to comply with University policies, rules, and/or standards and any other requirement stipulated for the probationary period. Further instances of misconduct under the *Code of Student Conduct* during this period may result in additional conditions, restrictions, and/or sanctions.
- c. **Deferred Disciplinary Suspension**  
Deferred Disciplinary Suspension is a period of time where a Disciplinary Suspension may be deferred for a period of observation and review, but in no case will the Deferred Disciplinary Suspension be less than the remainder of the semester. Further instances of misconduct under the *Code of Student Conduct* during this period may result in additional

sanctions.

d. Time-Limited Disciplinary Suspension

Time-Limited Disciplinary Suspension is a specific period of time in which a student is not allowed to participate in class, University related activities, or be present on campus property. The status of disciplinary suspension will be shown on the student's academic record, including the transcript. Time-Limited Disciplinary Suspension is noted on the student's transcript by the phrase "Disciplinary 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~~the Dean of Students 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~~the Dean of Students or designee may deny readmission of a student. On denial of a student's readmission, ~~The~~the Dean of Students 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~~Dean of Students or designee determines that good causes exists to remove the notation. An administrative hold will be placed on the student record by ~~The~~the Dean of Students 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, <http://www.adaccv.org/>.

g. Restrictions

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

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

h. Academic Penalties

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

to:

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

i. Parental Notification

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

8. *Disciplinary Appeal Procedures*

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

The Vice President for Student Affairs or designee will be the designated appeal officer in each conduct case. The Provost and Vice President for Academic Affairs or designee will be the designated appeal officer for cases involving Academic Misconduct. The designated appeal officer will be a trained University staff or faculty member who did not serve as the Student Conduct Officer/Investigator or the Administrative Hearing Officer in the original Conduct Process and will render a neutral, impartial, and unbiased decision.

The petition must clearly set forth the grounds for the appeal, together with the evidence upon which the appeal is based. A disagreement with the decision alone shall not constitute grounds for appeal. The only proper grounds for appeal, and the only issues that may be considered on appeal are as follows:

- a. A procedural or substantive error that significantly impacted the

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

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

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

If the designated appeal officer ~~determines that the sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions, the appeal~~ identifies a procedural/substantive error, ~~or discovers~~ new evidence that was unavailable at the original Hearing, or determines that the sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions, 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~~Body;
- Remand the case to a new Hearing ~~Panel~~Body.

The Office of the Vice President for Student Affairs, Academic Dean, or designee shall make all reasonable efforts to notify the student(s) of the status of the appeal throughout the appellate process and shall make all reasonable efforts to notify the student(s) of the result of their appeal using the written notification procedures outlined in Part I, Section A.3. (Notice) within ten (10) University business days. If necessary, the designated appeal officer will notify the student should they need

additional time to determine the outcome of the appeal. The decision of the designated appeal officer is final and cannot be appealed.

If the designated appeal officer remands the decision to a new Hearing **PanelBody**, the decision of that Hearing **PanelBody** is final and may not be appealed.

9. *Former Student Conduct & Readmission*

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

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

## Approval Signatures

Step Description	Approver	Date
Vice President Approval	Ben Lion: Vice President of Student Affairs	Pending
Policy Owner	Bradley Petty: Dean of Students	07/2023



Origination	04/2023
Last Approved	N/A
Effective	Upon Approval
Last Revised	06/2023
Next Review	1 year after approval

Owner	Bradley Petty: Dean of Students
Area	00 Student Handbook

## Part I - Code of Student Conduct 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~~the Dean of Students 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/Victim 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/Victim while weighing the interests of the campus community and the possibility of continuing inappropriate behavior and threat to the community. If the Complainant/Victim 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/Victim 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/Victim 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/Victim in order to help them understand the options available to them when making a report, to determine what resolution the Complainant/Victim is seeking, to identify university and community resources to support the Complainant/Victim, 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~~the Dean of Students 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~~the Dean of Students 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~~the Dean of Students or designee to demonstrate why an interim suspension is not merited. Regardless of the outcome of the meetings, the University may still proceed with the scheduling of a campus Hearing. During an interim suspension, the student organization is not able to access the benefits of being a registered student organization during this time period, and organization activities should cease in order to prevent additional misconduct. Student organizations are informed of interim actions by the official notice procedures outlined in Part I, Section A.3. of the *Code of Student Conduct*. Interim action is not a sanction. It is taken in an effort to protect the safety and well-being of the Complainant, Respondent, and other members of the University Community, the University, and/or property. Interim action is preliminary in nature; it is in effect only until the conduct process has been completed. However, violations of interim actions may result in additional allegations of violations of the *Code of Student Conduct*.

## 5. Notice of Investigation/Notice of Involvement

A student organization will be given notice of the organization's investigation in an alleged violation of the *Code of Student Conduct* by receipt of a "Notice of Investigation/Notice of Involvement" letter or direct contact by ~~The~~the Dean of Students 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~~the Dean of Students 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 Dean of Students 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**advisor. Students who have been suspended may not serve as an **Advisor**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 Students are expected to cooperate with the University conduct process but may elect not to participate in the Investigative 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. 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 Dean of Students or designee will appoint a Student Conduct Officer/Investigator to conduct a prompt, thorough, reliable, and impartial investigation of the reported allegation.
- b. Reported allegations of misconduct under the *Code of Student Conduct* have varying degrees of complexity and severity. Therefore, the investigation procedures described below may vary. In student organization incidents, there is potential for three or more separate investigations to be occurring in a similar time frame:
  - Angelo State University Student Organization Conduct Investigation.

- Angelo State University Sexual Misconduct and Title IX Office Investigation.
  - Criminal Investigation by the University, San Angelo, or Other Police Departments.
  - International or Regional Headquarter Investigation.
  - Local Student Organization Advisory Board Investigation.
- c. When initial inquiry indicates that another concurrent investigation is occurring alongside the Angelo State University student conduct investigation, the appointed investigator(s) will, where possible, collaborate with the other entities conducting investigations. Elements of a collaborative investigation may include coordinated or joint interviews, evidence sharing, and investigation report sharing within the limits of student records policies.
  - d. Investigations of student organization conduct may include the requirement for student organization members to attend an investigation meeting as a group or as individuals. Students may be asked to complete written questionnaires related to the investigation. Regardless of the nature of the investigation, students and student organizations should be aware of their rights and responsibilities in the conduct process and recognize that any information shared during the course of the student conduct investigation may be used in formal conduct processes against the student organization or the individual student. Students can always decline to participate in a collaborative investigation meeting and meet only with the student conduct investigator instead of meeting together with other investigators.
  - e. During the investigation process, student organization representatives are responsible for providing all information or evidence that they believe should be considered. Once the investigative process is complete, the Student Conduct Officer/Investigator 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 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 Hearing or Hearing Panel. During this meeting, student organizations will be given the opportunity to review the Investigation Report, relevant evidence, and/or other documents/material to be used in the Administrative Hearing or ~~Hearing~~ Panel Hearing. Other documents may include notification of Respondent's allegations, Panel composition, and Hearing Script. Following the Pre-Hearing, the President and his/her ~~Advisor~~ 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 ~~Hearing~~, the student should inform the Student Conduct Officer/Investigator immediately. If the new information is pertinent to the consideration of the case, the Student Conduct Officer/Investigator will determine whether the new information should be included in the Investigation Report or presented verbally during the Administrative ~~Hearing~~ 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 ~~Hearing~~.

- c. The conduct process is designed to be non-adversarial. Student organization representatives will be permitted to question the statements and evidence presented by the other involved parties, but may not do so directly. After reviewing the Investigation Report, during the Pre-Hearing, the 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.~~ 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, ~~Panel~~ 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 ~~Panel~~ Hearing ~~Panel~~, the Student Conduct Officer/Investigator will share the list of faculty, staff, and students trained for ~~Hearing Panels~~ Panel Hearings. 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~~ the Dean of Students or designee will schedule the Panel Hearing.
- f. At the discretion of ~~The~~ the Dean of Students or designee, a review of the conduct case may occur at any point during the investigation or conduct process for clarification of procedural processes and may remand to investigation or adjudication if deemed necessary.

## 13. Hearings

Upon completion of the initial inquiry/investigation, after the allegation(s) have been assigned, and proper notice has been given to the student organization, the University may proceed to conduct either an Administrative Hearing or ~~Panel~~ Hearing ~~Panel~~ and issue a finding and accompanying sanctions, if applicable. The Administrative Hearing or ~~Panel~~ 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 ~~Panel~~ 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 **Hearing Panel**. If the student organization accepts responsibility for the allegations issued in the Investigation Report, the student organization may request a Sanction Only Hearing.

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

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

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

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

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

a. **Administrative Hearing**

An Administrative Hearing is the process of adjudicating allegations of violations of the *Code of Student Conduct* by an Administrative Hearing Officer. The Administrative Hearing Officer in an Administrative Hearing may be the Student Conduct Officer/Investigator that completed the Investigation Report, or an Administrative Hearing Officer assigned by **The** Dean of Students, 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** Dean of Students, 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 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 Dean of Students, 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~~the Dean of Students 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 III, 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 ~~Hearing~~ for Sanction Only Hearing for potentially separable offenses.

## 14. Sanctions

A Student Conduct Officer/Investigator, Administrative Hearing Officer, or a Hearing Panel may impose sanctions as a result of an Informal Conference, Administrative Hearing, or Panel Hearing, when a student organization is found responsible. The potential sanctions are listed in the Sanctioning Grid in the Student Handbook, ~~Appendix B~~. The grid is provided only as a guideline for administering sanctions by the Student 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~~the Dean of Students 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, ~~The~~the Dean of Students or designee will set a date when another application for registration may again be made.

e. ***Disciplinary Expulsion***

Disciplinary Expulsion occurs when the student organization is permanently separated from

the University with no opportunity for future registration as a student organization

f. **Conditions**

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

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

g. **Restrictions**

A restriction is an additional component of a disciplinary sanction, usually an educational restriction on organization activities that occurs during a time period of probations or deferred suspension or upon return from time-limited suspension.

Examples include, but are not limited to:

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

h. **Required Notifications**

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

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

The report must include:

- i. Information regarding each disciplinary action taken by the institution against an organization for hazing, and each finding of responsible of hazing by an organization, during the three years preceding the date on which the report is issued

or updated, including:

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

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~~the Dean of Students or designee.

## 15. Disciplinary Appeals Procedures

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

- of the Hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
- ii. The discovery of new evidence, unavailable during the original Hearing or review of the case, which could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; or
  - iii. The sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions.
- e. In cases involving alleged misconduct involving Part I, Section B.1.b. (Actions Against Members of the University Community and Others), either the Complainant or Respondent may appeal the decision of the Hearing Panel. In such cases, the Office of the Vice President for Student Affairs or designee will provide the request for appeal to the other party and provide opportunity for response.
  - f. The designated appeal officer will first review the appeal to determine if the appeal is timely and properly sets forth the appropriate grounds for appeal, with adequate accompanying evidence. If any of these requirements are not met, the appeal will be dismissed, and the decision will be final.
  - 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, discovers~~ new evidence that was unavailable at the original Hearing, or determines that the sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions, 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~~he or she may:
    - i. Modify the finding and/or increase, decrease, or otherwise modify the sanctions;
    - ii. Remand the case to the original Hearing ~~Panel~~Body;
    - iii. Remand the case to a new Hearing ~~Panel~~Body.
  - h. The Vice President for Student Affairs or designee shall make all reasonable efforts to notify the student organization of the status of the appeal throughout the appellate process and shall make all reasonable efforts to notify the student organization of the result of their appeal using written notification procedures outlined in Part I, Section A.3. within ten (10) University business days. If necessary, the designated appeal officer will notify the student organization should they need additional time to determine the outcome of the appeal. The decision of the designated appeal officer is final and cannot be appealed.
  - i. If the designated appeal officer remands the decision to a new Hearing ~~Panel~~Body, the decision of that Hearing ~~Panel~~Body 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~~Informal Conference, ~~formal hearing~~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.

## Approval Signatures

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Next Step	Ben Lion: Vice President of Student Affairs	Pending
Policy Owner	Bradley Petty: Dean of Students	06/2023



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Dean of Students  
Area 00 Student Handbook

## 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*.

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## Part II - Community Policies 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~~the Dean of Students 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** Dean of Students or designee as a central clearinghouse of violations. The Dean of Students or designee will review the case and may impose additional sanctions if warranted as outlined in the *Code of Student Conduct*.

#### 4. **Withdrawal and Assignment of Grades**

- a. Once a student has been notified of an academic integrity allegation, the student may not drop the course until the academic integrity processes are complete. If a student drops or withdraws, the student will be reinstated to the course in question. A student should continue attending class and participating in course work until the disciplinary process is complete. If it is determined that the student was not responsible for academic integrity violations and/or the referring faculty member allows the student to withdraw from the course, the student may file a request with the Provost and Vice President for Academic Affairs for approval to drop the course or withdraw from the University retroactively.
- b. If a referring faculty member must submit a final course grade before an Academic Integrity Violation allegation is resolved, the faculty member should notify the Department Chair and the Academic Dean of the intention to assign a grade of F and/or leave the final grade blank. The involved student may be given a temporary grade of X by the Registrar's Office, which does not affect the student's GPA, until the academic integrity adjudication process is complete. When the academic integrity adjudication process is complete, the final grade will be assigned through the appropriate academic channels and the completion of a grade change form. All appeals related to academic integrity violations should follow the process outlined in Part I, Section B.3.e.8. (Disciplinary Appeals Procedures).

#### 5. **Academic and Disciplinary Penalties**

The academic and disciplinary penalties will not be implemented until the disciplinary procedure and appeal process has been exhausted. In cases in which a student is found not responsible for academic dishonesty, the student will be entitled to the grade he/she would have received in the absence of an academic integrity violation. In addition, the student will be allowed to continue in the particular course without prejudice.

#### 6. **Referrals to **The** Dean of Students**

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** Dean of Students 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** Dean of Students 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~~the Dean of Students or designee as outlined in the *Code of Student Conduct*.

*NOTE: Additional Academic Misconduct information is available from the The Office of the Dean of Students.*

## Approval Signatures

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Policy Owner	Bradley Petty: Dean of Students	06/2023

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Owner Jessica Gooch:  
Dir. of Student  
Transitions/Title  
IX Compliance  
Area 00 Student  
Handbook

## Part II - Community Policies Section C: Anti-Discrimination Policy

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

### 1. ~~Discriminatory Harassment~~

#### ~~Conduct~~ Discriminatory Harassment

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

- a. Derogatory, disparaging, or disrespectful remarks, comments, slurs, or jokes about a particular person or protected category, class, or characteristic of persons based on,

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

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

**2. Title IX and Sexual Misconduct**

A broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, interpersonal violence, sexual violence, or other misconduct based on sex. For more information on this policy and compliant procedures see **TTU System Regulation 07.06 Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure** and in **Angelo State's Operating Policy 16.03 Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure.**

**3. Office for Civil Rights Complaints**

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

## Approval Signatures

Step Description	Approver	Date
Policy Owner	Jessica Gooch: Dir. of Student Transitions/Title IX Compliance	Pending



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Dean of Students  
Area 00 Student Handbook

## Part II - Community Policies 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~~the Dean of Students or designee. Angelo State University Operating Policy ~~10.04, Academic Regulations Concerning Student Performance~~10.04, Academic Regulations Concerning Student Performance provides complete information regarding class attendance and reporting student illness and emergencies.

### 2. Religious Holy Day Absences

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

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

- a. Faculty, department chairpersons, directors, or others responsible for a student representing the University on officially approved trips should notify the student's instructors of the departure and return schedules in advance of the trip. The instructor so notified must not penalize the student, although the student is responsible for material missed. Students absent because of the University business must be given the same privileges as other students (e.g.,

if other students are given the choice of dropping one of four tests, then students with excused absences must be given the same privilege).

- b. According to University Operating Policy 10.04, Academic Regulations Concerning Student Performance, 10.04, Academic Regulations Concerning Student Performance, students will be responsible for making their own individual arrangements with instructors for class work missed while participating in an off- campus trip.

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Area 00 Student Handbook

## Part II - Community Policies 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 The Incident Reporting Form to the the](#) Office of the Dean of Students, Office of Title IX Compliance, or appropriate academic unit.

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

### 2. Academic Status Complaints

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

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

Conduct of University Faculty is outlined in University Operating Policy 06.05, [Conduct of](#)



University Faculty. The processes for complaints against faculty are outlined in the policy and in the Undergraduate/Graduate Academic Catalog. Students should direct complaints to the supervisor of the department or organization housing the faculty member, typically the Department Chair.

4. **Conduct Complaints against Other Students and Student Organizations**

The *Code of Student Conduct* Part I, Section B and 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.~~ **For more information on ASU's policy see OP 52.64 Consensual Relationships.**

6. **Disability-Related Complaints**

a. Complaints related to disabilities are guided by University Operating Policy ~~10.24 Establishing Reasonable Accommodations for Students with Disabilities~~ 10.24 Establishing Reasonable Accommodations for Students with Disabilities and Operating Policy ~~16.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws.~~ 16.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws.

b. Any students seeking remedy on the basis of a disability must register as an



individual with a disability with Student Disability Services and must provide all required documentation of a disability. Students who are denied services or denied a specific accommodation request by Student Disability Services may appeal the decision to ~~The~~the Dean of Students or designee. The ADA Campus Coordinator for Students is the Director of Student Disability Services, located in the ~~The~~the Office of the Dean of Students, Suite 112, Houston Harte University Center, (325) 942- 2047.

**7. Student Record Complaints & FERPA**

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

**8. Disciplinary Action**

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

**9. Employment**

A student wishing to pursue a grievance concerning employment with the University and who has not found satisfaction or resolution with her or her immediate supervisor or the person in charge of the department may contact the Office of Human Resources in accordance with the grievance procedures outlined in the University Operating Policy 52.17, [Staff Employee Complaint Procedure](#) and University Operating Policy ~~16.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws.~~[16.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws.](#)

**10. Grades**

The assignment of a grade in a course is the responsibility of the faculty member and is based on the professional judgment of the faculty member. Except for issues of computation, discrimination, equal treatment, or reasonable accommodation when a documented student need is present in accordance with the Americans with Disabilities Act of 1990 (ADA) guidelines, the faculty member's grade determination is final. The complete student grade appeal policy and procedure is listed in University Operating Policy ~~10.03, Grade Grievance.~~[10.03, Grade Grievance.](#) Also, if Academic Misconduct is involved, refer to the Angelo State University Student Handbook Part I, Section B.1.a. (Academic Misconduct).

**11. Parking Citations**

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

**12. Graduate School Requirements**

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

Status (Graduate Students).01, Admission to the College of Graduate Studies and Research, University Operating Policy 42.02, College of Graduate Studies and Research Enrollment Policy, University Operating Policy 42.03, Graduate Students Employed as Teaching Assistants, Graduate Assistants, and Graduate Research Assistants, and University Operating Policy 42.04, Academic Status (Graduate Students). Such matters include, but are not limited to: disputes concerning comprehensive and qualifying examinations, theses and dissertations, academic probation and suspension, and graduate assistantships.

- b. Appeals of course grades are made through the department chair of the college in which the course is offered and are guided by the process in University Operating Policy 10.03, 10.03, Grade Grievance.

**13. Housing Complaints**

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

**14. Online and Distance Student Complaints**

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

**15. University Health Clinic Complaints**

Angelo State University has partnered with Shannon Clinic for the operation of the ASU Health Clinic. The Director of Business 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 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>. <http://www.angelo.edu/content/forms/413-feedback-form>.

## Approval Signatures

Step Description

Approver

Date

Next Step

Ben Lion: Vice President of  
Student Affairs

Pending

Policy Owner

Bradley Petty: Dean of  
Students

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Owner **Bradley Petty:**  
Dean of Students  
Area 00 Student Handbook

## Part II - Community Policies Section F: Financial Responsibility

### 1. Financial Responsibility of Students

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

or a collection agent. A student is responsible for all collection costs charged to Angelo State University including reasonable attorney's fees.

- d. Before registering or requesting a transcript, students may check for holds by accessing their records at: <http://ramport.angelo.edu/cp/home/displaylogin> (Registration tab, then click on the Check Holds tab at the top of the page).
- e. For more information, please visit the Student Accounts/Bursar's Office website at; [http://www.angelo.edu/services/controller/sa\\_welcome.php](http://www.angelo.edu/services/controller/sa_welcome.php)

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Dean of Students  
Area 00 Student Handbook

## PART II - Community Policies Section G: Freedom of Expression

### SECTION G: FREEDOM OF EXPRESSION

- Freedom of Expression**  
Information related to the freedom of expression policy is available in the Angelo State University Operating Policy [74.07, Freedom of Expression Activities.74.07, Freedom of Expression Activities.](#)

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Policy Owner	Bradley Petty: Dean of Students	06/2023



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Owner Tracy Baker:  
Director of  
Housing &  
Residential  
Programs  
Area 00 Student  
Handbook

## Part II - Community Policies 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-~~Vanderventer Apartments offer fully furnished apartment style accommodations living with full kitchens and an on-site free laundry room. Most suites are comprised of twoPlaza Verde, Mary Massie and Robert Massie Residence Halls all house residents in a 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: [http://www.angelo.edu/dept/residential\\_programs/](http://www.angelo.edu/dept/residential_programs/). Information regarding residence hall policies can be found at: [https://www.angelo.edu/dept/residential\\_programs/Housing\\_Requirements/housing\\_requirements\\_exemptions.php](https://www.angelo.edu/dept/residential_programs/Housing_Requirements/housing_requirements_exemptions.php)

## 2. Housing Policy

In support of the Strategic Plan of Angelo State University, the University requires all first-time students who are not residents of Tom Green County to live in the University residence halls for the first year, two long semesters of enrollment, regardless of total credit hours. Compliance with the University Housing Policy is a condition of enrollment, as set forth in the Angelo State University Student Handbook and the Undergraduate and Graduate Catalog and approved by the Board of Regents.

## 3. Housing Requirements

- a. Subject to verification and authorization by Housing and Residential Programs, students who meet one or more of the following criteria may be given permission to live off campus prior to moving in:
  - A student who graduated from a Tom Green County high school.
  - A student is residing and continues to reside in the established primary residence of her/his parent(s) (or legal guardian), grandparent(s), or sibling(s), if it is within a 70-mile radius of Angelo State University. The parents must have established their primary San Angelo residency at least one year prior to the request for an exemption. Legal guardianship must have been established by a court of law at least one year prior to the request.
  - A student presents sufficient evidence of an extreme financial hardship condition based on guidelines similar to those required for Financial Aid.
  - A student is married or has dependent children living with the student.
  - 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 who 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 The Office of the Dean of Students.
  - c. Students sign a Residence Hall Contract for the summer session or the academic year (fall and spring semesters). Any student wishing to move from the residence halls should consult the Residence Hall Contract for the provisions applicable to cancellation of the contract.
  - d. Signing a lease for off-campus housing does not relieve the student of contractual obligations with the University for housing in the residence halls. The student is responsible for complying with all provisions of the Angelo State University Housing and Residential Programs Contract.
  - e. The student is responsible for updating any incorrect information including place of residence with the Registrar's Office.
- 4. Room and Dining Plan Fees and Advance Payments**
- a. Room and dining plan fees are due and payable by the semester and will be billed by Student Accounts and Bursar's Office. Room and dining plan fees become a part of the student's bill, and as such, payment plans are available. Payments must be made by the scheduled due dates to avoid delays in registration. Additional remedies available to the University for non-payment of room and dining plan fees include withholding the student's transcript of grades, diploma, and other academic records, and cancellation of enrollment.
  - b. Students with academic year contracts are charged 50 percent of the academic year room and dining plan rate for the fall semester and 50 percent for spring semester. Students entering the residence halls for the spring semester with an academic year contract are charged 50 percent of the academic year rate.

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Owner Jessica Gooch:  
Dir. of Student  
Transitions/Title  
IX Compliance  
Area 00 Student  
Handbook

## Part II - Community Policies Section I: Gender-Based Harassment, Sexual Misconduct, Discrimination and Title IX Policy and Complaint Procedure

ASU has established policies and grievance procedures providing for prompt and equitable and impartial resolution of student complaints of discrimination and harassment, including sexual harassment, sexual violence, and other forms of Sexual Misconduct. In the event a student believes their rights under Title IX or other laws have been violated, **Angelo State University Operating Policies 16.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws** and **TTU System Regulation 07.06 Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure** and in Angelo State's Procedure. Set forth procedures for filing, investigating, and resolving complaints of harassment, Sexual Misconduct, and discrimination. Additional information regarding gender-based harassment, Sexual Misconduct, discrimination, and Title IX can be found at: <https://www.angelo.edu/services/title-ix/>.

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Dean of Students  
Area 00 Student Handbook

## Part II - Community Policies Section J: Solicitations, Advertisements, and Printed Materials

### 1. General Policy

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

### 2. Definitions

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

### 3. University Name, Documents, and Records

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

### 4. Jurisdiction

- a. All solicitation requests should be directed to the Director of Business Services or designee for review. Requests should be submitted online using the [Solicitation/Sales Request Form](#). Requests must be submitted at least ten (10) University business days before intended use. Solicitation requests regarding food/beverage items on campus are subject to the approval of the Director of Business Services and are submitted via the [Solicitation/Sales Request Form](#).
- b. All regulations pertaining to on-campus solicitations by students and registered organizations shall be administered by the Director of Business Services or designee.
- c. All regulations pertaining to on-campus solicitations by University departments and staff shall be administered by the Vice President for Finance and Administration or designee.
- d. All regulations pertaining to on-campus solicitations by academic departments and faculty shall be administered by the Provost and Vice President for Academic Affairs or designee.
- e. Solicitation of all gifts, donations, and non-contractual grants from private philanthropic sources (e.g., individuals, foundations, and corporations) are administered by the Vice President for External Affairs or designee in accordance with University Operating Policy ~~32.03, Solicitation of Gifts and Grants from Private Philanthropic Sources.~~ [32.03, Solicitation of Gifts and Grants from Private Philanthropic Sources.](#)

## 5. Solicitation Processes

- a. Solicitations by registered student organizations and students are prohibited on Angelo State University grounds and facilities except for:
  - Activities supporting the educational mission of the institution.
  - Promotion of organizational activities consistent with organization mission.
  - Recruitment of members or membership drives.
  - Accepting donations on behalf of altruistic or charitable projects.
  - Scholarship and/or fundraising projects in support or organization mission.
  - The regulating offices may grant special permission for solicitation purposes or places not listed above in exceptional circumstances.
- b. Permission will not be granted for any activity which promotes the use of alcoholic beverages, infers sponsorship by Angelo State University or violates any federal, state and/or local laws and/or University policies.
- c. In order to solicit in University buildings, authorization is required via the [Solicitation/Sales Request Form](#).
- d. Registered student organizations may use the University's registered marks when used in connection with a student organization activity, provided items are acquired from a licensed vendor. A sample or drawing needs to be provided showing how the

University's registered marks are to be used before production of the merchandise can proceed. This sample will be submitted by the licensed vendor selected by the registered student organization. For additional information on licensing and use of Angelo State University registered names, logos, and trademarks, refer to University Operating Policy ~~30.07, Licensing and Use of ASU Registered Names, Logos, and Trademarks~~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~~26.07, University Name Seal and Logo.

- e. Requests for permission to solicit are granted for a specified period. To be eligible to solicit, an individual must present current student identification and submit a reservation request online at: <http://reservations.angelo.edu>. Permission to solicit may be revoked if the solicitation violates any of the regulations pertaining to solicitations and advertising or sale, display, or distribution of printed materials.
- f. Decisions by ~~The~~the Dean of Students, the Director of Business Services, or designee rejecting or revoking permission of students or registered student organizations to solicit may be appealed to the Vice President for Student Affairs or designee.
- g. A written appeal describing the objections to the denial addressed to the Vice President for Student Affairs or designee must be filed no later than five (5) University business days after the receipt of notice of denial from ~~The~~the Dean of Students, the Director of Business Services, or designee.
- h. The Vice President of Student Affairs will convey the appeal decision, in writing, to the student or registered student organization or to the Executive Director of ~~Multicultural and Student Activities Programs~~Life or the Director of Business Services within five (5) University business days from the receipt of the written appeal.
- i. The student or registered student organization may not appeal beyond the Vice President for Student Affairs.

## 6. Advertisements

- a. Advertisements by commercial organizations, either as groups or through student representatives, are not allowed on the campus unless they advertise specific registered student organization functions. This implies sponsorship and/or co-sponsorship which minimally includes, but is not limited to, direct participation in planning, coordination and implementation by members of the sponsoring organizations.
- b. Individuals and commercial organizations attempting to display or distribute unauthorized materials on campus, or use campus facilities for such activity, will be removed from the campus by the University Police and will be subject to appropriate legal action.
- c. Advertisement is not permitted on the exterior side of residence hall room doors or within public areas of the residence halls.
- d. Amplification equipment may not be used to advertise or promote sales in conjunction with any approved solicitation activity unless authorized in advance by

the Director of Business Services.

- e. The only approved posting location on campus by non-University guests is located within the Houston Harte University Center with the Director of Business Services review and approval for a two (2) week period on approved posting boards.

## 7. Printed Materials & Digital Signage

The following policies apply to the display and distribution of printed materials and digital signage in all areas of the University campus:

- a. Only individuals affiliated with the University (i.e. students or student organizations) may distribute handbills, leaflets, or any other type of printed materials, except as provided by law.
- b. Students and registered student organizations do not need prior approval concerning the content or distribution of materials such as leaflets and handbills; however, students may be required to provide verification of current student status upon request.
- c. Solicitation and Advertising materials must conform with the provisions stated above.
- d. Student election campaign literature must conform to the procedures outlined in the Student Election Code of the Student Government Association.
- e. Use of the Angelo State University campus that results in the need to utilize University personnel for litter collection, crowd control, repair/replacement of University property, etc., may necessitate repayment to the University by the responsible party.
- f. Printed materials may not be placed on vehicles parked in the University parking lots or on vehicles in motion without permission of the vehicle owners.
- g. Printed materials such as handbills and leaflets may not be distributed within University buildings unless approved in advance by the building manager.
- h. Printed materials and digital signage content shall not violate any local, state, or federal law.
- i. Printed materials shall not include the use of obscenities, libelous statements, or "fighting words" as defined by law.
- j. Registered student organizations and University departments are allowed to hang banners within the Houston Harte University Center at the discretion of the Director of Business Services. A list of requirements regarding the banners is available in the Office of Special Events located in the Houston Harte University Center.
- k. Use of University trademarks, such as the name or logo, on visual materials or digital signage must follow the University's Visual Identity Guidelines: <http://www.angelo.edu/collegiate-licensing/identity-guidelines/>.

## 8. Use of Bulletin Boards & Digital Signage

- a. Posters, signs, and announcements may be displayed only on University announcement bulletin boards and approved digital signage designated specifically for use by students and registered student organizations. The University

announcement bulletin boards and approved digital signs may be used only by students, registered student organizations, and University departments. Bulletin boards will be cleared periodically. A list of designated University announcement bulletin boards and digital signs is maintained in the Office of Special Events.

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

**9. Violations**

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

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Policy Owner	Bradley Petty: Dean of Students	06/2023





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Area	00 Student Handbook

## Part II - Community Policies Section K: Student Identification

### 1. Student Identification

The official Angelo State University ID card, the ASU OneCard, is the key to accessing services throughout the campus and also serves as the campus meal card for students who have purchased a meal plan. The first card is issued at no charge and there is no charge to replace lost or stolen cards. However, if a student wants a temporary card to use on-campus while waiting for a replacement card, there is a \$5.00 fee for the temporary card. Students should carry the ASU OneCard with them at all times.

- a. The ASU OneCard is the property of the University.
- b. Students shall not allow their student identification to be used by other persons.
- c. Students shall not alter their ASU OneCard in any way.
- d. On request, students must present their student identification to any member of the University faculty, staff, administration, or police.

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

### Approval Signatures

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## Part II - Community Policies 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 [Executive](#) Director of Student Life. See University Operating Policy 04.10, [Student Media](#).

Students preparing for careers in the media industry, train as videographers, editors, and on-air personalities by producing content for the campus television and radio stations. RAM TV and RAM RADIO highlight aspects of Angelo State University to the San Angelo Community and beyond.

RAM TV features live productions, symposia, lectureships, administrative forums, performing arts, athletics, exhibitions of student work, and events sponsored by departments on campus

as well as local human-interest stories and public service announcements for non-profit organizations in San Angelo. This material is broadcast on the University educational access channel and the San Angelo local FOX affiliate, KIDY.

RAM RADIO is an Internet radio station that streams music, campus news and events, and community stories, 24 hours a day, 7 days a week. RAM RADIO also offers students the opportunity to produce programming for National Public Radio (NPR) through the Texas Tech University Public Radio Station.

### 3. **Affiliated Military and Veterans Services**

The Affiliated Military and Veteran Services Center is here to assist veterans, active duty or reserve service members, and their dependents in their pursuit of higher education. To that end, the University works in cooperation with the U.S. Department of Veterans Affairs (VA) and other off-campus resources including the Texas Veterans Commission to ensure top-notch support for service member students. The Affiliated Military and Veteran Services Center acts as a central point of intake and processing for the following educational benefits:

- a. VA Education Benefits (Montgomery GI Bill; Post-9/11 GI Bill, Dependents Educational Assistance, and Vocational Rehabilitation).
- b. Tuition Assistance for all active duty and reserve military personnel.
- c. Texas Veterans Commission Hazlewood Tuition Exemption Program.

The Affiliated Military and Veteran Services Center also helps students transition to campus by offering a stress-free environment with support services such as peer tutoring, counseling, and relaxed social interaction for service member students and staff.

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Policy Owner	Bradley Petty: Dean of Students	06/2023



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Owner Clint Havins  
Area 00 Student Handbook

## Part II - Community Policies Section M: Student Organizations

### 1. Registered Student Organizations

- a. A ~~registered student organization~~ 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~~ university and/or federal, state and/or local statutes.
- b. Generally, student groups broadly fall under one of the following categories: Academic/~~Departmental~~ Professional, ~~Cultural~~ Boards/Councils, ~~Club Sports~~, Greek Life, Honor Societies, Multicultural/International/Affinity, ~~Hobby/Recreation~~ Service, ~~Boards and Councils~~, ~~Fraternity and Sorority~~, ~~Social Organizations~~, ~~Honor~~, ~~Sport Clubs~~, Special Interest and Spiritual Life, ~~Philanthropy~~, and ~~Pre-Professional~~.
- c. All student organization registration is administered by ~~the Multicultural Center~~ Student Life.

### 2. Club Sports

- a. The Angelo State University Club Sports program is registered by ~~the Multicultural Center~~ department Student Life 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 university. Typically, a student organization must be registered with ~~the Multicultural Center~~ Student Life 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 Center department~~ outlined by Student Life and University Recreation.

### 3. Social Fraternities/Sororities

- a. ~~The Multicultural Center~~ Student Life 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 Center~~ Student Life 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 Multicultural Center~~ by Student Life.
- d. All funds allocated to a ~~registered student organization~~ Registered Student Organization from ~~University~~ university-controlled sources must be maintained in a ~~registered student organization~~ 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 Multicultural Center website~~[contact Student Life](#) 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. ~~Multicultural Center~~[Student Life](#) is available to assist in organizational development.
- f. The student organization shall be free from control by any other non-student individual or organization. Alumni and affiliate/associate members should not be granted voting privileges nor can they hold executive officer positions. 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~~[Student Organizations](#) may use the complete statement "a ~~registered student~~[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 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~~[university](#), unless specifically authorized to do so.
- h. Solicitation is prohibited on campus by ~~registered student organizations~~[Registered Student Organizations](#) that may abridge any contractual agreements of Angelo State University. To avoid violations, ~~registered student organizations~~[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~~[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~~[university](#) rules, standards, and policies.
- k. Student organization registration does not imply ~~University~~[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 ~~Multicultural Center~~ Student Life to discuss the process of forming or re-forming an organization.
- b. A student group seeking to form a new organization may file the Student Organization Registration/~~Renewal~~ Form and a student organization constitution with the ~~Student Organization constitution with the Student~~ Organizations/Activities Coordinator. The initial constitution must follow the template provided by ~~the Multicultural Center~~ Student Life. 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~~ recommendation 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~~ Registered Student Organization in the past and which became inactive may apply to reinstate the organization ~~in the past and which became inactive may apply to reinstate the organization~~ by submitting a Student Organization Registration/~~Renewal~~ ~~form~~ 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**

~~The Multicultural Center~~ Student Life must receive a complete Student Organization Registration/~~Renewal~~ ~~form~~ 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~~ university.

- a. The organization must also submit an updated copy of the local constitution and by-laws (if applicable) and the constitution and by-laws of any other local, state, or national affiliate organization (if applicable).
- b. 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.
- c. The organization must also agree to comply with all ~~University~~ university standards, rules, and/or policies as well as all federal, state, and/or local laws.
- d. 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 Multicultural Center~~. Registered ~~student organizations~~ Student Organizations may apply for funding through the Student Organization Leadership Fund (SOLF) administered through ~~the Multicultural Center~~ Student Life.
- b. Club ~~sports~~ Sports are entitled to all the benefits of a ~~registered student organization~~ Registered Student Organization. In addition, ~~club sports~~ 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~~ 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 Multicultural Center~~. The advisor must oversee adherence to ~~University~~ 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~~ university procedures. ~~The Multicultural Center~~ Student Life 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 Multicultural Center~~ from the Student Organizations/Activities Coordinator.
- b. Registered ~~student organizations~~ 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~~ 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~~ Student Organizations have ten (10) University business days to formally notify the ~~Multicultural Center~~ Student Organizations/Activities Coordinator with the name, address, telephone number, and e-mail address of any new or replacement full-time ~~University~~ 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 ~~Multicultural Center~~Student Organizations/Activities Coordinator. After review, the Director of Student Life or designee may appoint a temporary advisor for the club for no more than an additional thirty (30) ~~University~~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~~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~~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 Multicultural Center~~Student Life.
- g. Student organization advisors should complete advisor risk management training ~~set by the Multicultural Center~~provided by Student Life.

#### 9. Prerequisites for Maintaining Registration

To maintain its active registration status throughout the academic year, a ~~registered student organization~~Registered Student Organization must meet or submit the following criteria to ~~the Multicultural Center~~the Student Organizations/Activities Coordinator:

- a. File a list of its current officers within ten (10) ~~University~~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~~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~~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~~Student Organizations shall be responsible for updates and revisions to their local and affiliate constitutions. These changes must be registered with the ~~Multicultural Center~~Student Life within ten (10) business days of any changes. Should an organizational dispute occur that involves ~~University~~university intervention, ~~registered student organizations~~Registered Student Organizations are bound by their constitution and by-laws on file with ~~the Multicultural Center~~Student Life.
- 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~~university and/or federal, state, and/or local statutes.
- e. Solicitation on campus by ~~registered student organizations~~Registered Student Organizations may not abridge any contractual agreements of Angelo State University. To avoid violations, ~~registered student organizations~~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](#)[university](#).
- g. Attend annual risk management training programs provided by [the Multicultural Center](#)[Student Life](#). A minimum of one organization officer, the president, vice president, or chairperson in charge of risk management, is required to attend. The officers are then responsible for conveying the information to their student organization members and completing a Risk Management Statement of Completion.
- h. Ensure off-campus individuals or organizations (whose appearance on campus is sponsored by the organization) observe all applicable policies, rules, regulations and standards of the [University](#)[university](#).
- i. The Dean of Students, Director of Student Life, or designee may suspend the registration of an organization for noncompliance with the regulations and/or standards as outlined in the current Angelo State University Student Handbook.

**10. Conduct Procedures for Student Organizations**

- a. Student organization conduct procedures are outlined in Part I *Code of Student Conduct*, Section C, including processes for the temporary suspension and denial of registration for student organizations.

DRAFT

Approval Signatures

Step Description

Approver

Date

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Dean of Students  
Area 00 Student Handbook

## Part II - Community Policies Section N: Student Right to Know

The University Police Department compiles and publishes campus crime and fire data to comply with the Clery Campus Security Act. Information about crimes that have occurred on-campus and in the immediately surrounding community is published annually and a link to the Campus Crime and Safety Report can be found on the Angelo State University [Student Affairs web page](http://www.angelo.edu/services/student_services/). Additionally, the University maintains a consumer information web page with links to data, support services and accreditation information. [https://www.angelo.edu/consumer\\_info/](https://www.angelo.edu/consumer_info/)

### Approval Signatures

Step Description	Approver	Date
Next Step	Ben Lion: Vice President of Student Affairs	Pending
Policy Owner	Bradley Petty: Dean of Students	06/2023



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Owner Sandra Fuentes:  
Senior  
Administrative  
Assistant, VPSA  
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Handbook

## Part II - Community Policies Section O: Student Records

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### 1. General Policy

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

### 2. Address of Record

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

### 3. Student Access to Education Records

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

point average, academic progress, etc., shall not be released to non- authorized personnel without the consent of the student.

#### **4. Records Not Accessible to Students**

The following are records not accessible to students:

- a. Instructional, supervisory and administrative personnel records and the student's educational personnel records in the sole possession of the author and not revealed to any person other than a substitute (i.e. grade books, notes of observation and notes for recollection purposes).
- b. Employment records of a University employee who is not a student.
- 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 The Office of the Dean of Students. 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 Rampart account. Online FERPA/Proxy information can be found on the Registrar homepage at: <http://www.angelo.edu/ferpa/online-ferpa-proxy.php>

## Approval Signatures

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## Part II - Community Policies 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 ~~The~~the Office of the Dean of Students 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](http://www.angelo.edu/services/registrars_office/withdrawals_refunds.php).
- e. Returning to the University after a Voluntary Withdrawal Application materials and deadlines for former Angelo State University students are available at: <https://myfuture.angelo.edu>. Official transcripts from all institutions attended subsequent to Angelo State University reenrollment must be submitted by the

application deadline. All returning students must have a minimum of a 2.0 GPA on work taken since leaving Angelo State University.

## 2. Involuntary Withdrawals

- a. Angelo State University seeks to balance the rights of individual students with the rights of the community. In order to maintain the safety of both, some behaviors require consultation among a network of campus professionals to determine the appropriate course of action to address the behavior.
- b. When a student poses a direct threat to the health or safety of others, and the direct threat cannot be eliminated or reduced to an acceptable level through the provision of reasonable accommodations where required, a student may be involuntarily withdrawn from the University.
- c. Notice regarding students who may be direct threats (both self-reports and third-party reports) should be made to ~~The~~the Dean of Students or designee.
- d. A "direct threat" means:  
There is a high probability (not just a slightly increased, speculative, or remote risk) of substantial harm and based on observation of a student's conduct, actions, and statements.
- e. The Dean of Students or designee will review the information presented in the notice including what attempts, if any, have been made to reduce or eliminate the direct threat such as the student's voluntary compliance with medical or counseling assistance.
- f. The Dean of Students or designee will notify the student of the concern.
- g. The Dean of Students or designee will request a meeting with the student to inform the student that an initial individualized, objective assessment will be scheduled within five (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~~the Dean of Students or designee for allegations of failure to comply with reasonable directive and/or requests of a University official acting in the performance of his or her duties.

i. Temporary Suspensions

During the involuntary withdrawal process, if the ~~for Student Affairs~~Dean of Students 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~~the Dean of Students 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~~the Dean of Students 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, Associate Director of Student Conduct, Senior Executive Assistant to the

President and General Counsel, and the Dean of Students. If the student resides in campus housing, the Director of Student Conduct, Senior Executive Assistant to the President and General Counsel, and 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 Dean of Students. ~~If the student resides in campus housing, the Director of Housing and Residential Programs will also serve as a voting member of chair~~ the committee. ~~If the student is receiving disability accommodations the Director of Disability Services will also serve as voting member of the committee. The Dean of Students will chair the committee.~~ A non-voting resource person may be assigned by ~~The~~the Dean of Students 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~~the Dean of Students 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~~the Dean of Students 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~~the Dean of Students 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.

I. Review of Committee Recommendation

The Dean of Students 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~~the Dean of Students by submitting a written appeal to the Vice President for Student Affairs within five (5) University business days. The student will be notified in writing of the final decision within five (5) University business days of receipt of the appeal.

n. Final Decision

Upon completion of the appeal process or with no receipt of an appeal, the student who is involuntarily withdrawn may not attend class or use University facilities, must vacate University housing within 24 hours and may not return to campus unless approved by ~~The~~the Dean of Students. 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~~the Dean of Students or designee, limiting any subsequent registration until approval is given by ~~The~~the Dean of Students.

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~~the Dean of Students 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.

## Approval Signatures

Step Description	Approver	Date
Next Step	Ben Lion: Vice President of Student Affairs	Pending
Policy Owner	Bradley Petty: Dean of Students	06/2023



Origination 04/2023  
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Next Review 04/2024

Owner Sandra Fuentes:  
Senior  
Administrative  
Assistant, VPSA  
Area 00 Student  
Handbook

## 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.

## **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, The Office of the Dean of Students, and the Office of Housing and Residential Programs. It is defined as a circumstance in which the evidence as a whole show that the fact(s) for which proof is being sought are more likely than not.

## Religious Holy Day

The term "religious holy day" means a holy day observed by a religion whose places of worship are exempt from property taxation under [Texas Tax Code §11.20](#).

## Retaliation

"Retaliation" is defined as any intentional, adverse action taken by a responding individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant [or supporter of a participant] in an investigation and/or conduct process, civil rights grievance proceeding, or other protected activity.

## Sponsorship and/or Co-sponsorship

The term "sponsorship and/or co-sponsorship" is defined as minimally including, but not limited to, direct participation in planning, coordination and implementation by members of the sponsoring organizations.

## Student

The term "student" includes all persons admitted to or enrolled in courses at the University, either full-time or part-time, pursuing undergraduate, graduate or professional studies, and/or those who attend postsecondary educational institutions other than Angelo State University and who reside in University residence halls. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered "students".

## Student Conduct Officer/Investigator

The term "Student Conduct Officer/Investigator" means a University designee authorized by the Vice

President for Student Affairs, Executive Director of Student Affairs, Title IX Coordinator, and/or Director of Housing and Residential Programs pursuant to the *Code of Student Conduct* to adjudicate alleged violations of the *Code of Student Conduct*.

## Student Organization

The term "student organization" means any number of students who have complied with the formal requirements for University registration.

## University

The term "University" means Angelo State University.

## University Official

The term "University official" includes any person employed by Angelo State University while performing assigned administrative or professional responsibilities.

## University Premises

The term "University premises" includes all land, buildings, facilities and other property in the possession of or owned, used or controlled by the University (including adjacent streets and sidewalks).

COPY

### Approval Signatures

Step Description

Approver

Date



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Last Approved 04/2023  
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Owner Jessica Gooch:  
Dir. of Student  
Transitions/Title  
IX Compliance  
Area 00 Student  
Handbook

## Appendix B: Consent at Angelo State

- Community members engaging in sexual activity must have clear, knowing, and voluntary consent from their sexual partner prior to and during each sexual activity.
- Consent is defined as mutually understandable words or actions, clearly communicated both knowingly and voluntary, that clearly conveys permission for a specific activity.
- It is the responsibility of the initiator of any sexual activity to obtain their partner's verbal or non-verbal consent for each sexual activity.
- To obtain valid consent:
  - It must be expressed by each partner through words or actions.
  - It must be actively expressed by both partners. Consent is not passive or implied.
  - Each partner must be informed about each sexual activity and knowingly consent to participate in each sexual activity.
  - Consent is given voluntarily and freely by each partner for each sexual activity.
  - Each partner must have capacity to consent to sexual activities.
- Silence cannot be assumed to express consent.
- A partner may use non-verbal cues to indicate their *lack* of consent for sexual activity. Some examples of non-verbal communication that demonstrate lack of consent include:
  - Resistance: Pushing hands away, pulling away from partner;
  - Body going limp or freezing up;
  - Crying;
  - Wincing
- Revocation of Consent: One partner can revoke their consent at any time, so long as it's clearly communicated to the other partner. Revocation of consent may be communicated verbally and/or non-verbally. Once a partner has revoked his or her consent, the sexual activity must

stop. If one partner continues the sexual activity after the other partner has revoked his or her consent, a sexual assault has occurred.

- A prior existing sexual relationship between consenting adults does not imply future consent to engage in sexual activities. At any time in a relationship, one partner may revoke his or her consent to sexual activities with the other partner. This is true even in marriage or other long-term sexual relationships. Consent for one sexual activity does not equal consent for other sexual activities.  
Consent cannot be compelled. Compelled sexual activity is by definition non- consensual. Compelling someone into engaging in sexual activities by the use of physical force, threats, intimidation, or coercion invalidates consent, even if it's eventually given, and thus constitutes a violation of the ASU Sexual Misconduct policies.
- A person cannot consent to sexual activity when they are incapacitated. Engaging in sexual activity with someone you know or reasonably should know is incapacitated is a violation of the Code of Conduct. Incapacitation occurs when a person lacks the ability to make informed, rational decisions due to impairment, which may be temporary or permanent.
- The question of whether the 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.

## Approval Signatures

Step Description

Approver

Date



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 Last Approved N/A  
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 Last Revised 07/2023  
 Next Review 1 year after approval

Owner Bradley Petty:  
 Dean of Students  
 Area 00 Student Handbook

## Appendix C: Sanctioning Grid

Violation	Code of Student Conduct Sections	Possible Sanctions Finding
<b>Academic Misconduct</b>	<b>Subsection 1.</b>	<b>Possible Sanctions</b>
<b><i>Cheating</i></b>		
Copying from another student's academic work, test, quiz, or other assignment.	B.1.a.1.a.	Reprimand-Expulsion
Receiving assistance from and/or seeking aid from another student or individual to complete academic work, test, quiz, or other assignment without authority.	B.1.a.1.b.	Reprimand-Expulsion
The use or possession of materials or devices during academic work, test, quiz, or other assignment which are not authorized by the person administering the academic work, test, quiz, or other assignment.	B.1.a.1.c.	Reprimand-Expulsion
Possessing, using, <del>stealing, transporting, attempting to buy or sell,</del> buying, <del>stealing, transporting,</del> selling, or soliciting in whole or in part items including, but not limited to, the contents of an <del>un-administered</del> unadministered test, test key, homework solution, or computer program/software.	B.1.a.1.d.	Reprimand-Expulsion
Possession, at any time, of current or previous tests materials without the instructor's permission.	B.1.a.1.e.	Reprimand-Expulsion
Obtaining by any means, or coercing another person to obtain items including, but not limited to, an <del>un-</del>	B.1.a.1.f.	Reprimand-Expulsion

Violation	Code of Student Conduct Sections	Possible Sanctions Finding
<del>administered</del> unadministered test, test key, homework solution or computer program/software, or information about an <del>un-administered</del> unadministered test, test key, homework solution or computer program.		
Transmitting or receiving information about the contents of academic work, test, quiz, or other assignment with another individual who has completed or will complete the academic work, test, quiz, or other assignment without authority.	B.1.a.1.g.	Reprimand-Expulsion
Substituting for another person, or permitting another person to substitute for oneself in order to take a course, take a test, quiz, or other assignment or sign in/register attendance.	B.1.a.1.h.	Reprimand-Expulsion
Taking, keeping, misplacing, damaging, or altering the property of the University or of another, if the student knows or reasonably should know that an unfair academic advantage would be gained by such conduct.	B.1.a.1.i.	Reprimand-Expulsion
<u>Uploading, downloading, or accessing complete or incomplete academic work, test, quiz, or other assignment without the prior approval of the instructor.</u>	<u>B.1.a.1.j.</u>	<u>Reprimand-Expulsion</u>
Falsifying research data, laboratory reports, and/or other academic work offered for credit.	B.1.a.1.jk.	Reprimand-Expulsion
Failing to comply with instructions given by the person administering the academic work, test, quiz, or other assignment.	B.1.a.1.kl.	Reprimand-Expulsion
<b><i>Plagiarism/Self-Plagiarism</i></b>		
The representation of words, ideas, illustrations, structure, computer code, other expression or media of another <u>or other resources</u> as one's own and/or failing to properly cite direct, paraphrased, or summarized materials.	B.1.a.2.a.	Reprimand-Expulsion
The submission of the same academic work more than once without the prior permission of the instructor and/or failure to correctly cite previous work written by the same student.	B.1.a.2.b.	Reprimand-Expulsion
<b><i>Collusion</i></b>		
Any unauthorized collaboration or attempted collaboration with another individual to complete academic work, test, quiz, or other assignment that results in similarities in the work, including but not limited to, providing unauthorized assistance to another student and/or allowing another student access to completed academic work.	B.1.a.3.	Reprimand-Expulsion

<b>Violation</b>	<b>Code of Student Conduct Sections</b>	<b>Possible Sanctions Finding</b>
<b><i>Falsifying Academic Records</i></b>		
Altering or assisting in the altering of any official record of the University and/or submitting false information.	B.1.a.4.a.	Reprimand-Expulsion
Omitting requested information that is required for, or related to, any academic record of the University.	B.1.a.4.b.	Reprimand-Expulsion
<b><i>Misrepresenting Facts</i></b>		
Providing false grades, falsifying information on a resumé, or falsifying other academic information.	B.1.a.5.a.	Reprimand-Expulsion
Providing false or misleading information in an effort to injure another student academically or financially.	B.1.a.5.b.	Reprimand-Expulsion
Providing false or misleading information or official documentation in an effort to receive a postponement or an extension on academic work, test, quiz, other assignment, credit for attendance and/or obtain an academic or financial benefit for oneself or another individual. Examples include, but are not limited to, fabricated, altered, misleading, or falsified documentation for medical excuses family and personal emergencies, and signing into class and failing to remain the entire time.	B.1.a.5.c.	Reprimand-Expulsion
<b><i>Violation of Professional Standards</i></b>		
Any act or attempted act that violates specific Professional Standards or a published Code of Ethics. Students are held accountable under this policy based on their college or school of enrollment, declared major, degree program, and/or pre-professional program.	B.1.a.6.	Reprimand-Expulsion
<b><i>Unfair Academic Advantage</i></b>		
Any other action or attempted action that may result in creating an unfair academic advantage for oneself or may result in creating an unfair academic advantage or disadvantage for another student that is not enumerated in items 1-6 above.	B.1.a.7.	Reprimand-Expulsion
<b><i>Actions against Members of the University Community and Others</i></b>		
Any act, or attempted act, perpetrated against another person or persons including., but not limited to:		
<b><i>Disruptive and/or Obstructive Conduct</i></b>		
Intentional or reckless behavior that disrupts or obstructs the University operations, including the cessation or temporary cessation of teaching, research, administration,	B.1.b.1.	Reprimand-Expulsion

<b>Violation</b>	<b>Code of Student Conduct Sections</b>	<b>Possible Sanctions Finding</b>
other University activities, and/or other authorized non-University activities which occur on campus.		
<b><i>Harmful, Threatening, or Endangering Conduct</i></b>		
Intentional or reckless behavior that harms, threatens, or endangers the physical or emotional health or safety of others, <del>including but not limited to:</del>	B.1.b.2.	Reprimand-Expulsion
<b><i>Assault</i></b>		
Intentionally, recklessly, or knowingly causing physical harm to another individual.	B.1.b.3.a.	Reprimand-Expulsion
Intentionally, recklessly, or knowingly causing physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or harmful.	B.1.b.3.b.	Reprimand-Expulsion
<b><i>Threats</i></b>		
<b><i>True Threat</i></b>		
Any act or communication <u>that loses legal protection</u> (written, oral, or otherwise) a reasonable person would interpret as a serious expression of intent to injure the health, safety, or property of a person(s) and/or inflict bodily harm upon a person(s).	B.1.b.4.	Reprimand-Expulsion
<b><i>Intimidation</i></b>		
<del>An implied threat or act that causes a reasonable fear of harm.</del>	<del>B.1.b.5.</del>	<del>Reprimand-Expulsion</del>
<b><i>Bullying/Cyber-Bullying</i></b>		
<del>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.</del>	<del>B.1.b.6.</del>	<del>Reprimand-Expulsion</del>
<b><i>Mutual Combat</i></b>		
Any incident between two or more individuals in which violence or the threat of violence is mutual.	B.1.b. <del>7</del> 5.	Reprimand-Expulsion
<b><i>Hazing</i></b>		
Intentional, knowing, or reckless act, occurring on or off the campus of the University, by one person alone or acting with others, directed against a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization whose membership consists primarily of students. Consent and/or	B.1.b. <del>8</del> 6.	Reprimand-Expulsion



Violation	Code of Student Conduct Sections	Possible Sanctions Finding
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.86.a.	Reprimand-Expulsion
Any type of physical activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of a student, such as humiliation, sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar activity.	B.1.b.86.b.	Reprimand-Expulsion
Any activity that involves consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, other than as described by item 4 below, which subjects a student to an unreasonable risk of harm or which adversely affects the mental or physical health or safety of a student.	B.1.b.86.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.86.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 The Office of the Dean of Students.	B.1.b.86.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.86.f.	Reprimand-Expulsion
Any activity that involves coercing a student to consume an alcoholic beverage, liquor, or drug, or creates an environment in which the student reasonably feels coerced to consume any of those substances. See <a href="#">Texas Education Code</a> , Sections 37.151-37.155 and Section 51.936.	B.1.b.86.g.	Reprimand-Expulsion
<b>Discriminatory Harassment</b>		

Violation	Code of Student Conduct Sections	Possible Sanctions Finding
<p><b>Conduct</b> In a student-on-student context, conduct based on a student's sex (including pregnancy), race, national origin, religion, age, disability, sexual orientation, gender, or other protected categories, classes, or characteristics that is sufficiently severe, persistent/pervasive, or pervasive and objectively offensive that is it adversely affects the victim/individual's education or creates an intimidating, hostile, abusive, or offensive educational environment which interferes with the student's ability to realize the intended benefits of the University's resources and opportunities.</p>	B.1.b.97.	Reprimand-Expulsion
<b>Retaliatory Discrimination or Harassment</b>		
Any intentional, adverse action taken by an individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant (or supporter of a participant) in a conduct process, civil rights grievance proceeding, or other protected activity.	B.1.b.108.	Reprimand-Expulsion
<b>Complicity or Knowingly Present</b>		
Assisting, via acts or omission, another student, individual, or group in committing or attempting to commit a violation of the Code of Student Conduct, specifically violations that constitute Actions Against Members of the University Community.	B.1.b.119.a.	Reprimand-Expulsion
Complicity with or failure of any organized group to address known or obvious violations of the Code of Student Conduct by its members, specifically Actions Against Members of the University Community.	B.1.b.119.b.	Reprimand-Expulsion
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.	B.1.b.119.c.	Reprimand-Expulsion
<b>Alcoholic Beverages</b>		
Use, possession, sale, delivery, manufacture, or distribution of alcoholic beverages that would constitute a violation of any federal, state, local law, and/or Angelo State University policy.	B.1.c.1.	Reprimand-Expulsion
Being under the influence of alcohol and/or intoxication as defined by federal, state, local law, and/or Angelo State University policy.	B.1.c.2.	Reprimand-Expulsion
<b>Narcotics or Drugs</b>		
	<b>Subsection 4.</b>	<b>Possible Sanctions</b>

Violation	Code of Student Conduct Sections	Possible Sanctions Finding
Use, possession, sharing, furnishing, sale, delivery, manufacture, or distribution of <del>any narcotic</del> <u>illegal drugs, drug intoxicants, and/or controlled substances</u> , prescription medications contrary to a valid prescription, chemical compound <del>or other controlled substance</del> , <u>and/or</u> drug paraphernalia that would constitute a violation of any federal, state, local law, and/or Angelo State University policy.	B.1.d.1.	Reprimand-Expulsion
Possession of drug-related paraphernalia that would constitute a violation of any federal, state, local law, and/or Angelo State University policy.	B.1.d.2.	Reprimand-Expulsion
Being under the influence of <del>narcotics</del> , <u>illegal drugs, intoxicants, controlled substances</u> , prescription medications contrary to a valid prescription, <u>and/or</u> chemical compound <del>or other controlled substance</del> that would constitute a violation of any federal, state, local law, and/or Angelo State University policy.	B.1.d.3.	Reprimand-Expulsion
<b>Smoking, <u>Vaping, and Vaping</u>/or Tobacco Use</b>	<b>Subsection 5.</b>	<b>Possible Sanctions</b>
Smoking, vaping, or the use of smokeless tobacco products in unauthorized areas on University property as designated by the Angelo State University Smoke/Tobacco-Free Environment policy. <u>This includes the unlawful possession, use, or distribution of products containing nicotine.</u>	B.1.e.	Reprimand-Expulsion
<b>Firearms, Weapons, and Explosives</b>	<b>Subsection 6.</b>	<b>Possible Sanctions</b>
Use or possession of any items used as weapons, including, but not limited to, handguns, firearms, ammunition, fireworks, pellet guns, paintball guns, BB guns, knives, Tasers, or explosive or noxious materials on University premises that would constitute a violation of any federal , state, local law, and/or Angelo State University policy. See <i>RESIDENCE HALL HANDBOOK (Housing and Residential Programs webpage/Living on Campus/Current Students/ Documents/Rates)</i> for specific approved devices allowed in the residence halls.	B.1.f.	Reprimand-Expulsion
<b>Flammable Materials/Arson</b>	<b>Subsection 7.</b>	<b>Possible Sanctions</b>
Use of items or materials to ignite, spread, or intensify flames for fire, or the attempt to ignite, spread, or intensify flames for fire, except as expressly permitted by University officials.	B.1.g.1.	Reprimand-Expulsion

<b>Violation</b>	<b>Code of Student Conduct Sections</b>	<b>Possible Sanctions Finding</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.	B.1.g.2.	Reprimand-Expulsion
<b>Theft, Damage, Littering, or Unauthorized Use</b>	<b>Subsection 8.</b>	<b>Possible Sanctions</b>
Attempted or actual theft of property or services of the University or of another.	B.1.h.1.	Reprimand-Expulsion
Possession of property known to be stolen or belonging to another person without the owner's permission.	B.1.h.2.	Reprimand-Expulsion
Attempted or actual damage to property owned or leased by the University, by other University students, other members of the University community, or campus visitors.	B.1.h.3.	Reprimand-Expulsion
Littering (as defined by the State of Texas Health and Safety Code, Section 365.011.6) on grounds owned or leased by the University by other University students, other members of the University community, or campus visitors.	B.1.h.4.	Reprimand-Expulsion
Attempted or actual unauthorized use of a credit card, debit card, student identification card, cell phone, personal identification number, test number, OneCard account information and/or personal check, or other unauthorized use of personal property or information of another.	B.1.h.5.	Reprimand-Expulsion
Altercation, forgery or misrepresentation of any form of identification.	B.1.h.6.	Reprimand-Expulsion
Possession or use of any form of false identification, not belonging to the student or used for the purposed originally issued.	B.1.h.7.	Reprimand-Expulsion
Failure to meet financial obligations owed to the University, or components owned or operated by the University, including but not limited to, issuing payment to the student's financial account from accounts with insufficient funds.	B.1.h.8.	Reprimand-Expulsion
Selling items including but not limited to: stolen items, student identification cards, and/or any item which may be used as a form of false identification	B.1.h.9.	Reprimand-Expulsion
<b>Gambling, Wagering, Gaming, and /or Bookmaking</b>	<b>Subsection 9.</b>	<b>Possible Sanctions</b>
Gambling, wagering, gaming, and bookmaking as defined by federal, state, local laws, and/or Angelo State University policy are prohibited on University premises involving the use of University equipment or services.	B.1.i.	Reprimand-Expulsion

<b>Violation</b>	<b>Code of Student Conduct Sections</b>	<b>Possible Sanctions Finding</b>
<b>False Alarms, Emergency Equipment, or Terroristic Threats</b>	<b>Subsection 10.</b>	<b>Possible Sanctions</b>
Intentional sounding of a false alarm, falsely reporting an emergency in any form, and/or filing false police reports.	B.1.j.1.	Reprimand-Expulsion
Destruction or activation of fire sprinklers or improperly possessing, tampering with, or destroying fire equipment or emergency signs on University premises.	B.1.j.2.	Reprimand-Expulsion
Threats to commit any offense involving violence to any person or property with intent to: <ul style="list-style-type: none"> <li>• Cause a reaction of any type to the threat by an official or volunteer agency organized to deal with emergencies;</li> <li>• Place any person in fear of imminent serious bodily injury;</li> <li>• Prevent or interrupt the occupation or use of a building, room, place of assembly, place to which the University Community has access, place of employment or occupation, University automobile, or other place of use to the University Community;</li> <li>• Cause impairment or interruption of University communications, University transportation, or other University service; <del>or Place the University in fear of serious bodily injury.</del></li> <li>• <u>Place the University in fear of serious bodily injury.</u></li> </ul>	B.1.j.3.	Reprimand-Expulsion
<b>Unauthorized Entry, Possession, and Use</b>	<b>Subsection 11.</b>	<b>Possible Sanctions</b>
Unauthorized entry into or use of University premises or equipment including another student's room.	B.1.k.1.	Reprimand-Expulsion
Unauthorized possession, use, duplication, production, or manufacture of any key or unlocking device, University identification card or access code for use on University premises or equipment.	B.1.k.2.	Reprimand-Expulsion
Unauthorized use of the University name, logo, registered marks, symbols; however, registered student organizations are permitted to use the complete statement "a registered student organization at Angelo State University."	B.1.k.3.	Reprimand-Expulsion
Unauthorized use of the University name to advertise or promote events or activities in a manner that suggests	B.1.k.4.	Reprimand-Expulsion

<b>Violation</b>	<b>Code of Student Conduct Sections</b>	<b>Possible Sanctions Finding</b>
sponsorship and/or recognition by the University.		
<b>Failure to Comply</b>	<b>Subsection 12.</b>	<b>Possible Sanctions</b>
Failure to comply with reasonable directives and/or requests of a University official acting in the performance of his or her duties.	B.1.l.1.	Reprimand-Expulsion
Failure to present student identification on request or identify oneself to any University official acting in the performance of his or her duties.	B.1.l.2.	Reprimand-Expulsion
Failure to comply with the sanctions imposed by the University under the <i>Code of Student Conduct</i> or the Student Handbook.	B.1.l.3.	Reprimand-Expulsion
<b>Abuse, Misuse, or Theft of University Information Systems</b>	<b>Subsection 13.</b>	<b>Possible Sanctions</b>
Unauthorized use of University information systems is prohibited, and may be subject to criminal prosecution in addition to disciplinary sanctions pursuant to the <i>Code of Student Conduct</i> . Use of Angelo State University information systems may be subject to security testing and monitoring, and users have no expectation of privacy except as otherwise provided by applicable privacy laws. Use of information systems is also subject to Information Technology policies (OP Section 44.00), University Operating Policies, and other applicable laws. Abuse, misuse, or theft of University information systems includes, but is not limited to, the following:	B.1.m.	Reprimand-Expulsion
Unauthorized use of University information systems including, but not limited to, private information and passwords, including the unauthorized sharing of private information or passwords with individuals who otherwise have no authority to access University information systems.	B.1.m.1.	Reprimand-Expulsion
Use of University information systems for unauthorized or nonacademic purposes including, but not limited to, illegal access, attempted or actual unauthorized accessing, copying, transporting or installing programs, records, data, or software belonging to the University, another user, or another entity, and/or illegal activity (e.g., sharing copyrighted materials or media).	B.1.m.2.	Reprimand-Expulsion
Using University information systems to violate Part I, Section B.2. (Actions Against Members of the University Community and Others).	B.1.m.3.	Reprimand-Expulsion

<b>Violation</b>	<b>Code of Student Conduct Sections</b>	<b>Possible Sanctions Finding</b>
Attempted or actual breach of the security of another user's account and/or computing system, depriving another user of access to Angelo State University information systems, compromising the privacy of another user or disrupting the intended use of Angelo State University information systems.	B.1.m.4.	Reprimand-Expulsion
Attempted or actual use of the Angelo State University information systems for unauthorized political or commercial purposes, or for personal gain.	B.1.m.5.	Reprimand-Expulsion
Access, creation, storage, or transmission of material deemed obscene (as defined by Chapter 43 of the State of Texas Penal Code on Public Indecency or other applicable laws). Exceptions may be made for academic research where this aspect of the research has the written consent of the Department Chair. Discovery of obscene material, including child pornography, on any Angelo State University information system must be reported to the Chief Information Officer immediately.	B.1.m.6.	Reprimand-Expulsion
Attempted or actual destruction, disruption or modification of programs, records or data belonging to or licensed by the University or another user or destruction of the integrity of computer-based information using Angelo State University information systems.	B.1.m.7.	Reprimand-Expulsion
Attempted or actual use of Angelo State University information systems to interfere with the normal operation of the University.	B.1.m.8.	Reprimand-Expulsion
Intentional "spamming" of students, faculty or staff (defined as the sending of unsolicited and unwanted electronic communications including, but not limited to, e-mails and text messages to parties with whom the sender has no existing business, professional or personal acquaintance) using Angelo State University information systems.	B.1.m.9.	Reprimand-Expulsion
<b>Providing False Information or Misuse of Records</b>	<b>Subsection 14.</b>	<b>Possible Sanctions</b>
Knowingly furnishing false information to the University, to a University official in the performance of his or her duties, or to an affiliate of the University, either verbally or through forgery, alteration or misuse of any document, record, or instrument of identification.	B.1.n.	Reprimand-Expulsion
<b>Skateboards, Rollerblades, Scooters, Bicycles, or Similar Modes of Transportation</b>	<b>Subsection 15.</b>	<b>Possible Sanctions</b>



<b>Violation</b>	<b>Code of Student Conduct Sections</b>	<b>Possible Sanctions Finding</b>
Use of skateboards, rollerblades, scooters, bicycles, or other similar modes of transportation in University buildings or on University premises in such a manner as to constitute a safety hazard or cause damage to University or personal property. Refer to University Parking Services regulations at: <a href="http://www.angelo.edu/services/parking_services/">http://www.angelo.edu/services/parking_services/</a>	B.1.o.	Reprimand-Expulsion
<b>Interference with Expressive Activities</b>	<b>Subsection 16.</b>	<b>Possible Sanctions</b>
Unduly interfering with the expressive activities of others on campus resulting in the inability for expressive activities to occur or to continue. Consistent with TTUS Regulation 07.04, students who unduly interfere with the expressive activities of others on campus will be subject to the disciplinary policies and procedures outlined in the <i>Code of Student Conduct</i> . The terms of such Regulation shall control in the event of any conflict between the provisions set forth in this Handbook and the terms of such Regulation. NOTE: See also Code of Student Conduct Part II, Section G – Freedom of Expression Activities.	B.1.p.	Reprimand-Expulsion
<b>Violation of Published University Policies, Rules, or Regulations</b>	<b>Subsection 17.</b>	<b>Possible Sanctions</b>
Violation of any published University policies, rules, or regulations that govern student or student organization behavior, including, but not limited to, violations of the following:	B.1.q.	Reprimand-Expulsion
<a href="#">University Parking Services</a>	B.1.q.1.	Reprimand-Expulsion
<a href="#">Housing and Residential Programs</a>	B.1.q.2.	Reprimand-Expulsion
<a href="#">Student Life</a>	B.1.q.3.	Reprimand-Expulsion
<a href="#">Multicultural Center</a>	B.1.q.4.	Reprimand-Expulsion
<a href="#">University Recreation</a>	B.1.q.5.	Reprimand-Expulsion
<a href="#">ASU Student-Athlete Handbook</a>	B.1.q.6.	Reprimand-Expulsion
<a href="#">Texas Tech University System Board of Regents' Rules</a>	B.1.q.7.	Reprimand-Expulsion
<a href="#">Angelo State University Operating Policies and Procedures</a>	B.1.q.8.	Reprimand-



Violation	Code of Student Conduct Sections	Possible Sanctions Finding
		Expulsion
<a href="#"><u>Community Policies of the Student Handbook (Part II)</u></a>	B.1.q.9.	Reprimand-Expulsion
<b><u>Violation of Federal, State, and/or Local Laws</u></b>	<b><u>Subsection 18.</u></b>	<b><u>Possible Sanctions</u></b>
<u>Misconduct which may constitute a violation of federal, state, and/or local laws may be considered a violation of University policy and may be investigated and adjudicated through the University conduct system. A lack of conviction in any criminal proceeding will not, in and of itself, serve as evidence in or resolve a University conduct proceeding.</u>	B.1.r.	Reprimand-Expulsion
<b><u>Abuse of the Discipline System</u></b>	<b><u>Subsection 19.</u></b>	<b><u>Possible Sanctions</u></b>
<u>Falsification, distortion, or misrepresentation of information in disciplinary proceedings.</u>	B.1.s.1.	Reprimand-Expulsion
<u>Disruption or interference with the orderly conduct of a disciplinary proceeding.</u>	B.1.s.2.	Reprimand-Expulsion
<u>Filing an allegation known to be without merit or cause.</u>	B.1.s.3.	Reprimand-Expulsion
<u>Discouraging or attempting to discourage an individual's proper participation in or use of the disciplinary system.</u>	B.1.s.4.	Reprimand-Expulsion
<u>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.</u>	B.1.s.5.	Reprimand-Expulsion
<u>Influencing or attempting to influence another person to commit an abuse of the discipline system.</u>	B.1.s.6.	Reprimand-Expulsion
<p>Severe, Pervasive, and Objectively Offensive standard:</p> <ol style="list-style-type: none"> <li>1. Sexual Assault - An offense classified as a forcible or nonforcible sex offense. <ol style="list-style-type: none"> <li>a. Forcible sex offense - Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent, including Rape, Sodomy (oral or anal sexual intercourse), Sexual Assault with an Object, and Fondling</li> <li>b. Nonforcible sex offense - Unlawful, nonforcible sexual intercourse including</li> </ol> </li> </ol>		

Violation	Code of Student Conduct Sections	Possible Sanctions Finding
<p>incest and statutory rape.</p> <p>c. (For complete definitions of forcible and nonforcible sex offenses, please see <a href="#">System Regulation 07.06.A</a>)</p> <p>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.</p> <p>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.</p> <p>4. Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.</p>		
<p><i>Non-Title IX Sexual Misconduct</i> is a broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, interpersonal violence, sexual violence, and any other misconduct based on sex.</p>	D.2.c.	
<p><b><i>Interpersonal Violence</i></b></p>		
<p>An offense that meets the definition of domestic violence or dating violence.</p>	D.2.c.1.	

Violation	Code of Student Conduct Sections	Possible Sanctions Finding
<b>Domestic Violence or Family Violence</b>		
<p>Physical, sexual, or verbal abuse, or threat of abuse or violence, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person with whom the Complainant is cohabitating (or has cohabitated) with a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the State of Texas, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Texas. <del>Verbal</del><u>In a student-on-student context, verbal</u> abuse must be <del>sufficiently</del> severe, <del>persistent, or</del> pervasive, <u>and objectively offensive</u> that it adversely affects the <del>victim</del><u>individual's</u> education or creates an intimidating, hostile, abusive or offensive educational environment which interferes with the student's ability to realize the intended benefits of the University's resources and opportunities.</p>	D. 2.c.1.b.	Probation-Expulsion
<b>Dating Violence</b>		
<p>Physical, sexual, or verbal abuse, or threat of abuse or violence, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship will be determined based on the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. A casual acquaintanceship or ordinary socialization between two individuals does not constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence or family violence.</p>	D.2.c.1.a.	Probation-Expulsion
<b>Public Indecency</b>		
<p>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.</p>	D.2.c.2.	Probation-Expulsion
<b>Sexual Assault</b>		
<p>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</p>	D.2.c.3.	

<b>Violation</b>	<b>Code of Student Conduct Sections</b>	<b>Possible Sanctions Finding</b>
intercourse.		
<b>Non-Consensual Sexual Contact</b>		
Intentional sexual touching, however slight and with any object or part of one's body, of another's private areas without consent. Sexual Contact includes: intentional contact with the breasts, buttock, groin, or genitals; touching another with any of these body parts; making another touch you or themselves with or on any of these body parts; or any other intentional bodily contact in a sexual manner.	D.2.c.3.a.	Deferred Suspension-Expulsion
<b>Non-Consensual Sexual Intercourse</b>		
Sexual penetration or intercourse, however slight, with a penis, tongue, finger, or any object, and without consent. Penetration can be oral, anal, or vaginal.	D.2.c.3.b.	Suspension-Expulsion
<b>Sex Discrimination</b>		
An act that deprives a member of the University Community of their right of access to campuses and facilities and/or of participation in education, services, programs, operations, employment, benefits or opportunities with the University on the basis of the person's sex.	D.2.c.4	Reprimand-Expulsion
<b>Sexual Exploitation</b>		
Taking non-consensual or abusive sexual advantage of another for the benefit of oneself or a third party. Prohibited behavior includes, but is not limited to: <ul style="list-style-type: none"> <li>a. Purposeful photography, video recording, of another person in a sexual, intimate, or private act without the person's full knowledge and consent.</li> <li>b. Purposeful distribution, or dissemination of sexual or intimate images or recordings of another person without that person's knowledge or consent;</li> <li>c. Sexual voyeurism;</li> <li>d. Inducing another to expose one's genitals or private areas;</li> <li>e. Prostituting another; or</li> <li>f. Knowingly exposing someone to or transmitting a sexually transmitted disease without the person's full knowledge and consent.</li> </ul>	D.2.c.5.	Reprimand-Expulsion
<b>Sexual Harassment</b>		

Violation	Code of Student Conduct Sections	Possible Sanctions Finding
<p>Unwelcome verbal, written, or physical conduct of a sexual nature when:</p> <ul style="list-style-type: none"> <li>a. In the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or</li> <li>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.</li> </ul>	BD.2.c.6.	Reprimand-Expulsion
<b>Stalking</b>		
<p>A course of conduct directed at a specific person that would cause a reasonable person to fear for the person's own safety or the safety of others or would cause that person to suffer substantial emotional distress. A "course of conduct" means two or more acts in which a person directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property. "Reasonable person" means a reasonable person under similar circumstances and similarly situated to the Complainant. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.</p>	BD.2.c.7.	Reprimand-Expulsion

## Approval Signatures

Step Description	Approver	Date
Vice President Approval	Ben Lion: Vice President of Student Affairs	Pending
Policy Owner	Bradley Petty: Dean of Students	07/2023

Status **Pending** PolicyStat ID **13904537**



Origination 04/2023  
Last Approved N/A  
Effective Upon Approval  
Last Revised 06/2023  
Next Review 1 year after approval

Owner Bradley Petty:  
Dean of Students  
Area 00 Student Handbook

## Appendix D: Campus Resources

### Office of Academic Affairs

Provost and Vice President for Academic Affairs AD-204

### College of Arts and Humanities

Dean of the College of Arts and Humanities CARR-146  
Department of Communication and Mass Media LIB-B306  
Department of English and Modern Languages A-010  
Department of History A-210  
Department of Political Science and Philosophy RAS-213  
Department of Security Studies and Criminal Justice N-164  
Department of Visual and Performing Arts CARR-139

### Norris-Vincent College of Business

Dean of the Norris-Vincent College of Business RAS-262  
Department of Accounting, Economics, and Finance... RAS-258  
Department of Aerospace Studies RAS-227  
Department of Management and Marketing RAS-212

### College of Education

Dean of the College of Education CARR-104  
Department of Curriculum and Instruction... CARR-154  
Department of Teacher Education... CARR-145

### College of Graduate Studies and Research AD-107

## **Archer College of Health and Human Services**

Dean of the Archer College of Health and Human Services HHS 202

Department of Health Science Professions HHS 222

Department of Kinesiology Ben Kelly CHP 201

Department of Nursing HHS 318

Department of Physical Therapy HHS 224

Department of Psychology and Sociology... A 204

Department of Social Work HHS 224

## **College of Science and Engineering**

Dean of the College of Science and Engineering N 175

Department of Agriculture N 212

Department of Biology... CAV 101

Department of Chemistry and Biochemistry... CAV 102L

Department of Computer Science... MCS 205

David L. Hirschfeld Department of Engineering N 268

Department of Mathematics MCS 220

Department of Physics and Geosciences... N 114

## **Administrative Staff**

Athletic Director (Academic, Athletic, and Health Records of Student Athletes)...Junell Center 222

Chief of University Police (Incident Reports and Police Investigations) Reidy Building

Clinic Director (Medical Records) Jackson St. Clinic

Dean of Students (Discipline and Conduct Records).....UC 112

Director of Admissions (Admissions Files) HAR 101

Director of Affiliated Military & Veteran Services... UC 113

Director of Career Development (Career Files) UC 107

Director of Counseling Services (Counseling Records) Counseling Services Building

Director of Financial Aid (Financial Aid and Scholarship Records) HAR 101

Director of Housing and Residential Programs (Housing Records) Centennial Village

Director of Multicultural Programs/Student Activities Center (Student Organization Records) UC 114

Director of Registrar Services (Permanent Academic Record Files) HAR 200

Director of Risk and Emergency Management FM 119

Director of Scholarship Programs (Scholarship Records) HAR 215

Director of Student Disability Services (Student ADA Records) UC 112

Director of University Recreation... Ben Kelly CHP 113

Executive Director of Student Life... UC 001

Executive Director of Enrollment Management HAR 100A

Senior Executive Assistant to the President and General Counsel... AD 213

Title IX Coordinator (Title IX Records) AD 205

Vice President for External Relations AD 102

Vice President for Finance & Administration. AD 103

<u><b>Department</b></u>	<u><b>Office</b></u>
<u><b>Office of Academic Affairs</b></u>	
<u>Provost and Vice President for Academic Affairs</u>	<u>AD 204</u>
<u><b>College of Arts and Humanities</b></u>	
<u>Dean of the College of Arts and Humanities</u>	<u>CARR 146</u>
<u>Department of Communication and Mass Media</u>	<u>LIB B306</u>
<u>Natalie Zan Ryan Department of English and Modern Languages</u>	<u>A 010</u>
<u>Department of History</u>	<u>A 210</u>
<u>Department of Political Science and Philosophy</u>	<u>RAS 213</u>
<u>Department of Security Studies and Criminal Justice</u>	<u>VIN 164</u>
<u>Department of Visual and Performing Arts</u>	<u>CARR 139</u>
<u><b>Norris-Vincent College of Business</b></u>	
<u>Dean of the Norris-Vincent College of Business</u>	<u>RAS 262</u>
<u>Department of Accounting, Economics, and Finance</u>	<u>RAS 258</u>
<u>Department of Aerospace Studies</u>	<u>RAS 227</u>
<u>Department of Management and Marketing</u>	<u>RAS 212</u>
<u><b>College of Education</b></u>	
<u>Dean of the College of Education</u>	<u>CARR 285</u>
<u>Department of Curriculum and Instruction</u>	<u>CARR 154</u>
<u>Department of Teacher Education</u>	<u>CARR 145</u>
<u><b>College of Graduate Studies and Research</b></u>	
<u>Dean of the College of Graduate Studies and Research</u>	<u>ADM 107A</u>
<u><b>Archer College of Health and Human Services</b></u>	
<u>Dean of the Archer College of Health and Human Services</u>	<u>HHS 202</u>



<u><b>Department</b></u>	<u><b>Office</b></u>
<a href="#"><u>Department of Health Science Professions</u></a>	<a href="#"><u>HHS 222</u></a>
<a href="#"><u>Department of Kinesiology</u></a>	<a href="#"><u>Ben Kelly CHP 201</u></a>
<a href="#"><u>Department of Nursing</u></a>	<a href="#"><u>HHS 318</u></a>
<a href="#"><u>Department of Physical Therapy</u></a>	<a href="#"><u>HHS 224</u></a>
<a href="#"><u>Department of Psychology and Sociology</u></a>	<a href="#"><u>A 204</u></a>
<a href="#"><u>Department of Social Work</u></a>	<a href="#"><u>HHS 224</u></a>
<b><u>College of Science and Engineering</u></b>	
<a href="#"><u>Dean of the College of Science and Engineering</u></a>	<a href="#"><u>VIN 175</u></a>
<a href="#"><u>Department of Agriculture</u></a>	<a href="#"><u>VIN 212</u></a>
<a href="#"><u>Department of Biology</u></a>	<a href="#"><u>CAV 101</u></a>
<a href="#"><u>Department of Chemistry and Biochemistry</u></a>	<a href="#"><u>CAV 102L</u></a>
<a href="#"><u>Department of Computer Science</u></a>	<a href="#"><u>MCS 205</u></a>
<a href="#"><u>David L. Hirschfeld Department of Engineering</u></a>	<a href="#"><u>VIN 268</u></a>
<a href="#"><u>Department of Mathematics</u></a>	<a href="#"><u>MCS 220</u></a>
<a href="#"><u>Department of Physics and Geosciences</u></a>	<a href="#"><u>VIN 114</u></a>
<b><u>Administrative Staff</u></b>	
<a href="#"><u>Athletic Director (Academic, Athletic, and Student Athletes' Health Records)</u></a>	<a href="#"><u>JC 222</u></a>
<a href="#"><u>Chief of University Police (Incident Reports and Police Investigations)</u></a>	<a href="#"><u>Reidy Building</u></a>
<a href="#"><u>Clinic Director (Medical Records)</u></a>	<a href="#"><u>Jackson Street Clinic</u></a>
<a href="#"><u>Dean of Students (Discipline and Cares/BIT Records)</u></a>	<a href="#"><u>UC 112</u></a>
<a href="#"><u>Director of Affiliated Military &amp; Veteran Services (Veterans' Records)</u></a>	<a href="#"><u>UC 113</u></a>
<a href="#"><u>Director of Career Development (Career Records)</u></a>	<a href="#"><u>UC 107</u></a>
<a href="#"><u>Director of Counseling Services (Counseling Records)</u></a>	<a href="#"><u>Counseling Services Building</u></a>
<a href="#"><u>Director of Financial Aid (Financial Aid and Scholarship Records)</u></a>	<a href="#"><u>HAR 101</u></a>
<a href="#"><u>Director of Housing and Residential Programs (Housing Records)</u></a>	<a href="#"><u>Centennial Village</u></a>
<a href="#"><u>Director of Registrar Services (Permanent Academic Records)</u></a>	<a href="#"><u>HAR 200</u></a>
<a href="#"><u>Director of Risk and Emergency Management</u></a>	<a href="#"><u>FM 119</u></a>
<a href="#"><u>Director of Student Disability Services (Student ADA Records)</u></a>	<a href="#"><u>UC 112</u></a>
<a href="#"><u>Director of University Recreation</u></a>	<a href="#"><u>Ben Kelly CHP 113</u></a>

<u>Department</u>	<u>Office</u>
<a href="#">Executive Director of Admissions, Strategic Partnerships, and Dual Credit (Admissions Records)</a>	<a href="#">HAR 101</a>
<a href="#">Executive Director of Enrollment Management</a>	<a href="#">HAR 100A</a>
<a href="#">Executive Director of Student Life (Student Organization Records)</a>	<a href="#">UC B001</a>
<a href="#">President</a>	<a href="#">ADM 213</a>
<a href="#">Senior Executive Assistant to the President and General Counsel</a>	<a href="#">ADM 213</a>
<a href="#">Title IX Coordinator (Title IX Records)</a>	<a href="#">ADM 205</a>
<a href="#">Vice President for External Relations</a>	<a href="#">ADM 102</a>
<a href="#">Vice President for Finance &amp; Administration</a>	<a href="#">ADM 103</a>
<a href="#">Vice President for Student Affairs</a>	<a href="#">ADM 205</a>

## Approval Signatures

Step Description	Approver	Date
Next Step	Ben Lion: Vice President of Student Affairs	Pending
Policy Owner	Bradley Petty: Dean of Students	06/2023

# **ATTACHMENT**

# **2**

**ASU OP 06.02 Academic Workload Calculation  
with proposed revisions  
(Consent Item c.)**

Status

Scheduled

PolicyStat ID

13531748



Origination 05/2019  
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Effective 08/2023  
Last Revised 06/2023  
Next Review 06/2026

Owner Twyla Tasker  
Area 06 Academic Affairs - Faculty  
Tags 10.1 SACSCOC, 13.5 SACSCOC, 6.1 SACSCOC, 6.2.b SACSCOC, Board of Regents approval required

## OP 06.02 Academic Workload Calculation

### PURPOSE:

The purpose of this Operating Policy/Procedure (OP) is to establish rules for calculating the statutory workload of faculty in ~~order to comply~~ **compliance** with Section 51.402 of the Texas Education Code. This OP is a mechanism for ensuring that each faculty member meets the statutory teaching load minimum.

### REVIEW:

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

### POLICY/PROCEDURE

The following faculty academic workload rules and regulations at Angelo State University are designed to support the mission of the university.

1. The workload of faculty members encompasses a variety of teaching, research, and service

activities. Teaching load, the number of credit hours taught or equivalent duties assigned to a faculty member, is but one aspect of faculty workload. In carrying out their responsibility to distribute workload, department chairs and deans must assign teaching loads so that:

- a. Overall workloads are distributed as equitably as possible and in a fashion that is consistent with the unit's mission;
  - b. The university meets its instructional obligations for both undergraduate and graduate programs;
  - c. Each faculty member meets statutory minimum teaching load requirements; and
  - d. Faculty participation in service and the performance of other approved major responsibilities is accommodated.
2. ~~In compliance with Section 51.402 of the Texas Education Code, the~~ The minimum teaching load for faculty members paid 100 percent from funds appropriated for instructional purposes is equivalent to 24 semester credit hours of instruction in organized undergraduate and/or graduate classes each nine-month academic year. For purposes of this document, 24 semester credit hours of organized undergraduate and/or graduate instruction equals 24 hours of teaching load credit.
  3. For faculty members with less than full-time appointments from funds appropriated for instructional purposes, the minimum teaching load is proportionally less. Normally, courses compensated outside regular faculty salary are not counted as part of a faculty member's minimum teaching load.
  4. A reduced teaching load may be granted if classes do not materialize because of insufficient enrollment and when additional classes or equivalent academic work cannot be assigned to the faculty member. This exception will not be made for any particular faculty member in successive years. A faculty member granted a reduced teaching load under this provision may be assigned a corresponding increase in teaching load during the following long semester.
  5. A reduced teaching up to a maximum of six hours of teaching load credit per semester may be granted for a faculty member who has ~~an~~ a significant administrative responsibility (temporary or permanent) relating to the institution as a whole. Examples of an administrative assignment ~~such as include~~ chair of a department, head of a comparable administrative unit, or coordinator of special programs or multi-section courses.
  6. A reduced teaching load may be granted when a faculty member has taught a load in excess of the normal requirements. Faculty ~~overload information will be maintained by the Provost's Office. Faculty~~ who teach uncompensated overloads over a two year rolling period (most often defined as the current semester plus the previous 3 semesters) that equal one regularly scheduled full semester course will be eligible for a course release the following semester.  
~~A reduced teaching load may be granted for significant temporary academic administrative responsibilities relating to the institution as a whole.~~
  7. The responsibility for assigning teaching duties rests with department chairs and deans, who will monitor and report overload information to the Office of the Provost. The department chair's discretionary authority over class sizes and assignments includes all courses offered through an academic department, whether face-to-face or online, and including dual credit. The Office of the Provost and Vice President for Academic Affairs likewise monitors these assignments for compliance and equity and provides appropriate reports in accordance with

state requirements and the *Regents' Rules*.

8. In calculating teaching load, the equivalencies in the following section will be applied. Normally, ~~a faculty member paid by funds appropriated for instructional purposes~~ members will ~~comply with the statutory teaching load requirement by serving as the instructor of record for the equivalent of~~ teach 24 semester credit hours in organized undergraduate and/or graduate classes ~~in~~ each academic year. In no case, however, will a faculty member paid full-time from funds appropriated for instructional purposes teach fewer than the equivalent of 12 semester credit hours in organized undergraduate and/or graduate classes in an academic year without the approval of the provost and vice president for academic affairs.

9. Equivalencies

- a. One semester credit hour of organized graduate instruction in a class of five or more students is equated to **1.5** semester credit hours of organized undergraduate instruction. Exceptions may be granted with approval of the department chair, dean of the college, and PVPAA. The appropriate department chair will notify faculty when an exception is under consideration.
- b. Teaching **load** credit for direction of master's theses shall be granted on an accumulative basis of .20 of the ~~"thesis direction by graduate student committee chairpersons shall be granted on an accumulative basis of .10 of the thesis"~~ research semester credit hours that master's students have successfully completed.
- c. Teaching load credit for direction of doctoral dissertations shall be granted on an accumulative basis of .33 of the "dissertation" research semester credit hours that doctoral students have successfully completed.
- d. Teaching load credit for individual instruction classes (e.g., individual research projects, clinical practicum or intern supervision) will be granted on the basis of .3 of the course semester credit hour designation for individual graduate instruction and .2 of the course semester credit hour designation for individual undergraduate instruction per student enrolled. In no case will individual instruction in a single course generate more teaching load credits than if the course were taught as a regularly scheduled, organized class.
- e. One semester credit hour of teaching in a large class (above 100) that requires extensive grading and written work may be equated to **1.5** teaching load credits. This adjustment requires the written approval of the dean of the college.
- f. Three contact hours in laboratory, studio art, and individual private music courses are equivalent to **two** teaching load credits.
- g. One class contact hour of laboratory or discussion ~~section~~ sections teaching ~~(e.g., science laboratories and classes subject to minimum student enrollment requirements)~~ in courses scheduled to meet more hours per week than the semester credit hour designation of the course is equivalent to **.67** teaching load credits. If a course is a combined lecture/laboratory class that includes a laboratory for which no separate registration is required, the load credit will be assigned in the same manner as specified in this policy for lecture classes and laboratories.
- h. Three contact hours of teaching a major ensemble are equivalent to **3** teaching load credits. Three contact hours of teaching a minor ensemble are equivalent to **2** teaching load credits.

- i. Supervision of 18 clinical teachers is equivalent to **12** teaching load credits.
- j. One contact hour of practicum meeting minimum requirements for class size is equivalent to .67 teaching load credits.
- k. One contact hour of direct undergraduate clinical supervision is equivalent to **.67** teaching load credits. Minimum student enrollment requirements are not applicable.
- l. One teaching load credit will be granted for every 50 clock hours of precepted undergraduate or graduate clinical supervision. Minimum student enrollment requirements are not applicable.
- m. Two class contact hours in physical activity classes are equal to **one** teaching load credit.
- n. Teaching load credit may be granted for a faculty member who is a department chair, director or head of a comparable unit, up to a maximum of **six** hours of teaching load credit per semester.
- o. Up to three teaching load credits per semester may be granted, with prior approval of the college dean, to faculty members for significant administrative responsibilities and for other non-teaching academic service to the department.
- p. With appropriate approval, extramural funds may be used on a prorated basis of a faculty member's salary to reduce his or her teaching load.
- q. With the approval of the president, limited teaching load credit may be granted to carry out major responsibilities, not covered above, that are performed in the best interest of the institution's instructional programs as determined by the president. Teaching load credit granted by the president of the university for such purposes is limited to one percent of the total semester credit hours taught at the university during the previous year.

## Approval Signatures

Step Description	Approver	Date
Final Administrative Approval	Christena Parks: Curriculum & Foreign National Faculty Coordinator	06/2023
Provost and Vice President for Academic Affairs	Donald Topliff: Provost & Vice President for Academic Affairs	06/2023
Initial Policy Review Representative	Christena Parks: Curriculum & Foreign National Faculty Coordinator	06/2023
	Twyla Tasker	06/2023

# **ATTACHMENT**

## **3**

**MSU Student Handbook 2023-24  
with proposed revisions  
(CONSENT Item d.)**



# MIDWESTERN STATE UNIVERSITY STUDENT HANDBOOK

2023-24~~2022-23~~

## **GENERAL MAILING ADDRESS**

3410 Taft Boulevard

Wichita Falls, TX 76308-2909

Internet Address: <https://www.msutexas.edu>

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# Foreword

The Midwestern State University Student Handbook is a source of valuable information regarding student responsibilities, obligations, and privileges while attending the university. Deriving the ultimate advantages from your enrollment will depend not only on your scholastic effort but also upon wise participation in co-curricular activities and utilization of campus services and resources.

This handbook is available online from the [Student Affairs](https://msutexas.edu/site-policies) [Midwestern State University](https://msutexas.edu/student-life/) website at <https://msutexas.edu/site-policies> <https://msutexas.edu/student-life/> and within the myMSUTexas portal. Copies are available at the Clark Student Center Information Desk and Residence Hall offices. Failure to read this handbook does not excuse students from the requirements and regulations described herein.

As the programs, policies, and statements contained herein are subject to continuous review and evaluation, MSU reserves the right to make changes at any time without notice. This publication is for information only.

No person shall be excluded from participation in, denied the benefit of, or be subject to discrimination under any program or activity sponsored or conducted by Midwestern State University on any basis prohibited by applicable law including, but not limited to sex (including pregnancy), race, color, national origin, religion, age, disability, protected veteran status, genetic information, sexual orientation, gender identity, gender expression, or other protected categories, classes, or characteristics.

## University Mission

Midwestern State University is a leading public liberal arts university committed to providing students with rigorous undergraduate and graduate education in the liberal arts and the professions. Through an emphasis upon teaching, augmented by the opportunity for students to engage in research and creative activities alongside faculty and to participate in co-curricular and service programs, Midwestern State prepares its graduates to embark upon their careers or pursue advanced study. The university's undergraduate education is based upon a comprehensive arts and sciences core curriculum. The understanding that students gain of themselves, others, and the social and natural world prepares them to contribute constructively to society through their work and through their private lives.

## Core Values

- People-Centered
  - Community
  - Integrity
  - Visionary
- Connections

## **Alma Mater**

Hail to Midwestern,  
hail maroon and gold.  
We praise Alma Mater,  
as days of old.  
Here's to the Mustangs,  
long may we stand.  
Onward to victory,  
on hand in hand.

## **Fight Song**

Here's to Maroon and the Gold,  
long may they wave.  
True spirits out of the west,  
leading the Mustangs brave.  
Rah, Rah, Rah!  
Fight on victorious again,  
spirit always bold.  
Here's to Midwestern Mustangs,  
hurrah for Maroon and the Gold.

## **Emergency Contacts**

MSU Campus Police	940-397-4239
Wichita Falls Police/Ambulance/First Responder	911
First Step (sexual assault crisis center) 24-hour hotline	1-800-658-2683
United Regional Health Care System (1600 11th Street)	940-764-7000
MSU Counseling Center	940-397-4618
MSU Dean of Students	940-397-7400
MSU Residence Life and Housing	940-397-4217
MSU Vinson Health Center	940-397-4231

Midwestern State University takes great pride in that it treats all students with the dignity and respect they deserve. The aspect of community is paramount and is reflected throughout the entire university community.

## **Student Rights and Responsibilities**

Midwestern State University is an academic community in which all persons share responsibility for its growth and continued well-being. As members of the university community, students can reasonably expect the following:

- A. In all instances of general discipline, the student has the right to due process. Due process, as applied to student-university relationships and the disciplinary process, is equated with fundamental and procedural fairness.
- B. Students have the right to freedom from discrimination on the basis of sex (including pregnancy), race, color, national origin, religion, age, disability, protected veteran status,

genetic information, sexual orientation, gender identity, gender expression, or other protected categories, classes, or characteristics.

- C. MSU considers freedom of inquiry and discussion essential to a student's intellectual development. Thus, the university recognizes the right of all students to engage in discussion, to exchange thought and opinion, and to speak, write, or print freely on any subject in accordance with the guarantees of federal and state laws and university policies.
- D. The university affirms the right of students as citizens to exercise their freedoms without fear of university interference for such activity.
- E. Students have the opportunity to participate in the formulation of policy directly affecting them through membership on appropriate committees as determined by the President of the University, the Student Government Association, and other registered organizations within the university.
- F. Students shall have ready access to established university policies and procedures.
- G. It is imperative that students learn to recognize, understand, and celebrate human differences. Universities can, and indeed must, help students become open to the differences that surround them. Navigating differences such as race, religion, age, gender, gender identity, culture, physical ability, nationality, and lifestyle are learned best in collegiate settings that are rich with diversity, and must be learned if the ideals of human worth and dignity are to be advanced.
- H. Students, as members of the university community, have the responsibility to participate in any of the disciplinary proceedings and to testify as witnesses when reasonably notified. Self-incrimination is not intended or construed.
- I. Students are responsible for their own lives and learn responsibility when they bear the consequences of their actions and inactions in an environment marked by caring and support.
- J. Students are free to engage in peaceful and orderly protest, demonstration, and picketing which do not disrupt functions of the university.
- K. Students are protected from unreasonable searches and seizures.

### **Student Honor Creed**

***“As an MSU Student, I pledge not to lie, cheat, steal, or help anyone else do so.”***

As students at MSU, we recognize that any great society must be composed of empowered, responsible citizens. We also recognize universities play an important role in helping mold these responsible citizens. We believe students themselves play an important part in developing responsible citizenship by maintaining a community where integrity and honorable character are the norm, not the exception.

Thus, We, the Students of Midwestern State University, resolve to uphold the honor of the university by affirming our commitment to complete academic honesty. We resolve not only to be honest but also to hold our peers accountable for complete honesty in all university matters.

We consider it dishonest to ask for, give, or receive help in examinations or quizzes, to use any unauthorized material in examinations, or to present, as one's own, work or ideas which are not entirely one's own. We recognize that any instructor has the right to expect that all student work is honest, original work. We accept and acknowledge that responsibility for lying, cheating,

stealing, plagiarism, and other forms of academic dishonesty fundamentally rests within each individual student.

We expect of ourselves academic integrity, personal professionalism, and ethical character. We appreciate steps taken by university officials to protect the honor of the university against any who would disgrace the MSU student body by violating the spirit of this creed.

*Written and adopted by the 2002-2003 MSU Student Senate.*

## **Traditions & Landmarks**

Traditions are customs that have their roots in the past and are handed down from one generation to the next. University traditions are formed in much the same way. Customs begun by earlier generations of MSU students are still followed on campus today. Some of our most cherished traditions are:

- **COLORS:** Maroon and Gold
- **MASCOT:** Mustangs
- **THE MSU TOWER:** The tower is the landmark of MSU. The Redwine Carillon is housed in the tower and is comprised of 37 bells. The bells play the Westminster chime every quarter-hour and strike the hour on the hour.
- **BOLIN FOUNTAIN AND QUADRANGLE:** The Bolin Fountain, centered in the Quadrangle, just west of the Hardin Administration Building, is a central hub of the university and popular gathering place for the student body. Mr. and Mrs. D. Phil Bolin believed that the beautification of the campus to be of the utmost importance, and funded the construction of the fountain in 1992. Students helped lay the brick walkways to and from the fountain.
- **CYCLING STATUE:** In 1999, the Hotter 'N Hell Hundred (HHH), an annual bike race in Wichita Falls, was celebrating its 18th year and the turn of the millennia. The HHH commissioned Jack Stevens, sculptor of the Sunwatcher statue and the Believers, to create a work of art to celebrate the rich history of cycling in our community. In 2000, a mutual agreement was made between MSU and the HHH to have the statue placed at its current location, southwest of the Hardin Administration Building.
- **DILLARD MUSTANGS:** The mustangs sculpture located on the south side of D.L. Ligon Coliseum, created by Jack Stevens, pays tribute to MSU's mascot, "Mustangs." A stone near the mustangs bears the following inscription: *The Believers – Wisdom, Strength, and Courage.*
- **GATES OF HERCULES:** These three limestone pillars, by artist Sandi Stein, are located on the south lawn of Bolin Hall. They were designed and commissioned by Doug Burns, in honor of his mother, father and wife. They were donated to MSU during the 75th anniversary celebration in 1997.

- **LIBERTY BELL:** An exact replica of the Liberty Bell cast by the Paccard Fonderie des Cloches of Annecy, France, is located in front of the Hardin Administration Building. The markings and inscriptions replicate the Liberty Bell down to the nail that was placed in the crack. The bell is 44 1/2" in diameter, 42 3/16" high (including the yoke and stand), and weighs 2,050 pounds.
- **SIKES HOUSE:** Sikes House, located at 2405 Midwestern Parkway, is the official residence of the university's president. The home was built between July 1939 and November 1940 by Mr. Louis Sikes, an oilman and rancher, and his wife Glenna. The university purchased the property from Mr. and Mrs. Sikes in 1970. In November of 1991, the university officially named the home Sikes House.
- **SPIRIT OF THE MUSTANGS:** This mustangs sculpture by Vic Payne, located in front of Centennial Hall, represents the educational journey. The water feature itself represents the educational process, fluid and changing but a path of lifelong learning. Each horse represents a class rank, beginning with the freshman horse about to take the first step, then the sophomore horse, junior horse, and finally the senior horse leaping out of the water. There are traditions associated with the freshman and senior horses. All of the time in-between, all class ranks are encouraged to come to this place to reflect and be reassured. Legend has it that petting one of these beautiful horses may just bring a bit of luck for a test or important life event.
- **SUNWATCHER:** This statue of a South Plains Indian by Jack Stevens exemplifies the progressive spirit of the university. It was presented to MSU by the Alumni Association and financed through donations and brick paver sales during the 75th anniversary celebration in October of 1997.
- **FRESHMAN WALK:** At the end of Mustangs Roundup week, the President and Provost, along with faculty and staff, bring all freshmen students to the Spirit of the Mustangs plaza. They will hear the story of the Spirit of the Mustangs, then touch the tail of the freshman horse to signify sending them forward and beginning their educational journey at MSU Texas.
- **WELCOME (STAMPEDE) WEEK:** This event takes place during the first week of class each fall and spring semester, and features a range of diverse activities from outdoor movies, special entertainers, crafts, novelties, tours and scavenger hunts, day trips, cookouts, and much more for students to make new friends, connect with the campus, and enjoy themselves.
- **FAMILY WEEKEND:** Family Weekend is a tradition when parents, family members, and friends join their MSU student, or students, for a relaxing weekend of fun. Every year, thousands of MSU's extended family come to celebrate and display their MSU pride by cheering on our Mustangs! Festivities include a variety of games, free food, novelties, home football game, and entertainment for the entire family to enjoy. Attendance at all Family Weekend events is free for family members and guests of current MSU students.



- **HOMECOMING:** This traditional event provides for a gathering on the campus of alumni, parents, and friends who join with the faculty and student body to renew old friendships, make new acquaintances, and generally have a good time. The week is filled with many student activities- bonfire, all-school picnic, lip sync competition, boat race, football game, and the crowning of the homecoming king and queen.
- **MSU-BURNS FANTASY OF LIGHTS:** This dazzling holiday display includes 38 brightly lit scenes and 20,000 lights outlining five major buildings on campus. Its purpose is to provide a festive atmosphere on the Midwestern State University campus, to serve as an outreach to the community, and to be a focal point for holiday activities in North Texas. The MSU-Burns Fantasy of Lights is filled with individual displays that showcase themes or characters from well-known children's stories, fairy tales, and holiday icons.
- **FINALS FRENZY:** Occurring the Thursday before final exams during the fall and spring semesters, Finals Frenzy has evolved into one of the most popular and anticipated events at Midwestern State University. Traditionally held in the Clark Student Center, Finals Frenzy features a large range of activities, entertainment, and free food. The event is a great opportunity to relax, de-stress, and have fun prior to the onset of final exams.
- **GREEK WEEK:** Each year Greek social organizations are recognized at a series of Greek Week activities. During Greek Week, MSU Greeks compete among themselves in various physical and service activities and host social events for the entire campus.
- **HONORS RECOGNITION BANQUET:** This function is an annual affair in which outstanding students from the freshman, sophomore, junior, senior and graduate classes are recognized. In addition to the naming of MSU's Man and Woman of the Year and Hardin and Clark Scholar, the university recognizes the scholastic and leadership achievements of students.
- **SENIOR CAMPUS WALK:** This "farewell" walk for graduating seniors gives faculty and staff the opportunity to celebrate the successful completion of their degrees with the graduates. At each academic building, the parade will pause and the graduates of that College will be acknowledged. Faculty and staff stand outside their respective building and cheer for the graduates, then join them on their walk. With each stop, the faculty and staff add to the parade. At the conclusion of the walk, graduates participate in a reception.
- **OFFICIAL MSU RING:** The ring represents the tradition and history of our school. Each icon has special significance in the lives of our graduates. The date 1922 represents when the school was first established as Wichita Falls Junior College. The Hardin Building is a campus landmark and represents the beauty of our campus and remains a symbol of strength and pride. The Sunwatcher statue represents our history with the Kiowa Tribe.

# PART I: Code of Student Conduct

Midwestern State University students are responsible for knowing the information, policies and procedures outlined in this handbook. The university reserves the right to make changes to this code as necessary and once those changes are posted online, they are in effect. Students are encouraged to check online for the most current versions of all university policies and procedures.

The *Midwestern State University Code of Student Conduct* is based upon the Model Code of the National Center for Higher Education Risk Management (NCHERM) authored by Brett A. Sokolow, Esq. Rights of use has been granted by NCHERM to Midwestern State University. No other use is permitted without the expressed permission of NCHERM.

## Section 1: Introduction

### Philosophy

The Midwestern State University community is committed to fostering a campus environment that is conducive to academic inquiry, a productive campus life and thoughtful study. The student conduct program within the Office of Student Rights and Responsibilities is committed to an educational and developmental process that balances the needs of individual students with the needs of the Midwestern State University community.

A community exists on the basis of shared values and principles. At Midwestern State University, student members of the community are expected to uphold and abide by certain standards of conduct that form the basis of the *Code of Student Conduct*. These standards are embodied within a set of principles that include integrity, community, social justice, respect, and responsibility. When members of the community fail to exemplify these values, campus conduct proceedings are used to assert and uphold the *Code of Student Conduct*. Midwestern State University takes great pride in that it treats all students with the dignity and respect they deserve. The aspect of community is paramount and is reflected throughout the entire university community.

Ultimately, each member of the Midwestern State University community is expected to assume responsibility for his/her conduct and to assume reasonable responsibility for the behavior of others. On occasion, this will involve kind and courteous admonition done when one member observes another in inappropriate conduct. At other times, it will involve cooperation when the authorities are investigating instances of alleged misconduct.

The student conduct process at Midwestern State University is not intended to punish students; rather, it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with university policies. Sanctions are intended to challenge students' moral and ethical decision-making and to help bring their behavior into accord with community expectations.

Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in student conduct procedures are conducted with fairness to all, but do not include the same protections afforded by the courts. Fair process,

within these procedures, assures written notice and a hearing before an objective decision-maker. No student will be found in violation of university policy without information showing that it is more likely than not that a policy violation occurred and any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

## **Section 2: Jurisdiction over Student Conduct**

Students at Midwestern State University are annually given a copy of the *Code of Student Conduct* in the form of a link on the Midwestern State University website; the *Code of Student Conduct* is contained in the Student Handbook, hard copies are available from the Office of Student Rights and Responsibilities, at the Clark Student Center Information Desk, or in the residence hall offices. Students are charged with the responsibility of having read the provisions of the *Code of Student Conduct*. The *Code of Student Conduct* and the student conduct process apply to the conduct of individual students and registered student organizations. Because the *Code of Student Conduct* is based on shared values, it sets a range of expectations for Midwestern State University students no matter where or when their conduct may take place; therefore, the *Code of Student Conduct* applies to behaviors that take place on the campus, at university-sponsored events and may also apply off-campus when the administration determines in its discretion that the off-campus conduct affects a substantial university interest.

The *Code of Student Conduct* may be applied to conduct that takes place from the time a person is admitted as a student to Midwestern State University and continues until the student withdraws or graduates, including periods during semester breaks and between semesters. The *Code of Student Conduct* applies to guests of community members whose host(s) may be held accountable for the misconduct of their guests.

Visitors to and guests of Midwestern State University are also protected by the *Code of Student Conduct* and may initiate grievance for violations of the *Code of Student Conduct* committed against them by student members of the Midwestern State University community.

There is no time limit on reporting violations of the *Code of Student Conduct* as long as the offending student remains enrolled at Midwestern State University; however, the longer someone waits to report an offense, the harder it becomes for Midwestern State University officials to obtain information and witness statements and to make a determination regarding alleged violations. Though anonymous complaints are permitted, doing so limits the university's ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of Student Rights and Responsibilities and/or Campus Police.

Midwestern State University email is the university's primary means of communication with students. Students are responsible for all communication delivered to their Midwestern State University email address.

### **Section 3: Violations of the Law**

Alleged violations of federal, state and local laws are incorporated as offenses under the *Code of Student Conduct*. When a student is accused, arrested, charged, or indicted for any crime, the university may elect to take action for violation of the *Code of Student Conduct*.

When an offense occurs over which the university has jurisdiction, the university conduct process will usually go forward notwithstanding any criminal complaint that may arise from the same incident. The university may pursue investigation and resolution of campus conduct complaints, regardless of whether the student participates, and the university may impose sanctions that need to be satisfied for a student to be considered in good standing.

When it has reasonable cause to separate a student from the community, the university may suspend a student for a reasonable time pending the scheduling of a campus hearing for violation of the *Code of Student Conduct*. The university reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation and/or complaint. The university will permit a student who receives an interim suspension to request a meeting with the Vice President for Student Affairs to show cause as to why an interim suspension is not merited. Regardless of the outcome of this meeting, the university may still proceed with the scheduling of a campus hearing.

When criminal charges are pending, the university may be delayed or prevented from conducting its own investigation and moving forward with a campus hearing. When this happens, the university will delay its hearing until such time as it can conduct an internal investigation or obtain sufficient information from law enforcement upon which to proceed.

### **Section 4: Special Provisions**

#### **A. Attempted Violations**

In most instances, Midwestern State University will treat attempts to commit any of the violations listed in the *Code of Student Conduct* as if those attempts had been completed.

#### **B. Misconduct Online**

Students are cautioned that behavior conducted online, such as harassment or bullying via email or social media, can subject them to university conduct action. Students must also be aware that entries on sites such as Google+, Facebook, LinkedIn, YouTube, Instagram, Snapchat, Twitter, Tik Tok and other similar online postings are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The university does not regularly search for this information but may take action if and when such information is brought to the attention of university officials.

#### **C. University as the Reporting Party**

Midwestern State University reserves the right to initiate a complaint, to serve as the reporting party and to initiate conduct proceedings without a formal complaint by the victim of the alleged misconduct.

#### D. False Reports

Midwestern State University will not tolerate intentional false reporting of incidents. It is a violation of the *Code of Student Conduct* to make an intentionally false report of any policy violation and it may also violate state criminal statutes and civil defamation laws.

#### E. Group Violations

A student group or organization and its officers and membership may be held collectively and individually responsible when violations of this code by the organization or its members take place at organization-sponsored events, have received the consent or encouragement of the organization or of the organization's leaders or officers, or was known or reasonably should have been known to the membership or its officers. Hearings for student groups or organizations follow the same general student conduct procedures. In any such action, individual determinations as to responsibility will be made and sanctions may be assigned collectively and individually and will be proportionate to the involvement of each individual.

#### F. Safe Harbor/Amnesty

The Midwestern State University community encourages the reporting of conduct code violations and crimes by victims. Sometimes, victims are hesitant to report to university officials because they fear that they themselves may be accused of policy violations, such as underage drinking, at the time of the incident. It is in the best interest of this community that as many victims as possible choose to report to university officials. To encourage reporting, Midwestern State University pursues a policy of offering victims of conduct code violations amnesty from minor policy violations related to the incident.

If any Midwestern State University student brings their own use, addiction or dependency to the attention of university officials outside the threat of drug tests or conduct sanctions and seeks assistance, a conduct complaint will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor/Amnesty program by the student. Failure to follow the action plan can nullify the Safe Harbor / Amnesty protection and campus conduct processes can be initiated.

Per Texas Senate Bill 966, offenses involving the consumption or possession of alcohol by a student under the legal drinking age of 21 do not apply if the student reports a sexual assault of the minor or another person to university officials.

Per Texas Senate Bill 969, amnesty for a violation of the *MSU Code of Student Conduct* will be provided to students who in good faith report an incident of sexual misconduct. MSU will take no disciplinary action against an enrolled student who in good faith reports to the institution being the victim of, or a witness to, an incident of sexual harassment, sexual assault, dating violence, domestic violence, or stalking for a violation by the student of the *MSU Code of Student Conduct* occurring at or near the time of the incident, regardless of the location at which the incident occurred, or the outcome of MSU's disciplinary process regarding the incident, if any. Amnesty does not apply to an enrolled student who reports the student's own commission or assistance in the commission of sexual harassment, sexual assault, dating violence, domestic violence or stalking.

#### G. Bystander Intervention

The welfare and safety of students in our community is of paramount importance. At times, students on and off-campus may need assistance. Midwestern State University encourages students to offer help and assistance to others in need. Sometimes, students are hesitant to offer assistance to others or intervene for fear that they may get themselves in trouble. For example, a student who has been drinking underage might hesitate to help take a sexual

misconduct victim to University Police. Midwestern State University pursues a policy of amnesty for minor violations when students offer help to others in need.

#### H. Parental Notification

Midwestern State University reserves the right to notify the parents/guardians of dependent students regarding alcohol and other drug violations. The university may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or other drug violations. Midwestern State University will attempt to contact the parents/guardians of a student to inform them of situations in which there is a health and/or safety risk. Midwestern State University also reserves the right to designate which university employees have a legitimate need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act (FERPA) and will share information accordingly.

#### I. Notification of Outcomes

The outcome of a campus hearing is part of the education record of the accused student/responding party and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions. In accordance with FERPA, when a student is accused of a policy violation that would constitute a “crime of violence” or forcible or non-forcible sex offense, the university will inform the alleged victim/reporting party in writing of the final results of a hearing regardless of whether the university concludes that a violation was committed. Such release of information may only include the alleged student’s/responding party’s name, the violation committed and the sanctions assigned (if applicable). In cases of sex offenses, the rationale for the outcome will also be shared with the reporting party.

In cases where the university concludes that a student violated a policy that would constitute a “crime of violence” or non-forcible sex offense, the university may also release the above information publicly and/or to any third party. FERPA defines “crimes of violence” to include:

- a) Arson
- b) Assault offenses
- c) Burglary
- d) Criminal Homicide—manslaughter by negligence
- e) Criminal Homicide—murder and non-negligent manslaughter
- f) Destruction/damage/vandalism of property
- g) Kidnapping/abduction
- h) Robbery
- i) Forcible sex acts

Students who bring any Title IX-related complaints against any member of the campus community will be informed in writing of the outcome of the complaint and any sanctions or responsive actions implemented.

#### J. Defenses

It is increasingly common for individuals accused of policy violations to defend their actions with explanations such as, but not limited to, prescription drug interactions, self-defense, mental illness and/or disability. The university’s policy on defenses is that providing an explanation for a policy defense is equivalent to the admission of engaging in a policy violation. While explanations will not excuse an individual’s commission of a policy violation, Midwestern State University will take the legitimacy of an individual’s explanation into consideration in the determination of appropriate sanctioning.

## Section 5: Code of Student Conduct: The Rules

### A. Definitions

1. The term “the university” refers to Northwestern State University.
2. The term “student” includes all persons who have accepted admission to, enrolled at, are taking courses at, and/or have a continuing relationship with the university, including those who attend full- or part-time at the undergraduate, graduate, or non-matriculated level.
3. The term “faculty member” refers to any person employed by the university to conduct instructional activities.
4. The term “university official” includes any person employed by the university who is designated as an official or who holds administrative or professional supervisory responsibilities.
5. The term “member of the university community” refers to any person employed by, volunteering for or attending the university as a student, faculty member, administrator, staff member, intern, or volunteer.
6. The term “university property” includes all land, buildings, facilities, and other property in the possession of, owned or controlled, whether leased or rented, by the university.
7. The term “organization” refers to any number of persons who have complied with the formal requirements for university registration, or who are members of university sponsored groups or registered student organizations.
8. The terms “Student Conduct Committee” or “SCC” refers to a body responsible for assisting in the interpretation and implementation of the *Code of Student Conduct*. Members are responsible for hearing complaints and ensuring that students receive the procedural fairness rights granted them.
9. The term “Administrative Hearing Officer” refers to any persons authorized by the Director of Student Rights and Responsibilities or a delegated representative to determine whether a student has violated the *Code of Student Conduct* and to impose sanctions. The Student Conduct Committee constitutes an Administrative Hearing Officer.
10. The term “Appeals Panel” refers to any person or persons authorized by the Dean of Students to consider a review or appeal of the decisions of an Administrative Hearing Officer, the SCC, and the Director of Student Rights and Responsibilities.
11. The term “policy” is defined as the written rules of the university found in, but not limited to: the *Code of Student Conduct*, the Student Handbook, University Catalog, and Residence Life Handbook.
12. The term “working day” refers to a regular university business day. This does not include Saturday, Sunday or holidays established in the academic calendar. In the fall and spring semesters, this would be Monday through Friday and during the summer I and II terms, Monday through Thursday.

### B. Principles and Behavioral Expectations

The university considers the behavior described in the following sections as inappropriate for the Northwestern State University community and in opposition to the principles set forth in this document. These expectations and rules apply to all students, whether undergraduate, graduate, or non-matriculated. The university encourages community members to report to university officials all incidents that involve the following actions. Any student found to have committed or

to have attempted to commit the following misconduct is subject to the sanctions outlined in [Section 7: Conduct Procedures](#).

1. *Integrity*: Midwestern State students exemplify honesty, honor and a respect for the truth in all of their dealings. Behavior that violates this value includes, but is not limited to:
  - a. Knowingly furnishing false, falsified or forged information such as falsification or misuse of documents, accounts, records, identification or financial instruments;
  - b. Acts of academic dishonesty as outlined in the [Academic Dishonesty Policy & Procedures, found in Part II in Appendix E](#);
  - c. Unauthorized possession, duplication or use of means of access to any university building (i.e. keys, cards, etc.);
  - d. Action or inaction by someone in collusion with another or others to violate these rules;
  - e. Violations of positions of trust within the community; or
  - f. Tampering with the election of any registered student organization.
2. *Community*: Midwestern State students honor and value their community. Behavior that violates this value includes, but is not limited to:
  - a. Misuse of access privileges to university premises or unauthorized entry to or use of buildings, including trespassing;
  - b. Misuse or unauthorized use of university or organizational names, logos, or images;
  - c. Knowingly taking possession of stolen property;
  - d. Intentional and unauthorized taking of university property or the personal property of a member of the university community;
  - e. Intentional and unauthorized destruction of, or damage to, university property or to the personal property of a member of the university community;
  - f. Violating the Midwestern State University Computer and Network Services Policy, found in the Student Handbook. Examples of actions which violate these policies include, but are not limited to:
    - Use of computing facilities to send harassing or abusive messages;
    - Use of computing facilities to send anonymous or forged network news articles or email messages;
    - Use of computing facilities to interfere with the work of other community members;
    - Unauthorized access to a file or personal or group account;
    - Use of computing facilities to interfere with normal operation of the university computer system; or
    - Copying or transmitting copyrighted material when you are not legally authorized to do so.
  - g. Unauthorized transfer of a file;
  - h. Unauthorized use of another individual's identification and password;
  - i. Gambling in any form by the use of cards, dominoes, billiards, dice, pool, table tennis, snooker, or any other means specifically defined by state law, shall be prohibited on university grounds or property and in approved student housing;
  - j. Possession, use, or distribution of explosives (including fireworks and ammunition), guns (including air, BB, paintball, and pellet guns), or other weapons or objects that could be construed as weapons such as arrows, axes, machetes, nun chucks, throwing stars, or knives with a blade of longer than five and one-half (5 ½) inches;



- k. Use of alarmed doors for entry into or exit from a Midwestern State University building not during an emergency;
  - l. Failing to report a lost Midwestern State University identification card;
  - m. Violation of local, state, federal, or campus fire policies including, but not limited to:
    - Failure to evacuate a university-controlled building during a fire alarm;
    - Improper use of university fire safety equipment; or
    - Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on university property. Such action may result in a \$4,000 fine in addition to university sanctions;
    - Intentionally or recklessly causing a fire which damages university or personal property or which caused injury to any member of the community.
3. *Social Justice*: Midwestern State students exemplify just and equitable treatment of all members of the community in their dealings and interactions. Behavior that violates this value includes, but is not limited to:
- a. Substantial disruption of university operations including obstruction of teaching, research, administration, other university activities, or other authorized non-university activities which occur on campus;
  - b. Obstruction of freedom of movement by community members or visitors;
  - c. Abuse or interference of, or failure to comply in, university processes including *Code of Student Conduct* investigations and hearings; or
  - d. Abuse of the campus conduct system including but not limited to:
    - Failure to appropriately respond to a letter of notice, or summons letter;
    - Failure to attend meetings scheduled for *Code of Student Conduct* administration purposes;
    - Falsification, distortion, or misrepresentation of information;
    - Failure to provide, destroying, or hiding information during an investigation of an alleged policy violation;
    - Attempting to discourage an individual's proper participation in, or use of, the campus conduct system;
    - Harassment (verbal or physical) and/or intimidation of a member of a campus conduct body prior to, during, and/or following a campus conduct proceeding;
    - Failure to comply with the sanction(s) imposed by the campus conduct system;
    - Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.
4. *Respect*: Midwestern State students show positive regard for each other, for property and for the community. Behavior that violates this value includes, but is not limited to:
- a. Threatening, or causing, physical harm, written or verbal abuse or other conduct that threatens or endangers the health or safety of any person;
  - b. Discrimination, defined as any distinction, preference, advantage for or detriment to an individual compared to others that is based upon an individual's actual or perceived sex, gender expression, gender identity, race, color, age, national or ethnic origin, physical or mental disability, genetic information, veteran status, pregnancy status, religion or sexual orientation that is sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from the university's educational program or activities;
  - c. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;

- d. Discriminatory Harassment, defined as detrimental action based on an individual's actual or perceived sex, gender expression, gender identity, race, color, age, , national or ethnic origin, physical or mental disability, genetic information, veteran status, pregnancy status, religion, sexual orientation, or other protected status that is unwelcome and unreasonably interferes with or limits a student's ability to participate in or benefit from the university's educational program or activities;
  - e. Retaliatory Harassment, defined as any intentional, adverse action taken by an accused individual or allied third party, absent legitimate non-discriminatory purposes, that harms an individual as reprisal for filing or participating in a civil rights grievance proceeding;
  - f. Bullying, or cyber bullying, defined as repeated and/or severe, pervasive, and objectionably offensive behavior likely to intimidate or intentionally hurt, control, or diminish another person, physically or mentally that includes, but is not limited to: creating web pages with a negative focus; posting insults or lewd photos on social networking sites; or spreading rumors with malicious intent;
  - g. Violations of the University Hazing Policy (see [Section 10: Hazing Policy](#));
  - h. Violence between those in a continuing relationship of an intimate or romantic nature with one another;
  - i. Violence committed by a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabitating or had cohabitated with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction;
  - j. Stalking as defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress;
  - k. Sexual misconduct including sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, or sexual exploitation (See [Section 11: Title IX Sexual Misconduct](#); and [Section 12: Non-Title IX Sexual Misconduct](#) for further information);
  - l. Inappropriate conduct which is disorderly, disruptive, obscene, or indecent while on campus or at functions sponsored, or participated in, by the university;
  - m. Failure to comply with the directives of university officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so;
  - n. Smoking or use of tobacco or tobacco-derived products in any area of campus;
  - o. Acts of bias, intolerance, prejudice, or hate on the basis of an individual's identity, ideology or protected class, as defined in [Texas Tech University System Regulation 07.10](#), when manifested in threatened or actual violent conduct against a person, harassment, or incitement to imminent violation(s) of law (see [Section 9: Bias Incident Policy](#)).
5. *Responsibility*: Midwestern State students are given, and accept, a high level of responsibility as role models. Behavior that violates this value includes, but is not limited to:

- a. Use, possession, or distribution of alcoholic beverages except as expressly permitted by law and the university's Alcohol Policy (See [Section 8: Alcohol and Drug Policy](#) of this document for further information);
- b. Use, possession, or distribution of narcotics or other controlled substances or drug paraphernalia, except as expressly permitted by law;
- c. Abuse, misuse, sale, or distribution of prescription or over-the-counter medications;
- d. Assisting in, inciting or condoning the violation of university policies or local, state, or federal laws;
- e. Allegations of violation of local, state, or federal laws which affect the substantial interests of the university community whether the violation occurs on or off-campus;
- f. Intentional failure of any organized group to exercise preventative measures relative to violations of the *Code of Student Conduct* by its members;
- g. Knowingly condoning or remaining in the presence of a clear violation of these rules without:
  - Leaving the area where the violation was occurring; or
  - Intervening or confronting the violation in an effort to stop it; or
  - Contacting the appropriate staff members to address the violation;
- h. Violation of other published university policies or rules, including all Housing policies

## **Section 6: Student Conduct Authority**

The Vice President for Student Affairs is vested with the authority of chief conduct officer. The chief conduct officer appoints a Director of Student Rights and Responsibilities to oversee and manage the student conduct process. The chief conduct officer, Dean of Students, and Director of Student Rights and Responsibilities may appoint administrative hearing and appeals officers as deemed necessary to efficiently and effectively supervise the student conduct process.

The Director of Student Rights and Responsibilities or designee will assume responsibility for the investigation of an allegation of misconduct to determine if the complaint has merit. No complaint will be forwarded for a hearing unless there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or a victim's statement. A complaint wholly unsupported by any information will not be forwarded for a hearing.

If a minor allegation can be addressed by mutual consent of the parties involved, on a basis acceptable to the parties involved and the Director of Student Rights and Responsibilities or designated administrative hearing officer, such disposition will be final and there will be no subsequent proceedings.

The Director of Student Rights and Responsibilities has discretion to refer a complaint for mediation. Any unsuccessful mediation can be forwarded for formal processing and hearing; however, at no time will complaints of physical sexual misconduct or violence be mediated as the sole institutional response. The Director of Student Rights and Responsibilities may also suggest that complaints that do not involve a violation of the *Code of Student Conduct* be referred for mediation.

If the complaint cannot be addressed in a manner mutually acceptable, or for incidents that are not minor, the Director of Student Rights and Responsibilities will refer the complaint to the Administrative Hearing Officer or the Student Conduct Committee (SCC). The decision of where to refer the complaint is at the sole discretion of the Director of Student Rights and Responsibilities, who may take into consideration the preferences of the parties to the complaint.

#### Assembly of the Student Conduct Committee (SCC)

The Director of Student Rights and Responsibilities will be responsible for assembling the SCC according to the following guidelines:

The membership of the Student Conduct Committee is comprised of a pool of students, faculty, and staff/administrative members appointed and trained annually by the Director of Student Rights and Responsibilities.

To serve in the SCC pool, students must:

Be in academic good standing at the university and have completed 15 hours of academic credit with a cumulative GPA of at least 2.0.

Be in conduct good standing throughout the term in which they serve. Conduct good standing is defined as having no record of misconduct during the semester(s) in which a student wishes to serve on the SCC. A history of misconduct could disqualify a student for service.

The Vice President for Student Affairs will have final authority to approve all those serving on the SCC.

The non-voting advisor to the SCC is the Director of Student Rights and Responsibilities with responsibility for training the SCC, conducting preliminary investigations, and ensuring a fair process for the reporting party and accused student/responding party.

In the event of a resignation from the SCC, the Director of Student Rights and Responsibilities will solicit a replacement from the group from which the representative came.

Decisions made, and sanctions imposed, by the SCC or an Administrative Hearing Officer will be final and implemented, pending the normal review appeal process. At the discretion of the Director of Student Rights and Responsibilities, implementation of sanctions may be stayed pending review.

For each complaint directed to the SCC, the hearing panel will be chosen from the available pool, and is usually comprised of one student, one faculty member, and one staff member or administrator. Availability may determine a different composition for the hearing panel, and in complaints involving discrimination, sexual misconduct, crimes of violence or other sensitive issues, the Director of Student Rights and Responsibilities will usually use three (3) administrative/staff members or faculty for the hearing panel. One of the staff members or administrators trained as a civil rights investigator serves as the chair of the panel and assures university procedures are followed throughout the hearing.

#### Administrative Hearing Officers

Administrative Hearing Officers are a pool of annually trained administrators or staff members selected by the Director of Student Rights and Responsibilities and approved by the Dean of Students.

## Appeals Panels

Three-member appeals panels are drawn from the SCC member pool, with the only requirement being that they did not serve on the hearing panel for the initial hearing. Appeals Panels only review appeals submitted by the Director of Student Rights and Responsibilities or Dean of Students.

## Interpretation and Revision

The Director of Student Rights and Responsibilities will develop procedural rules for the administration of hearings that are consistent with provisions of the *Code of Student Conduct*. Material deviation from these rules will, generally, only be made as necessary and will include notice to the parties involved. The Director of Student Rights and Responsibilities may vary procedures with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in this *Code*.

The Director of Student Rights and Responsibilities may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party.

Any question of interpretation of the *Code of Student Conduct* will be referred to the Director of Student Rights and Responsibilities, whose interpretation is final.

The *Code of Student Conduct* will be reviewed and updated annually under the direction of the Dean of Students.

## Section 7: Conduct Procedures

Part of the education process is learning how to live in harmony with community members and within a system of standards established for and by the community. Students are accountable to students and others in the community for these standards through the procedures outlined below. This system is not a legal process but, rather, an administrative hearing system. Principles of fairness govern all such bodies. All students who violate these standards will be held accountable for their behavior through a process that assures the rights of both the reporting party and the accused student/responding party.

Special conduct procedures for complaints or alleged violations related to sexual misconduct are detailed in [Section 11: Title IX Sexual Misconduct Policy](#) and [Section 12: Non-Title IX Sexual Misconduct Policy](#).

### A. Complaints

Any member of the university community, visitor or guest may file a complaint against any student for misconduct through the Office of Student Rights and Responsibilities.

Complaints will be presented to the Director of Student Rights and Responsibilities (or designee), Dean of Students (or designee) and/or to the Title IX Coordinator, when appropriate. Additionally, these administrators may act on notice of a potential violation whether a formal complaint is made or not. All complaints can be submitted by a victim or a third party, and should be submitted as soon as possible after the offending event occurs. The university has the right to pursue a complaint or notice of misconduct on its own behalf and to serve as reporting party in the subsequent campus conduct process.

The Director of Student Rights and Responsibilities (or designee) and/or Title IX Coordinator, when appropriate, will assume responsibility for the investigation of the alleged violation as described below in the section on investigations.

## B. Notice of Hearing

Once a determination is made that reasonable cause exists for the Director of Student Rights and Responsibilities (or designee) to refer a complaint for a hearing, notice will be given to the accused student/responding party. Notice will be in writing and may be delivered by one or more of the following methods: in person by the Director of Student Rights and Responsibilities (or designee); mailed to the local or permanent address of the student as indicated in official university records; or emailed to the student's university-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered. The letter of notice, or summons letter will:

- a. Include the alleged violation and notification of where to locate the *Code of Student Conduct* and university procedures for resolution of the complaint; and
- b. Direct the accused student/responding party to contact the Director of Student Rights and Responsibilities (or designated administrative hearing officer) within a specified period of time to respond to the complaint. This time period will, generally, be no less than two (2) business days from the date of delivery of the summons letter.

A meeting with the Director of Student Rights and Responsibilities (or designated administrative hearing officer) may be arranged to explain the nature of the complaint and the conduct process. At this meeting, the accused student/responding party may indicate, either verbally or in writing, to the Director of Student Rights and Responsibilities (or designated administrative hearing officer), whether s/he admits to or denies the allegations of the complaint.

## C. Interim Suspension

Interim suspension, under the *Code of Student Conduct*, may be imposed by the Vice President for Student Affairs when necessary to protect the health and safety of a student or of the community; preserve university property; pursue an investigation and/or hearing; prevent disruption of, or interference with, the normal operations of the university. Interim suspension will be used for short periods of time, pending a hearing for a *Code of Student Conduct* violation by either the Director of Student Rights and Responsibilities (or designee) or the Student Conduct Committee or completion of a related criminal investigation.

During an interim suspension, a student will be denied access to university housing and/or the university campus/facilities/events. As determined appropriate by the Vice President for Student Affairs (or designee), this restriction includes classes and/or all other university activities or privileges for which the student might otherwise be eligible. At the discretion of the Vice President for Student Affairs (or designee) and with the approval of, and in collaboration with, the appropriate academic college Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the accused student/responding party.

## D. Hearing Options & Preparation

The following sections describe Midwestern State University's conduct hearing processes. Except in a complaint involving failure to comply with the summons of the Director of Student Rights and Responsibilities (or designee) or administrative hearing officer, no student may be found to have violated the *Code of Student Conduct* solely as a result of the student's failure to appear for a hearing. In all such instances, conduct hearings will proceed as scheduled and the information in support of the complaint will be presented to, and considered by, the Director of Student Rights and Responsibilities, administrative hearing officer, or Student Conduct Committee presiding over the hearing.

When the accused student/responding party admits to violating the *Code of Student Conduct*, the Director of Student Rights and Responsibilities or administrative hearing officer may invoke informal resolution procedures to conclude the matter and assign appropriate sanctions without

a hearing. A student who accepts responsibility for a violation through informal resolution waives his/her right to appeal.

When the accused student/responding party does not resolve the matter through informal resolution, s/he must select either an informal hearing or formal hearing (if available) as the process through which the complaint will be resolved. An informal hearing is when a complaint will be heard and final determination made by the Director of Student Rights and Responsibilities or administrative hearing officer assigned to the complaint. An informal hearing includes the opportunity for the student to respond to the charges s/he is facing and present relevant evidence. Based on the totality of evidence and testimony, the hearing officer will make a determination of responsibility concerning the charges using a preponderance of the evidence standard and assign any appropriate sanctions. A student waives his/her right to appeal when the informal option is utilized.

When the accused student/responding party chooses not to utilize informal resolution or informal hearing procedures, a formal hearing will be conducted as befits the gravity of the alleged offense and serious nature of the consequences. The option of selecting a formal hearing is only available when a responding student faces a possible sanction of University suspension or expulsion if found responsible. The process of a formal hearing is known as a Student Conduct Committee (SCC) hearing. The findings and sanctions of a formal hearing are appealable (refer to section G. Final Review (Appeal Procedures) for more information). Students who deny violating the Code of Student Conduct and select or are assigned to a formal hearing will be given a minimum of seven (7) days to prepare for the formal hearing.

Preparation for a formal hearing is summarized in the following guidelines:

- a. Notice of the time, date, and location of the hearing will be in writing and may be delivered by one or more of the following methods: in person by the Director of Student Rights and Responsibilities (or designee); mailed to the local or permanent address of the student as indicated in official university records; or emailed to the student's university-issued email account. Once mailed, emailed, and/or received in-person, such notice will be presumptively delivered.
- b. If there is an alleged victim of the conduct in question, the alleged victim may serve as the reporting party or may elect to have the university serve as the reporting party. Where there is no alleged victim, the university will serve as the reporting party.
- c. If an accused student/responding party fails to respond to notice from the Director of Student Rights and Responsibilities (or designated administrative hearing officer), the Director of Student Rights and Responsibilities (or designated administrative hearing officer) may initiate a complaint against the student for failure to comply with the directives of a university official and give notice of this additional offense. Unless the student responds to this notice within two (2) business days by answering the original notice, an additional informal or formal hearing may be scheduled and held on the student's behalf and the student may be administratively withdrawn from attending classes or a disciplinary hold placed on the student's university account, deeming them ineligible to register for courses until such time as the student responds to the initial complaint.
- d. At least three (3) business days before any scheduled formal hearing, the following will occur:
  1. The accused student/responding party will deliver to the Director of Student Rights and Responsibilities (or designee) a written response to the charge(s);

2. The accused student/responding party and reporting party will deliver to the Director of Student Rights and Responsibilities (or designee) a written list of all witnesses he/she intends to call at the hearing;
  3. The accused student/responding party and reporting party will deliver to the Director of Student Rights and Responsibilities (or designee) all physical evidence he/she intends to use or needs to have present at the hearing and will indicate who has possession or custody of such evidence, if known;
  4. The reporting party and the accused student/responding party will notify the Director of Student Rights and Responsibilities (or designee) of the names of any advisors who may be accompanying the party at the hearing.
- e. The Director of Student Rights and Responsibilities (or designee) will ensure that the hearing information and any other available written documentation is shared with the reporting party and the accused student/responding party at least two (2) business days before any scheduled formal hearing. In addition, the parties will be given a list of the names of all the members of SCC or hearing officers for the complaint in advance. Should either party object to any SCC member, he/she must raise all objections, in writing, to the Director of Student Rights and Responsibilities (or designee) immediately. SCC members will only be unseated if the Director of Student Rights and Responsibilities (or designee) concludes their potential for bias precludes an impartial hearing of the complaint. Additionally, any SCC member who feels he/she cannot make an objective determination of responsibility must recuse him/herself from the proceedings.

#### E. Formal Hearing Procedures

When a student faces potential suspension or expulsion from the university or at the discretion of the Director of Student Rights and Responsibilities, the process (i.e. the conducting of an SCC hearing) afforded is more rigorous and formal as befits the gravity of the alleged offense and the serious nature of the consequences.

The reporting party and the accused student/responding party have the right to be present at the hearing; however, they do not have the right to be present during deliberations. If a student cannot attend the hearing, it is that student's responsibility to notify the Director of Student Rights and Responsibilities or (designee) no later than three (3) business days prior to the scheduled hearing to arrange for another date, time, and location.

- a. Except in cases of grave or unforeseen circumstances, if the accused student/responding party fails to give the requisite minimum three(3) business days' notice, or if the accused student/responding party fails to appear, the hearing will proceed as scheduled. If the reporting party fails to appear, the complaint may be dropped unless the university chooses to pursue the allegation on its own behalf, as determined by the Director of Student Rights and Responsibilities (or designee).

The Student Conduct Committee will conduct SCC hearings according to the following guidelines:

- a. Hearings will be closed to the public.
- b. Admission to the hearing of persons other than the parties involved will be at the discretion of the Student Conduct Committee (SCC) Chair and Director of Student Rights and Responsibilities (or designee).
- c. In hearings involving more than one accused student/responding party, the standard procedure will be to hear the complaints jointly; however, the Director of Student Rights and Responsibilities may permit the hearing pertinent to each responding party to be



conducted separately. In joint hearings, separate determinations of responsibility will be made for each responding party.

- d. The reporting party and accused student/responding party each have the right to an advisor of his/her own choosing. Except in cases of sexual misconduct, sexual harassment, and other forms of discrimination, advisors may be chosen *only* from within the current Midwestern State University community, unless leave is granted in advance by the Director of Student Rights and Responsibilities (or designee) for an advisor from outside the community. In the rare instance where a student party to the complaint is also facing civil or criminal court proceedings, or at the discretion of the Director of Student Rights and Responsibilities (or designee), legal counsel may be permitted to serve as an advisor. An advisor may not make a presentation or represent the reporting party or responding party during the hearing.
- e. The reporting party, the accused student/responding party, the SCC, and the Director of Student Rights and Responsibilities (or designee) will have the privilege of presenting witnesses and questioning all parties (directly or through the SCC Chairperson, at the discretion of the SCC Chairperson). Unduly repetitive witnesses can be limited at the discretion of the SCC Chairperson.
- f. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the SCC. Formal rules of evidence are not observed. The SCC Chairperson and Director of Student Rights and Responsibilities (or designee) may limit the number of character witnesses presented or may accept written affidavits of character instead.
- g. All procedural questions are subject to the final decision of the Director of Student Rights and Responsibilities (or designee).
- h. After an SCC hearing, the hearing panel will deliberate and determine, by majority vote, using a preponderance of the evidence standard (i.e. whether it is more likely than not) if the accused student/responding party has violated the Code of Student Conduct. Once a finding is determined, if the finding is that of a policy violation, the SCC will determine and assign any appropriate sanction(s). The Director of Student Rights and Responsibilities (or designee) is responsible for informing the SCC of applicable precedent and any previous conduct violations or other relevant pattern information about the accused student/responding party. Within 2-3 business days, the SCC Chairperson will prepare a written deliberation summary with the finding and rationale for the decision and deliver it to the Director of Student Rights and Responsibilities (or designee). This written deliberation summary should conclude with any assigned sanctions, if applicable. Notification of the outcome will be made to the student/responding party in writing and may be delivered by one or more of the following methods: in person by the Director of Student Rights and Responsibilities (or designee); mailed to the local or permanent address of the student as indicated in official university records; or emailed to the student's university-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered.
- i. There will be a single verbatim record, such as an audio recording, for all SCC hearings. Deliberations will not be recorded. The record will be the property of the university and maintained according to the university's record retention policy.

## F. Conduct Sanctions

One or more of the following sanctions may be imposed upon any student or student organization for any single violation of the *Code of Student Conduct*:

- a. *Warning*: A written notice will be sent to the student(s) who violated university policies and/or rules. It specifies that inappropriate and unacceptable actions have occurred and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the university.
- b. *Restitution*: Compensation for damage caused to the university or any person's property or injuries to a person as a result of the conduct. This is not a fine but, rather, a repayment for property destroyed, damaged, consumed, or stolen, or personal medical expenses.
- c. *Fines*: Reasonable fines may be imposed.
- d. *Community/University Service Requirements*: For a student to complete a specific supervised community or university service.
- e. *Loss of Privileges*: The student will be denied specified privileges for a designated period of time.
- f. *Confiscation of Prohibited Property*: Items whose presence is in violation of university policy will be confiscated and will become the property of the university. Prohibited items may be returned to the owner at the discretion of the Director of Student Rights and Responsibilities and/or University Police.
- g. *Behavioral Requirement*: This includes required activities such as, but not limited to, seeking personal counseling or substance abuse screening, writing a letter of apology, writing a research or reflection essay, etc.
- h. *Educational Program*: Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience may be restricted.
- i. *Restriction of Visitation Privileges*: May be levied on residential or non-resident student. The parameters of the restriction will be specified.
- j. *University Housing Probation*: The student is put on official notice that, should further violations of housing or university policies occur during a specified probationary period, the student may immediately be removed from university housing.
- k. *University Housing Reassignment*: The student is reassigned to another university housing facility. Housing personnel will decide on the reassignment details.
- l. *University Housing Suspension*: The student is removed from university housing for a specified period of time after which the student is eligible to return. Conditions for re-admission to university housing may be specified. Under this sanction, a student is required to vacate university housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Residence Life and Housing. This sanction may be enforced with a trespass action if deemed necessary. Prior to reapplication for university housing, the student must gain permission from the Director of Residence Life and Housing.
- m. *University Housing Expulsion*: The student's privilege to live in, or visit, any university housing facility is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary.

- n. *Eligibility Restriction*: The student is deemed “not in disciplinary good standing” with the university for a specified period of time. Specific limitations or exceptions may be granted by the Director of Student Rights and Responsibilities and terms of this conduct sanction may include, but are not limited to, the following:
  - i. Ineligibility to hold any office in any registered student organization or hold an elected or appointed office at the university; or
  - ii. Ineligibility to represent the university to anyone outside the university community in any way including: participating in the study abroad program, attending conferences, or representing the university at an official function, event or intercollegiate competition as a participant, player, manager or student coach, etc.
- o. *University Suspension*: The student is separated from the university for a specified period of time. Upon the satisfaction of any specific conditions, the student is eligible to return. The student is required to vacate university housing and/or campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Residence Life and Housing. This sanction may be enforced with a trespass action as necessary. This sanction may be noted as Conduct Suspension on the student’s official academic transcript. Prior to reapplication for university housing, the student must gain permission from the Director of Residence Life and Housing. Prior to reapplication for university admission, the student must contact the Director of Student Rights and Responsibilities.
- p. *University Expulsion*: The student is permanently separated from the university. The student is barred from being on campus and the student’s presence at any university-sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary. This sanction may be noted as Conduct Expulsion on the student’s official academic transcript.
- q. *Probation*: The student is placed on an extended warning period, levied for a specified time of which the duration will be determined by the seriousness of the violation. Probation carries a warning such that any further violation of the *Code of Student Conduct* may result in more serious sanctioning should the student be found responsible for a violation occurring during the probationary period.
- r. *Other Sanctions*: Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Director of Student Rights and Responsibilities (or designee).

The following sanctions may be imposed upon groups or organizations found to have violated the *Code of Student Conduct*:

- a. One or more of the sanctions listed above, specifically a) through i) and o) through q); and/or
- b. Deactivation, de-recognition, loss of all privileges (including university registration), for a specified period of time.

#### G. Final Review (Appeal Procedures)

Accused students/responding parties may petition for a review of an SCC’s written decision within three (3) business days of issuance of an Administrative Hearing Officer’s or SCC’s written decision. All requests for review must be in writing and delivered to the appropriate administrator as indicated in the written decision letter. For administrative hearings, petitions will generally be reviewed by the Director of Student Rights and Responsibilities. For SCC hearings, appeals will generally be reviewed by the Dean of Students. Any student who missed his/her SCC initial hearing may not request a review of the initial decision.

If the indicated administrator determines that an appeal may be reviewed, the opportunity will be taken, where possible, to return the appeal to the original administrative hearing officer or hearing panel for reconsideration; however, if this is not possible, the complaint will be reviewed by an Appeals Panel. The original SCC hearing panel or Appeals Panel, depending on where it is referred by the indicated administrator, may support or change a decision. An Appeals Panel will be deferential to the original decision-maker, making changes to the findings only where there is clear error. Appeals will only be considered for one or more of the following purposes:

- a. To consider new information which was unavailable at the time of the original hearing that could be outcome determinative;
- b. To assess whether a material deviation from written procedures resulted in an unfair outcome of the hearing;
- c. To decide if an assigned sanction(s) is substantially disproportionate to the offense committed;
- d. To determine if the finding does not accord with the information provided in the hearing;  
or
- e. To assess whether bias on the part of an SCC hearing panel member(s) deprived the process of impartiality.

Except as required to explain the basis of new information unavailable at the time of a hearing, the review of a SCC hearing will be limited to the verbatim record of the initial hearing and all supporting documents. Review of an administrative hearing will be limited to the written record of the hearing and all supporting documents. The Dean of Students will serve as the SCC or Appeals Panel's non-voting advisor.

#### H. Failure to Complete Conduct Sanctions

All students, as members of the university community, are expected to comply with conduct sanctions within the time frame specified by the Director of Student Rights and Responsibilities, SCC or Administrative Hearing Officer. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions and/or suspension from the university. In such situations, resident students will be required to vacate university housing within 24 hours of notification by the Director of Student Rights and Responsibilities, though this deadline may be extended upon application to, and at the discretion of, the Director of Residence Life and Housing. A suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. This determination will be made by the Director of Student Rights and Responsibilities.

#### I. Disciplinary Records

All conduct records are maintained by the university for seven (7) years from the time of their creation. Other than university suspension and expulsion, conduct sanctions will not be made a part of the student's permanent academic record, but will become a part of the student's private conduct record. Upon application to, and approval of the Director of Student Rights and Responsibilities, private conduct records may be expunged seven (7) years after final disposition of complaints for which sanctions imposed did not include university housing suspension, university housing expulsion, university suspension, and/or university expulsion.

#### ~~J. Failure to Complete Conduct Sanctions~~

~~All students, as members of the university community, are expected to comply with conduct sanctions within the time frame specified by the Director of Student Rights and Responsibilities, SCC or Administrative Hearing Officer. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions and/or suspension from the university. In such situations, resident students will be~~

~~required to vacate university housing within 24 hours of notification by the Director of Student Rights and Responsibilities, though this deadline may be extended upon application to, and at the discretion of, the Director of Residence Life and Housing. A suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. This determination will be made by the Director of Student Rights and Responsibilities.~~

#### ~~K. Disciplinary Records~~

~~All conduct records are maintained by the university for seven (7) years from the time of their creation. Other than university suspension and expulsion, conduct sanctions will not be made a part of the student's permanent academic record, but will become a part of the student's private conduct record. Upon application to, and approval of the Director of Student Rights and Responsibilities, private conduct records may be expunged seven (7) years after final disposition of complaints for which sanctions imposed did not include university housing suspension, university housing expulsion, university suspension, and/or university expulsion.~~

## **Section 8: Alcohol and Drug Policy**

In compliance with the Drug Free Schools and Communities Act of 1989 and subsequent amendments, students and employees of Midwestern State are informed that strictly enforced policies are in place which prohibits the unlawful possession, use, or distribution of any illicit drugs, including alcohol, on university property or as part of any university-sponsored activity. Students and employees are also subject to all applicable legal sanctions under local, state, and federal law for any offenses involving illicit drugs on University property or at University-sponsored activities.

The university affirms that illegal drug use is unlawful and harmful. The use of illegal drugs and alcohol abuse by students and employees could result in cognitive deficits, loss of productivity, and other health risks. These risks include an increased risk of accidents which may result in death or permanent injury. Free, confidential counseling for alcohol and other drug abuse issues is available to students through the Midwestern State University Counseling Center and Vinson Health Center. Other referral resources may include assessment, individual counseling, educational programs, materials, and referral and case management through community agencies, all which might include a fee.

Students exhibiting signs of excessive alcohol consumption will, at a Midwestern State University Police Officer's discretion, be transported via Emergency Medical Services (EMS) at the student's expense for medical attention. Refusal to cooperate with University Police and/or EMS personnel may result in the student's emergency contact being notified and having to make alternative arrangements for temporary housing, arrest in order to ensure the student's health and safety are not endangered, and/or a conduct charge for failure to comply with the directives of university officers during the performance of their duties.

### **A. Policy on Parental Notification**

Midwestern State University is concerned about students who improperly use alcohol and other drugs and the effects such use may have on their health, academic success, interpersonal relationships and, ultimately, their future.

The Midwestern State University alcohol policy expressly forbids possession and/or consumption of alcohol by students, employees or guests who are under the minimum legal drinking age of 21 years. Possession of drug paraphernalia and the use, manufacture, sale,

or distribution of illegal drugs, whether on or off campus, by any student is also prohibited. In accordance with the Family Educational Rights and Privacy Act (FERPA), the Director of Student Rights and Responsibilities (or designee) reserves the right to notify the parents/guardians of students under 21 years of age, and the parents/guardians of dependent students, regardless of age, of any incident in which the student is found responsible for violating the Midwestern State University alcohol and drug policy.

## B. Alcohol Policy

Alcoholic beverages are not allowed on campus except under the following conditions:

1. In private residences in Sunwatcher Village and Sundance Court. Consumption is limited to areas inside the residences. (Those residing in university housing should consult the current edition of the *Residence Life Handbook* for specific regulations regarding the use of alcoholic beverages in university housing.)
2. During social functions hosted by the President or the President's spouse.
3. During social functions registered and approved through the Clark Student Center office.

### How to Register

Persons seeking permission to bring alcohol on campus must file an application in writing to the Clark Student Center office at least ten (10) days prior to the event.

#### a. Criteria for Approval

Approval will be based upon the following criteria: organization planning, frequency of the event, groups served by the activity, activity focus, and the use and distribution of alcohol.

#### b. Presence of Security or Police

Depending on the nature of the requested event, a condition for approval may be the presence of uniformed police or security personnel. This will be determined with the requesting persons by the Clark Student Center when reviewing the application.

### *Guidelines for the Use of Alcohol*

1. State Law regarding the use of alcoholic beverages must be observed. Violations of State law include the following:
  - a. Consumption of alcohol by an underage drinker.
  - b. Distribution of alcoholic beverages free of charge at an event in which a cover charge has been assessed.
  - c. Public intoxication.
  - d. Consumption of alcoholic beverages in a public place on Sunday between the hours of 2:15 A.M. and 12:00 noon and Monday through Saturday between the hours of 2:15 A.M. and 7:00 A.M.
2. Beverages at approved student organization events must be distributed by a TABC licensed third party vendor. A copy of the vendor's current license must be on file with the Clark Student Center office prior to event approval.
3. All student organizations must observe an alcohol-free academic week. No alcohol will be permitted at registered functions taking place Sunday-Thursday.
4. Open containers of alcohol are not allowed in public areas of the campus, including the parking lots, walking paths, and all other open-air spaces on the campus.

5. Selling, distributing, possessing, or consuming alcohol or alcoholic beverages at Midwestern State University athletic events held on property owned or leased by Midwestern State University is prohibited, whether the events are sponsored by Midwestern State or another educational institution or an organization or association outside the university.
6. Inappropriate and imprudent behavior related to the use of alcohol will result in disciplinary action.
7. Officers and advisors/sponsors of university organizations shall be held responsible for (1) possessing full knowledge of university policies related to the use of alcohol on campus and (2) ensuring that university policies are followed.

#### *Code of Conduct Guidelines*

Students who are 21 years of age or older are permitted to possess and consume alcohol in designated university housing rooms. Students who are of legal drinking age may not share or provide alcohol to any students, employees, or guests who are under 21 years of age. Those under the minimum legal drinking age of 21 years are not permitted to possess or consume alcohol anywhere on university property or at university-sponsored events. Drinking games, and simulated drinking games (e.g. water pong) are prohibited on campus.

#### *Examples of Violations of the University Alcohol Policy*

- Purchasing alcohol by a person under the age of 21.
- Selling or providing alcohol to a person under the age of 21.
- Possessing either full or empty alcohol containers by a person under the age of 21.
- Consuming or appearing to have consumed alcohol by a person under the age of 21.
- Showing physical or mental impairment following or resulting from alcohol use.
- Possessing empty alcohol containers for decorative purposes.
- Using or possessing common sources of alcohol including, but not limited to kegs, party balls, wine boxes, etc.
- Participating in or being present during the occurrence of any drinking game.
- Possessing an open container of alcohol in a common area including, but not limited to bathrooms, hallways, lounges, elevators, lobbies or outdoor spaces.

Failure to comply with the directives of University officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so is considered unacceptable behavior for a Midwestern State student and a violation of the Midwestern State University *Code of Student Conduct*, which may result in conduct sanctions. An example of such inappropriate behavior includes refusing to submit to a breath test when requested by a police officer, whether on or off-campus.

#### C. Illegal Drug Policy

The following information relates to MSU's policy regarding the sale, manufacture, distribution, possession and use of illegal drugs on or off university property or at university-sponsored events in accordance with federal, state, and local laws. Examples of violations include:

- Misusing over-the-counter drugs.
- Misusing or sharing prescription drugs.

- Possessing, using, being under the influence of, distributing, or manufacturing any form of illegal drug.
- Possessing paraphernalia (i.e., rolling papers, grinder pipes, bongos, etc.) for intended or implied use of any form of illegal drug.
- Possessing paraphernalia that contains or appears to contain illegal drug residue.
- Purchasing or passing illegal drugs from one person to another.
- Using mail services to purchase, pass, or distribute illegal drugs.

This policy provides flexibility for the university in addressing drug-related offenses which occur on or off-campus. Moreover, it permits the university to address its fundamental mission of holistic education and the development of human potential. While recognizing that there is a need to address violations related to the use or possession of controlled substances, the university must address the education and well-being of all its students and employees. In addition to university imposed sanctions, students and employees are subject to all legal sanctions under federal, state, and local law for any offenses involving illegal drugs on university property or at university activities.

## **Section 9: Bias Incident Policy**

### **A. Policy Statement**

Midwestern State University (the “University”) is committed to an educational environment free from acts of bias, intolerance, prejudice, or hate based on an individual’s perceived identity or ideology. The University is also committed to the principles of free inquiry and expression and is dedicated to creating an environment where the expansion of knowledge and the freedom to exchange ideas is safeguarded. Members of the University community have the right to hold, vigorously defend, and express their ideas and opinions.

Midwestern State University unequivocally condemns and prohibits acts of bias, intolerance, prejudice, and hate when manifested in threatened or actual violent conduct against a person; harassment; or incitement to imminent violation(s) of law. In accordance with federal and state law, the University prohibits unlawful harassment on the basis of an individual’s protected class, as defined in [Texas Tech University System Regulation 07.10](#).

### **B. Reason for Policy**

The principles of free inquiry and expression protect controversial ideas and opinions and differing viewpoints; however, these principles do not protect threatened or actual violent conduct against a person, harassment, or incitement to imminent violations of law.

### **C. Scope and Audience**

Consistent with the *Code of Student Conduct* and its jurisdiction, this policy applies to the behavior of all University students, from the time a student is admitted and continues until the student withdraws or graduates, including periods during semester breaks and between semesters. Such behavior can occur on campus, at university-sponsored events, including functions sponsored by registered student organizations, and off-campus when the University administration determines in its discretion that the off-campus behavior affects a substantial university interest, regardless of the location where the behavior occurs. Further, the policy applies to guests of students, whose host(s) may be held accountable for the misconduct of their guests.



D. Definitions (specific to this policy)

- 1) Actual Violent Conduct: an act that causes bodily injury to or harmful, aggressive, or unwelcome physical contact with another person.
- 2) Bias: a pre-formed negative opinion or attitude toward a person or group based on their actual or perceived identity, ideology or protected class.
- 3) Complainant: the person reporting prohibited conduct under this policy, who can be either the subject of the prohibited conduct or a third party.
- 4) Harassment: Harassment based on a person's protected class under this policy is a form of discrimination. Harassment is unwelcome verbal or physical conduct 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:
  - a. Derogatory, disparaging, or disrespectful remarks, comments, slurs, or jokes about a particular person or protected category, class, or characteristic of persons based on, about, or because of a protected category, class, or characteristic;
  - b. Display of explicit or offensive posters, pictures, drawings, cartoons, calendars, correspondence, digital or broadcast content (including images, videos, or audio), or any other physical, digital, or multimedia materials in any form that reflect disparagingly upon a category, class, or characteristic of persons or a particular person in a protected category or class;
  - c. Loud or angry outbursts or obscenities in the workplace directed toward a member of the University Community;
  - d. Disparate treatment without a legitimate business reason; or
  - ~~d.e.~~ ~~v.e.~~ Other threats, discrimination, hazing, bullying, stalking, or violence.The harassment this policy prohibits does not exhaust the category of speech that is unnecessary and inappropriate to vigorous debate in a diverse community of educated people. An essential part of higher education is to learn to separate substantive argument from personal offense, and to express even the deepest disagreements within standards of civility that reflect mutual respect, understanding, and sensitivity among the diverse population within the University and in the larger society. These are community norms, even though they cannot be enforced by disciplinary rules. To make an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea is not harassment, even if listeners are offended by the argument or idea.
- 5) Hate Crime: a criminal offense against a person or property motivated in whole or in part by an offender's bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity. All hate crimes are bias incidents, but not all bias incidents are hate crimes. Derogatory words or epithets directed against a member of a protected class, if not accompanied by a clear threat of harm with the ability to carry it out, is not a hate crime.

- 6) Incitement to Imminent Violation(s) of Law: conduct, including verbal remarks or the distribution or display of statements, directed against a person or group to incite and/or likely produce the immediate violation of law by others.
- 7) Intolerance: an unwillingness to recognize or accept the beliefs or behavior of someone different on the basis of their actual or perceived identity, ideology or protected class.
- 8) Prejudice: unsupported judgment(s) in favor of or against a person or group, as compared to another, on the basis of identity, ideology or protected class, usually in a way considered to be unfair.
- 9) Protected class: groups of people, designated by federal, state, or system regulation, for which discrimination and/or harassment are prohibited. Such classes include actual or perceived identities based on or related to sex (including pregnancy), race, color, national origin, religion, age, disability, protected veteran status, genetic information, sexual orientation, gender identity, gender expression, or other protected categories, classes, or characteristics. (See [System Regulation 07.10.2.b](#))
- 10) Respondent: the student reported to have engaged in prohibited conduct under this policy.
- 11) Threatened Violent Conduct: an act that threatens another with imminent ~~body~~[bodily](#) injury or harmful, aggressive or unwelcome physical contact.

#### E. Contacts

##### ~~Dean of Students~~[Student Affairs](#)

Clark Student Center 108

Phone: 940-397-7400

Website: [msutexas.edu/student-life/dean](https://msutexas.edu/student-life/dean)

##### MOSAIC ~~Cross Cultural~~ Center

Clark Student Center 194

Phone: 940-397-4500

Website: [msutexas.edu/student-life/mosaic](https://msutexas.edu/student-life/mosaic)

##### Student Rights and Responsibilities

Clark Student Center 108

Phone: 940-397-4525

Website: [msutexas.edu/student-life/conduct](https://msutexas.edu/student-life/conduct)

##### Office of Equal Opportunity

Texas Tech University System

System Administration Building

1508 Knoxville Ave. Ste. 309

Box 41073

Lubbock, TX 79409-1073

Phone: 806.742.3627

Webpage: <https://www.texastech.edu/offices/equal-employment/>

## F. Procedures

A person who believes he or she has been the subject of a violation of this policy committed by a student should report the alleged violation to the [Office of Student Affairs](#), ~~MOSAIC Cross-Cultural Center~~, ~~Dean of Students Office~~, or Office of Student Rights and Responsibilities. Incidents may be reported by completing an online referral webform available through the websites of these contacts. A complainant who has not reported an alleged violation of this policy [in writing to any of the MSU MOSAIC Cross Cultural Center, Dean of Students Office, or Office of Student Rights and Responsibilities contacts listed above](#) has not initiated proceedings for providing remedy to the complaint nor potential disciplinary action against the alleged respondent.

Individuals who would like to consult with a staff member prior to reporting an incident are encouraged to contact the [Office of Student Affairs](#) or ~~MOSAIC Cross-Cultural Center~~.

When the University receives a report of alleged threatened or actual violent conduct, harassment, and/or incitement to imminent violation(s) of law on the basis of an individual's identity, ideology or protected status, it will respond and investigate the allegation, as appropriate, in a fair, impartial, and timely manner.

Upon receiving a report, the ~~Dean of Students and the Director of the MOSAIC Cross-Cultural Center~~ [Assistant Vice President for Student Affairs](#) (or their designees) will:

- conduct an initial assessment of the available information;
- initiate additional intake, as needed, to collect information concerning the incident of conduct at issue;
- consider the complainant's immediate and ongoing safety and well-being, including any risk of harm to the parties, other individuals, or the broader campus community;
- ~~Dean of Students will~~ recommend any immediate interim disciplinary action to the [Associate Vice President for Student Affairs/Dean of Students](#), as is appropriate to the circumstances, if the continuing presence of the respondent is a potential danger to persons or property or a potential threat of disrupting the academic processes or activities authorized by the University;
- initiate any interim measures or accommodations on behalf of the complainant, as necessary; and,
- initiate any required report to the University Police Department, if required under federal or state law.

At any stage, should a report be determined to be employment related or involve employees (faculty, staff or student employees), a referral will be made to the TTUS Office of Equal Opportunity, in accordance with [System Regulation 07.10](#).

Upon initial assessment and any related intake by the [Assistant Vice President for Student Affairs](#) ~~Dean of Students and the Director of the MOSAIC Cross-Cultural Center~~ (or their designees), if a report does not support a possible violation of policy, the report will be closed with no further administrative or disciplinary action. The complainant will be notified when this occurs.

Mediation as an Option: in consideration of the interest of the complainant and the complainant's expressed preference for manner of resolution, a report may be addressed through mediation. Mediation is a process where an impartial individual assigned by the University facilitates communication and negotiation between the parties to the complaint and promotes voluntary decision making amongst the parties. The goals include providing the opportunity for the complainant and respondent to define and clarify issues, understand different

perspectives, explore and assess possible solutions, and reach mutually satisfactory agreements, when desired.

Informal Resolution by Respondent's Acceptance of Responsibility: at the onset or during the initial assessment process, it is possible a respondent may accept responsibility for a violation of this policy. Should this occur, the [Assistant Vice President for Student Affairs](#)~~Dean of Students and the Director of the MOSAIC Cross Cultural Center~~ (or their designees), [in consultation with the Director of Student Rights and Responsibilities](#), shall determine any appropriate sanction(s). The respondent's acceptance of responsibility shall be conveyed to the complainant in writing (e.g. email or mail).

If the report appears upon initial assessment and/or intake to be a likely violation of policy and is not otherwise resolved through mediation or informal resolution by respondent's acceptance of responsibility, the case will be referred to the Director of Student Rights and Responsibilities (or designee) for investigation and resolution under the procedures set out in the *Code of Student Conduct*.

#### G. Campus Climate Incident Reporting

The University encourages individuals to report campus climate incidents or concerns which create a hostile educational environment or discriminate against members of the University community on the basis of identity, ideology or protected status. For example, individuals may report concerns such as a student organization hosting a party with a racist theme, derogatory graffiti or flyers displayed on campus regarding sexual orientation, malicious social media threats made by a student that intimidate other students because of their religion, or a concern someone has created a harassing classroom environment on the basis of gender identity or gender expression.

Campus climate incidents or concerns should be reported to the [Office of Student Affairs](#) or ~~MOSAIC Cross Cultural Center or Dean of Students Office~~. Reports may be submitted using an online webform available through the websites of these contacts.

Upon receipt of a report, the [Assistant Vice President for Student Affairs](#)~~Dean of Students and the Director of the MOSAIC Cross Cultural Center~~ (or their designees) will review the report, collect additional information concerning the report, as needed, assess the available information, and initiate any interim measures or actions, as appropriate. Upon assessment, if the information received/collected suggests a violation of University policy has occurred, the matter will be referred for investigation and resolution under the procedures set out in the Student Handbook or Midwestern State University Operating Policies and Procedures Manual.

## **Section 10: Hazing Policy**

Hazing is defined as "any intentional, knowing, or reckless act occurring on or off the campus of an educational institution, by one person or acting with others, directed against a student, for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization." It is policy violation at MSU and criminal violation in Texas to conduct hazing, encourage hazing, permit hazing, or have knowledge of the planning of a hazing incident and fail to report the information to an appropriate university official.

Knowledge of hazing incidents, or planned incidents, should be promptly reported to the Dean of Students, Director of Student Rights and Responsibilities, or campus police.

In the State of Texas, failing to report hazing and hazing that does not result in serious bodily injury are Class B misdemeanors. Hazing that results in serious bodily injury is a Class A misdemeanor. Hazing resulting in a death is a state jail felony. It is not a defense to hazing charges or prosecution that the person against whom the hazing was directed consented or acquiesced in the hazing activity.

### **Texas Hazing Law**

The following Hazing Law was enacted by the State of Texas regarding offenses related to hazing at or in connection with an educational institution.

1. "Educational institution" includes a public or private:
  - a. High school; or
  - b. College, university, or other postsecondary educational establishment.
2. "Pledge" means any person who has been accepted by, is considering an offer of membership from, or is in the process of qualifying for membership in any organization.
3. "Pledging" means any action or activity related to becoming a member of an organization.
4. "Student" means any person who:
  - a. is registered in or in attendance at an educational institution;
  - b. has been accepted for admission at the educational institution where the hazing incident occurs; or
  - c. intends to attend an educational institution during any of its regular sessions after a period of scheduled vacation.
5. "Organization" means a fraternity, sorority, association, corporation, order, society, corps, cooperative, club, or student government, a band or musical group, or an academic, athletic, cheerleading or dance team, including any group or team that participates in National Collegiate Athletic Association competition, or service, social, or a similar group, whose members are primarily students at an educational institution.
6. "Hazing" means any intentional knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization whose members are students at an educational institution, if the act is:
  - a. any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;
  - b. involves sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar activity that subjects the student to an unreasonable risk or harm or that adversely affects the mental or physical health or safety of the student;
  - c. involves consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, other than as described by paragraph e, that subjects the student to an unreasonable risk of harm or which adversely affects the mental or physical health or safety of the student;
  - d. is any activity that induces, causes, or requires the student to perform a duty or task which involves a violation of the Penal Code, Sec. 4.52; or
  - e. involves coercing, as defined by Section 1.07, Penal Code, the student to consume a drug or an alcoholic beverage or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated, as defined by Section 49.01, Penal Code.

### Personal Hazing Offense

1. A person commits an offense if the person:
  - a. engages in hazing;
  - b. solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing.
  - c. intentionally, knowingly, or recklessly permits hazing to occur; or
  - d. has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report said knowledge in writing to the Dean of Students or other appropriate official of the institution.
2. The offense of failing to report is a misdemeanor punishable by a fine not to exceed \$1,000, confinement in county jail for not more than 180 days, or both such fine and confinement.
3. Any other offense under this section which does not cause serious bodily injury to another is a misdemeanor punishable by a fine of not less than \$500 nor more than \$1,000, confinement in county jail for not less than 90 days nor more than 180 days, or both such fine and confinement.
4. Any other offense under this section which causes serious bodily injury to another is a misdemeanor punishable by a fine of not less than \$1,000 nor more than \$5,000, confinement in county jail for not less than 180 days nor more than one year, or both such fine and confinement.
5. Any other offense under this section which causes the death of another is a misdemeanor punishable by a fine of not less than \$5,000 nor more than \$10,000, confinement in county jail for not less than one year nor more than two (2) years, or both such fine and confinement.
6. Except when an offense causes the death of a student, in sentencing a person convicted of an offense under this section, the court may require the person convicted to perform community service, subject to the same conditions imposed on community service probationers by Subdivision (1), Subsection (e), and subsections (c), (d), (g), (h) of section 10A. Article 42.12 of the Texas Code of Criminal Procedure, for an appropriate period of time in lieu of confinement in county jail or in lieu or a part of the time the person is sentenced to confinement in county jail.

### Organization Hazing Offense

1. An organization commits an offense if the organization condones or encourages hazing or if an officer or any combination of members, pledges, or alumni of the organization commits or assists in the commission of hazing.
2. An offense under this section is a misdemeanor punishable by:
  - a. a fine of not less than \$5,000 nor more than \$10,000, or
  - b. if a court finds that the offense caused personal injury, property damage, or other loss, a fine of not less than \$5,000 nor more than double the amount loss or expenses incurred because of such injury, damage, or loss.

### Immunity from Prosecution or Civil Liability Available

In a criminal or civil hazing, case, the court may grant immunity from prosecution for the offense to each person who is subpoenaed and testifies for the prosecution and does testify for the prosecution. Any person who voluntarily reports a specific hazing incident involving a student in an educational institution to the Dean of Students or other appropriate official of the institution is

immune from liability, civil, or criminal charges that might otherwise be incurred or imposed as a result of the reported hazing incident. Eligibility for immunity requires the person report the incident before being contacted by the institution concerning the incident or otherwise being included in the institution's investigation of the incident, and cooperate in good faith throughout the institution's process regarding the incident. Immunity extends to participation in any judicial proceeding resulting from the report. A person is not immune if the person reports the person's own act of hazing or reports an incident of hazing in bad faith or with malice.

#### Offenses in Addition to Other Penal Provisions

This subchapter does not affect or repeal any penal law of this state. Nothing in this subchapter shall limit or affect the right of an educational institution to enforce its own penalties against hazing.

#### Reporting by Medical Authorities

Treatment of a student who may have been subjected to hazing activities may be reported to police or other law enforcement officials. The doctor or medical practitioner so reporting shall be immune from civil suit or other liability that might otherwise be imposed or incurred as a result of the report, unless the report is made in bad faith or with malice.

### **Section 11: Title IX Sexual Misconduct Policy and Procedures**

The University is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from Title IX Sexual Misconduct of any kind. Any student who is the victim of sexual misconduct should contact the Title IX Office or file an electronic report, which can be accessed on the MSU homepage or the MSU Safety app.

This section provides information regarding the University's prevention and education efforts related to Title IX Sexual Misconduct, as defined in Section 1.q, below. This policy, in conjunction with [MSU Operating Policy 16.02](#) and [Texas Tech University System Regulation 07.06.A](#), provides students and employees with their rights and options and also explains how the University will proceed once it has Actual Knowledge, as defined in Section 1.a, below, of allegations of prohibited Title IX Sexual Misconduct in keeping with the University's values and in order to meet the legal obligations of Title VII, Title IX, the Violence Against Women Act (VAWA), the Campus Sexual Violence Elimination Act (SaVE), the Texas Education Code, 34 CFR Part 106, and other applicable laws and regulations.

The University will take reasonable steps to respond to complaints of Title IX Sexual Misconduct and to restore or preserve equal access to the University's Education Programs or Activities, as appropriate. All investigations and procedures will be conducted in a reasonably prompt timeframe and in an equitable and impartial manner. Investigations conducted under this regulation are not criminal investigations. For all complaints under this regulation, the burden of proof shall be a preponderance of the evidence, which means more likely than not.

The University expects all members of the University Community to comply with applicable law and University policies. Members of the University Community who violate this regulation and related laws may be subject to disciplinary action or sanctions as provided in Section 6 of this



regulation, up to and including termination of employment, expulsion from the University, or being barred from University premises and events. To the extent there is no conflict with controlling applicable federal or Texas law, termination of tenured faculty will be subject to the procedures outlined in the University's policies regarding revocation of tenure.

For complaints relating to any form of sexual misconduct other than Title IX Sexual Misconduct (as defined in Section 1.q, below), please see [Section 12: Non-Title IX Sexual Misconduct](#). For complaints relating to any form of discrimination not covered by this Section 11: Title IX Sexual Misconduct or Section 12: Non-Title IX Sexual Misconduct, or for acts of gender or sex discrimination, that are not sexual in nature and do not constitute Title IX Sexual Misconduct as defined in this policy or Sexual Misconduct as defined in Section 12: Non-Title IX Sexual Misconduct, please see [Section 9: Bias Incident Policy](#). The University reserves sole discretion to consolidate complaints arising out of the same facts or circumstances, involving more than one Complainant or more than one Respondent, or that amount to counter-complaints by one party against the other. Additionally, if at any time during a Title IX Sexual Misconduct Grievance Process it is determined that the alleged conduct does not constitute Title IX Sexual Misconduct, the University may proceed under [System Regulation 07.06.B](#) or any other applicable policy and procedure.

## 1. Definitions

For purposes of this policy, the definitions below apply. However, some of these terms are also defined under state law. If an individual would like to file criminal charges for any alleged violations of criminal law, the definitions as set forth in state law may apply.

- a. Actual Knowledge. Notice of Title IX Sexual Misconduct or allegations thereof to the University's Title IX Coordinator or Deputy Coordinator.
- b. Complainant. An individual, who must be participating or attempting to participate in the University's Education Program or Activity, who is alleged to be the victim of conduct that could constitute Title IX Sexual Misconduct.
- c. Consent. Mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly convey permission for a specific activity. Consent is not effective if it results from: (i) the use of physical force, (ii) a threat of physical force, (iii) intimidation, (iv) coercion, (v) incapacitation, or (vi) any other factor that would eliminate an individual's ability to exercise their own free will to choose whether or not to engage in sexual activity.
- d. Education Program or Activity. Includes locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the Title IX Sexual Misconduct allegedly occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the University.
- e. Employee. An individual who receives a W-2 or 1042-S from the University, including full- and part-time faculty, staff, and students. An Employee is working in the course and scope of their employment if the Employee is performing duties in the furtherance of the University's interest.
- f. Formal Complaint. Document filed by a Complainant or signed by the University's Title IX Coordinator alleging Title IX Sexual Misconduct against a Respondent and requesting that the University investigate the allegation(s) of Title IX Sexual Misconduct. Provided, however, where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party under this policy.



- g. **Grievance Process.** The process of addressing Formal Complaints of Title IX Sexual Misconduct before the imposition of any disciplinary or other actions that are not Supportive Measures against a Respondent. The Grievance Process is described in Section 5 of this policy.
- h. **Hearing Panel.** A four-member panel that will be the decision-maker and render a determination regarding responsibility, in accordance with the procedures set forth in Attachment 2 to this policy.
- i. **Incapacitation.** A state of being that prevents an individual from having capacity to give Consent. For example, incapacitation could result from the use of drugs or alcohol, an individual being asleep or unconscious, or because of an intellectual or other disability.
- j. **Informal Resolution.** An alternative to the Grievance Process that may be offered and facilitated by the University following the filing of a Formal Complaint and upon the voluntary, written consent of the parties. The Informal Resolution process is described in Section 5.k of this policy.
- k. **Investigative Report.** A report that summarizes the relevant evidence based upon the completion of a prehearing investigation conducted under the Grievance Process.
- l. **Investigator.** A trained University staff member whose role is to conduct a thorough, reliable, and equitable investigation and compile the information gathered into an Investigative Report.
- m. **Reporting Party.** An individual or entity (in the case of the University), other than the Complainant, who reports an alleged violation of this policy.
- n. **Respondent.** An individual who has been reported to be the perpetrator of conduct that could constitute Title IX Sexual Misconduct.
- o. **Responsible Employee.** All Employees, except as provided in Section 7.e, below, are Responsible Employees who must report allegations of Title IX Sexual Misconduct, including all known information concerning the incident, to the Title IX Coordinator as provided in Section 7, below.
- p. **Supportive Measures.** Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. See Section 4, below.
- q. **Title IX Sexual Misconduct.** Conduct that allegedly occurred against a person in the United States, in University's Education Program or Activity, on the basis of sex, and that satisfies one or more of the following:
  - i. **Quid Pro Quo.** A University employee conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
  - ii. **Severe, Pervasive, and Objectively Offensive Conduct.** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's Education Program or Activity. Without limiting the foregoing, the following types of conduct are deemed to meet this severe, pervasive, and objectively offensive standard:
    1. "Sexual Assault" as defined in 20 U.S.C. § 1092(f)(6)(A)(v);
    2. "Dating Violence" as defined in 34 U.S.C. § 12291(a)(10);
    3. "Domestic Violence" as defined in 34 U.S.C. § 12291(a)(8); or
    4. "Stalking" as defined in 34 U.S.C. § 12291(a)(30).

- r. University Community. All University faculty, staff, and students of and visitors to any University premises or University-affiliated activity.
2. Contact Information for University Title IX Coordinator
- University Title IX Coordinator (Students). Each University in the Texas Tech University System has a Title IX Coordinator who oversees the University’s compliance with Title IX. Students seeking information regarding Title IX, to report sexual misconduct, or to file a Formal Complaint of Title IX Sexual Misconduct, should contact the appropriate University Title IX Coordinator:

<b>TITLE IX COORDINATOR EMAIL &amp; PHONE</b>	<b>OFFICE ADDRESS</b>	<b>TITLE IX WEBSITE &amp; REPORTING LINK</b>
Laura Hetrick 940.397.4213 <a href="mailto:laura.hetrick@msutexas.edu">laura.hetrick@msutexas.edu</a>	Vinson Health Center Room H-136 3410 Taft Blvd. Wichita Falls, TX 76308	Title IX Website: <a href="https://msutexas.edu/titleix/">https://msutexas.edu/titleix/</a>  Reporting Link: <a href="https://cm.maxient.com/reportingform.php?MSUTexas&amp;layout_id=6">https://cm.maxient.com/reportingform.php?MSUTexas&amp;layout_id=6</a>

3. Reporting Title IX Sexual Misconduct
- a. Generally. Any individual may inquire or make a report or complaint of sexual misconduct of any kind. Contact information for these offices is set forth in Section 2, above. For inquiries, reports, or complaints regarding students, individuals are encouraged to contact the University’s Title IX Coordinator. For students making inquiries, reports, or complaints regarding Employees, individuals are encouraged to contact the System Office of Equal Opportunity and the Office of Title IX.
  - b. How to Submit a Report. Any person may submit a report in person, by mail, by phone, by email, or by online form, using the contact information set forth above in Section 2, or by any other means that results in the University’s Title IX Coordinator or System Office of Equal Opportunity receiving the verbal or written report. Such a report may be made at any time (including during non-business hours) by using the phone number or email address, or by mail to the office address listed above. Persons other than Employees wishing to remain anonymous may do so by submitting a report in an anonymous manner; however, electing to remain anonymous may limit the ability to investigate an alleged incident, collect evidence, and/or take effective action against individuals accused of violating this policy.
  - c. After Submitting a Report. After receiving an inquiry or report, the Title IX Coordinator or System Office of Equal Opportunity will respond or address the report of sexual misconduct. Supportive Measures will be provided as necessary, as described in Section 4 below, and the Complainant will have an opportunity to file a Formal Complaint.
  - d. Employee Obligation to Report. University Employees (including student Employees) that, in the course and scope of their employment, witness or receive information regarding the occurrence of an incident that the Employee reasonably believes constitutes sexual misconduct must promptly report such incident and information to the University Title IX Coordinator or System Office of Equal Opportunity in accordance with Texas law. This mandatory reporting obligation is further described in Section 7, below.

- e. Reporting by Students and Third Parties Encouraged. Students and third parties are strongly encouraged to promptly report any incidents of sexual misconduct, including but not limited to Title IX Sexual Misconduct, to the University Title IX Coordinator or System Office of Equal Opportunity.
- f. Separate Reporting to Law Enforcement Agencies. All students, Employees, and third parties may also report incidents of sexual misconduct to law enforcement, including University and local police. Complainants may choose to notify law enforcement and will be provided the assistance of a Title IX Coordinator or the System Office of Equal Opportunity in contacting these authorities if the individual wishes. Complainants may also decline to notify law enforcement of incidents of sexual misconduct.
- g. Victims Encouraged to Seek Medical Care. An individual who experiences sexual misconduct is encouraged to seek medical care for treatment and preservation of evidence, if applicable, as soon as practicable after the incident. Preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Victims can undergo a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, a SANE may still collect evidence several days following a sexual assault. With the examinee's consent, the physical evidence collected during this medical exam can be used in a criminal investigation. To undergo a SAFE, go directly to the nearest emergency department that provides SAFE services.
- h. Preservation of Evidence. An individual who experiences any form of sexual misconduct should also preserve other evidence relevant to the complained of activity, such as items of clothing, photographs, phone records, text messages, computer records, and other documents.
- i. Good Faith Actors. The University may not discipline or otherwise discriminate against an student who in good faith: (i) makes a report as required under this policy or (ii) cooperates with an investigation, a disciplinary process, or a judicial proceeding relating to a report made by the individual as required under this policy. Further, if a student enrolled at the University makes a report or Formal Complaint of Title IX Sexual Misconduct in good faith, the University may not take disciplinary action against that student for violation(s) of the University's student conduct policy occurring at or near the time of the incident in accordance with the amnesty provisions set forth in the University's Student Handbook or similar policy. This subsection does not apply to an individual who perpetrates or assists in the perpetration of the incident reported under this policy.
- j. Non-Disclosure of Private Information to Medical Providers. Absent consent from the Complainant, disclosures to a healthcare provider, mental health care provider, or other medical provider acting in the course and scope of their employment with the University shall only state the type of incident reported and may not include any information that would violate an expectation of privacy. These Employees are encouraged to provide Complainants with information and guidance regarding University reporting options and available resources. This subsection does not affect the Employee's duty to report an incident under any other law or policy under which they maintain their licensure.
- k. Request of Complainant Not to Investigate. If the Complainant of an alleged incident of "Sexual Harassment," "Sexual Assault," "Dating Violence," or "Stalking," as such terms are defined in [Section 12: Non-Title IX Sexual Misconduct](#), reported to the University

requests the University not to investigate the alleged incident, the University may investigate the alleged incident in the same manner that an anonymous complaint may be investigated. The University shall inform the Complainant whether the University will conduct an investigation. In determining whether to investigate the alleged incident, the University shall consider:

- i. The seriousness of the alleged incident;
- ii. Whether the University has received other reports of “Sexual Harassment”, “Sexual Assault”, “Dating Violence”, or “Stalking”, as such terms are defined in [Section 12: Non-Title IX Sexual Misconduct](#), committed by the alleged perpetrator or perpetrators;
- iii. Whether the alleged incident poses a risk of harm to others;
- iv. Whether the allegations involved violence, use of weapons, or other similar factors; and
- v. Any other factors the University determines relevant.

If the University decides not to investigate an alleged incident described in this subsection based on the Complainant’s request not to investigate, the University shall take any steps it determines necessary to protect the health and safety of the University Community in relation to the alleged incident.

- I. **Deadline for Reporting.** There is no deadline for reporting incidents of sexual misconduct. However, to promote prompt and equitable review, the University encourages individuals with reports of sexual misconduct to come forward as soon as possible. Delays in reporting limit the ability to respond to sexual misconduct, collect evidence, and take effective action against persons accused of violating this policy.

#### 4. Supportive Measures

- a. **Provided by University.** The University will offer Supportive Measures to the parties in order to maintain an environment free from harassment, discrimination, or retaliation; protect the safety and well-being of the parties and the University Community; or restore or preserve equal access to the University’s Education Program or Activity. These Supportive Measures may be kept in place through or beyond the conclusion of any review, investigation, or appeal process and may be implemented regardless of whether Complainant files a Formal Complaint of Title IX Sexual Misconduct.
- b. **Available Measures.** The range of Supportive Measures available includes, but is not limited to: separation or modification of Complainant and Respondent’s academic or working situations; mutual restrictions on contact; one-way restrictions on contact, where justified by the specific facts and circumstances; permissive withdrawal from or retake of a class without penalty; counseling; extensions of deadlines or other course-related adjustments; campus escort services; leaves of absence; increased security and monitoring of certain areas of campus; or any other similar measures tailored to the individualized needs of the parties. Consistent with Texas law, a Complainant or Respondent who is the subject of an alleged incident of Title IX Sexual Misconduct will be allowed to drop a course in which they are both enrolled without any academic penalty.
- c. **Confidentiality.** The University will maintain the confidentiality of any Supportive Measures provided to the parties to the extent that maintaining such confidentiality would not impair the ability of the University to provide the Supportive Measures.
- d. **Implementation.** The Title IX Coordinator or System Office of Equal Opportunity is responsible for coordinating the effective implementation of any remedies, including

Supportive Measures, and must consider a Complainant's wishes with respect to Supportive Measures.

5. Grievance Process for Title IX Sexual Misconduct
  - a. Formal Complaint Required to Initiate Grievance Process. The Grievance Process begins upon the filing of a written Formal Complaint.
    - i. How to File a Formal Complaint. Individuals seeking to file a Formal Complaint should begin by reporting the alleged sexual misconduct (as described in Section 3.a and 3.b, above) or by contacting the University Title IX Coordinator or System Office of Equal Opportunity (as described in Section 2, above). Upon receiving such report, or when the University has Actual Knowledge of alleged Title IX Sexual Misconduct, the Title IX Coordinator or System Office of Equal Opportunity will promptly contact the Complainant to: (1) discuss the availability of Supportive Measures (as described in Section 4, above), which are available with or without the filing of a Formal Complaint, and (2) explain to the Complainant the process of filing a Formal Complaint.
    - ii. Requirement for Filing. At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in the University's Education Program or Activity. The University Title IX Coordinator or System Office of Equal Opportunity will assess whether this requirement is satisfied and assist Complainant in determining whether this Title IX Sexual Misconduct policy, or another policy and complaint procedure applies to the alleged conduct.
    - iii. University Response to Receipt of Formal Complaint. Upon receipt of a Formal Complaint, the University shall: (1) complete the actions required upon receiving notice, (2) evaluate jurisdiction and mandatory and discretionary dismissal as described below, (3) assess appropriate Supportive Measures for both parties, (4) evaluate the need for Emergency Removal, and (5) initiate the Grievance Process.
    - iv. Initial Review of Formal Complaint.
      1. Mandatory Dismissal. The University shall dismiss a Formal Complaint in the following situations: (a) the allegation does not describe conduct that would constitute Title IX Sexual Misconduct, as defined, even if proven; (b) the Title IX Sexual Misconduct did not occur in the University's Education Program or Activity; or (c) the Title IX Sexual Misconduct did not occur against a person in the United States.
      2. Permissive Dismissal. The University may dismiss a Formal Complaint in the following situations: (a) the Complainant notifies the Title IX Coordinator or System Office of Equal Opportunity in writing that they wish to withdraw the Formal Complaint or some allegations in the Formal Complaint; (b) the Respondent is no longer enrolled in or employed by the University; or (c) circumstances exist that prevent the University from gathering sufficient evidence to reach a determination as to the Formal Complaint or allegations therein.
      3. Application of Other Policies Upon Dismissal of Formal Complaint. This policy applies exclusively to Title IX Sexual Misconduct, as defined in Section 1.q, above. Any other form of sexual misconduct is governed by [Section 12: Non-Title IX Sexual Misconduct](#). Dismissal of a Title IX Sexual Misconduct Formal Complaint does not preclude action pursuant to other applicable disciplinary policies, including but not limited to those in [System Regulation 07.06B Non-Title](#)

[IX Sexual Misconduct](#) and the applicable Student Handbook or other faculty, staff, or employee policies.

4. Written Notice of Dismissal. If the University dismisses a Formal Complaint, or allegations therein, it must promptly send written notice of the dismissal and the reason(s) for the dismissal simultaneously to all parties.
  5. Appeal of Dismissal Decision. Any party can appeal the dismissal decision in the manner provided in Section 5.j, below.
- b. General Requirements of the Grievance Process.
- i. Equitable Treatment of Parties. The University shall treat Complainants and Respondents equitably by: (1) offering Supportive Measures, (2) providing remedies to a Complainant where a determination regarding responsibility for Title IX Sexual Misconduct has been made against the Respondent, (3) executing the Grievance Process in compliance with this Section before the imposition of any disciplinary sanctions or other actions that are not Supportive Measures against the Respondent; and (4) providing the parties with the same opportunities to have others present during any proceeding under the Grievance Process, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.
  - ii. No Conflicts of Interest. The Grievance Process requires the Title IX Coordinator, Investigator, Hearing Panel members, appeal officers, and facilitators of an Informal Resolution process be free of conflicts of interest or bias against a party.
  - iii. Presumption of Non-Responsibility; Standard of Evidence. There will be a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Grievance Process. The standard of evidence under the Grievance Process shall be a preponderance of the evidence.
  - iv. Objectivity. Credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness. The University shall require an objective evaluation of all relevant evidence, both inculpatory and exculpatory.
  - v. Privileged Information. The University, Complainant, Respondent, Title IX Coordinator, Investigator, Hearing Panel members, or facilitators of an Informal Resolution process cannot require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege and the University has obtained that party's voluntary, written consent to do so for the Grievance Process under this policy. Such privileged documents include, among other things, documents that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party.
- c. Timeframe. The process for addressing a Formal Complaint under the Grievance Process will be concluded within the reasonably prompt timeframe of 90 business days. Notwithstanding the foregoing, there may be certain circumstances that allow for limited extensions of this timeframe for good cause. For such extensions of time or delays, there must be written notice to both the Complainant and Respondent of the delay or extension and the reasons for the action. A Grievance Process that exceeds one

hundred twenty (120) business days, shall be reviewed by the University, and justification for the extended or delayed investigation must be documented.

Complainant, Respondent, and other persons deemed appropriate by the University will be provided an update on the progress of the Grievance Process after the review.

- d. Notices. University will provide notices as required, including but not limited to:
  - i. Initial Notice to Parties. The University shall provide written notice to Complainant and Respondent upon receipt of a Formal Complaint with sufficient details known at the time and with sufficient time to prepare a response before an initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Title IX Sexual Misconduct, and the date and location of the alleged incident, if known. Such notice shall also include notice of the following: (1) this Grievance Process, including the University's Informal Resolution process; (2) that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Grievance Process; (3) that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney; (4) that the parties may inspect and review evidence; and (5) any applicable provision in the University's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the Grievance Process.
  - ii. Supplemental Notice to Parties. If additional allegations are later included within the scope of the investigation under this Grievance Process, supplemental notice of such allegations shall be provided at that time.
  - iii. Notice to All Parties of Hearings, Interviews, or Meetings. The University shall provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
  - iv. Written Notice Via University Email. Any person entitled to written notice under this policy will receive such notice to their University email address. In the event a person is entitled to notice who does not have a University email address, written notice will instead be provided to an email address provided by such person.
- e. Emergency Removal.
  - i. The University shall conduct an individualized safety and risk analysis to determine if an individual poses an immediate threat to the physical health or safety of any individual arising from the allegations of Title IX Sexual Misconduct that justifies removal. Where the University finds that a Respondent poses an immediate threat to the physical health or safety of any individual, the University may remove the Respondent prior to the conclusion of the Grievance Process to protect the safety of the University Community where an immediate threat exists.
  - ii. The University shall provide the Respondent with notice and an immediate opportunity to challenge the decision in writing to the University's Title IX Coordinator or the System Office of Equal Opportunity immediately following the emergency removal.
- f. Prehearing Investigation. The University shall investigate allegations made in a Formal Complaint in accordance with this Grievance Process.



- i. Gather Evidence.
  - 1. The burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility shall be on the University and not on the parties.
  - 2. The University, Complainant, Respondent, Title IX Coordinator, Investigator, Hearing Panel members, or facilitators of an Informal Resolution process cannot require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege and the Recipient has obtained that party's voluntary, written consent to do so for the Grievance Process under this policy. Such privileged documents include, among other things, documents that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party.
  - 3. The University shall provide an equal opportunity for the parties to present witnesses and evidence, including fact and expert witnesses, and other inculpatory and exculpatory evidence during the prehearing investigation.
  - 4. The University shall not restrict either party from discussing the allegations or from gathering evidence.
- ii. Inspection and Review of Relevant Evidence.
  - 1. Prior to the completion of an Investigative Report, the University shall provide both parties with an equal opportunity to inspect and review any evidence obtained as part of the prehearing investigation that is directly related to the allegations raised in a Formal Complaint.
  - 2. The University shall send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy.
  - 3. The parties shall have at least ten (10) days to submit a written response, which the Investigator will consider prior to the completion of an Investigative Report.
- iii. Investigative Report. Upon completion of the investigation, the University shall create an Investigative Report that fairly summarizes the relevant evidence. The University shall send to each party and the party's advisor, if any, the Investigative Report in an electronic format or hard copy, for their review and written response, at least ten (10) days prior to the hearing, if a hearing is required under this policy or otherwise provided.
- g. Hearing. If the Formal Complaint is not dismissed or resolved by Informal Resolution, then the Formal Complaint shall proceed to a live hearing. The hearing will be conducted in accordance with the procedure set forth in Attachment 1.
- h. Written Determination Regarding Responsibility.
  - i. After a hearing, the Hearing Panel will issue a written determination regarding responsibility that will include: (1) identification of the allegations potentially constituting Title IX Sexual Misconduct; (2) a description of the procedural steps taken throughout the Grievance Process; (3) findings of fact supporting the determination regarding responsibility; (4) conclusions regarding the application of the University's applicable conduct policy to the facts of the alleged conduct; (5) a statement of and rationale for the result as to each allegation, including a



- determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the University's Education Program or Activity will be provided by the University to the Complainant; (6) a statement that the University's procedures are permissible bases for the Complainant and Respondent to appeal; and (7) a statement that the determination may be appealed by the parties pursuant to this policy and information on how to file such appeal.
- ii. The University will provide the written determination to the parties simultaneously. The written determination regarding responsibility becomes final when the time period to file an appeal has expired or when the written appeal decision has been sent to the parties.
  - i. Impact Statements. After a determination regarding responsibility, and before a decision regarding sanctions, the Hearing Panel may request, and the parties may provide, impact statements for consideration.
  - j. Appeal.
    - i. Grounds for Appeal. The parties may appeal a determination regarding responsibility or the University's dismissal of a Formal Complaint or any allegations therein on the following grounds:
      1. A procedural irregularity that affected the outcome of the matter;
      2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
      3. The Title IX Coordinator, Investigator(s), or Hearing Panel Members had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; or
      4. The sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions.
    - ii. Process for Appeal.
      1. Filing by Appealing Party. The appeal process is initiated upon a party's filing of a written appeal within three (3) University business days after University's delivery of the written decision regarding responsibility. The written appeal must be filed with the University's Title IX Coordinator or System Office of Equal Opportunity, as directed in the written determination regarding responsibility, and the party's written appeal must set forth the grounds for the appeal and any supporting information.
      2. Response of Non-Appealing Party. Upon the filing of a written appeal, University will give written notice of the filed appeal to the non-appealing party. The non-appealing party will have three (3) University business days after University's delivery of the written notice to respond to the appeal.
      3. Appeal Officer. The University will designate a decision-maker for the appeal (the "appeal officer"). The appeal officer shall not be the same person as any of the Hearing Panel members that reached the determination regarding responsibility or dismissal, the Investigator(s), or the Title IX Coordinator.
      4. Response of Hearing Panel. The appeal officer may submit the written appeal and non-appealing party's response to the Hearing Panel, and the Hearing Panel

may submit its response in support of the appeal or original decision to the appeal officer.

5. Review of Appeal. The appeal officer will first review the appeal to determine if the appeal is timely and properly sets forth the appropriate grounds for appeal, with adequate accompanying evidence. If any of these requirements are not met, the appeal will be dismissed, and the decision will be final. If these preliminary requirements are met, the appeal officer will then review the substance of the appeal and make a final determination.
  6. Written Decision and Notice. Within five (5) University business days of the non-appealing party's deadline to submit a response to the filed appeal, the appeal officer will issue a written decision describing the result of the appeal and the rationale for the result. The appeal officer will provide the written decision simultaneously to both parties. The written decision of the appeal officer is final and may not be appealed.
- k. Informal Resolution Process.
- i. The Informal Resolution Process presents an alternative to the Grievance Process. After the parties have been provided written notice of a Formal Complaint, the University may offer and facilitate the Informal Resolution Process (which may include, but is not limited to, a mediation process). At any time prior to reaching a determination regarding responsibility, the University may begin the Informal Resolution Process by obtaining the parties' voluntary, written consent to use this Informal Resolution Process. Notwithstanding the foregoing, the Informal Resolution Process will not be offered to resolve allegations that a University Employee engaged in conduct against a student that would constitute Title IX Sexual Misconduct.
  - ii. The University will not require any person to participate in the Informal Resolution Process and will not condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to the Informal Resolution Process. Any party may withdraw from the Informal Resolution Process at any time prior to agreeing to a resolution and resume the Grievance Process with respect to the Formal Complaint.
6. Sanctions and Remedies
- a. Potential Ranges of Sanctions. The ranges of possible disciplinary sanctions and remedies following a determination regarding responsibility under the Grievance Process are set forth in this Section. The ranges and examples set forth here do not reflect the probability that any particular outcome will occur.
  - b. Sanctions and Remedies Against Students. Possible sanctions or remedies that may be imposed on student Respondents can include, but are not limited to: disciplinary reprimand; educational training; scheduling adjustment; housing reassignment; disciplinary probation; withholding of grades, official transcript, and/or degree; bar against readmission, bar against enrollment, and/or withdrawal from the University; suspension of privileges, including but not limited to participation in athletic or extracurricular activities; denial or revocation of degree; time-limited disciplinary suspension; disciplinary expulsion; or any other sanctions or remedies as deemed appropriate by the University given the circumstances.
7. Mandatory Reporting by Employees
- a. Mandated by Texas Law. This Section addresses mandatory Employee reporting of Title IX Sexual Misconduct as required by Texas law. A report made under this Section does

not constitute a Formal Complaint, which is required by federal regulation to initiate a Title IX Sexual Misconduct Grievance Process.

- b. **Employees Required to Report Sexual Misconduct.** Texas law requires Employees to report certain types of sexual misconduct, including but not limited to Title IX Sexual Misconduct, to appropriate University personnel. All Employees, including student Employees, who in the course and scope of employment, witness or receive information regarding the occurrence of an incident that the Employee reasonably believes constitutes either Title IX Sexual Misconduct, or “Sexual Misconduct” as defined in [System Regulation 07.06.B](#), and is alleged to have been committed by or against an individual who was a student enrolled at the time of the incident shall promptly report the incident to the University Title IX Coordinator, Title IX Deputy Coordinator, or the System Office of Equal Opportunity (OEO). Failure to report “Sexual Harassment,” “Sexual Assault,” “Dating Violence,” or “Stalking,” as such terms are defined in System Regulation 07.06.B, is a violation of state law that shall result in termination of employment and may result in criminal penalties. In addition, a knowingly false report under this policy made with the intent to harm or deceive is also a violation of Texas law that shall result in termination of employment and may result in criminal penalties.
  - c. **Contents of Report.** Except as provided by Section 7.d, below, the report required by Subsection 7.b must include all information concerning the incident known to the Reporting Party, including the involved parties’ names, regardless of whether the Complainant has expressed a desire for confidentiality; however, the Reporting Party must also state whether the Complainant has expressed a desire for confidentiality.
  - d. **Contents of Report by Employee with Confidential Relationship.** An Employee designated by the University as an individual with whom University students may speak confidentially concerning sexual misconduct or who receives information regarding such an incident under circumstances that render the Employee's communications confidential or privileged under other law shall, in making a report under this policy, state only the type of incident reported and may not include any information that would violate a student's expectation of privacy. This subsection does not affect the Employee's duty to report an incident under any other law.
  - e. **Limited Exception to Mandatory Employee Reporting.** Notwithstanding Section 3.b, above, an Employee is not required to make a report under this Section concerning: (i) an incident in which the Employee was a victim of sexual misconduct, including but not limited to Title IX Sexual Misconduct; or (ii) an incident of which the Employee received information due to a disclosure made at a sexual misconduct public awareness event sponsored by or affiliated with the University.
  - f. **How to Submit a Report.** Employees may fulfill their reporting obligations by submitting a report through the applicable University’s electronic reporting form, available at links set forth in [Section 2, above. Reporting Employees should keep a receipt or proof of the submission of the report.](#)
8. **Non-Retaliation**
- a. **Non-Retaliation.** Retaliation against an individual who reports a potential violation in good faith under this policy, assists someone with a report of a violation or participates or refuses to participate in any manner in an investigation, proceeding, hearing, or other resolution of a complaint made under this policy is strictly prohibited and will not be tolerated. Retaliation includes, but is not limited to threats, intimidation, coercion, discrimination, reprisals, or adverse actions related to an individual’s employment or

education. In addition, charges against an individual for University code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Title IX Sexual Misconduct, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this policy.

- b. The University will take appropriate steps to ensure that an individual who, in good faith, reports, complains about, or participates or refuses to participate in an investigation, proceeding, hearing, or other resolution pursuant to this policy will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to lodge a complaint with the University using the same procedure outlined in this policy.
  - c. Individuals who are found to have retaliated under this policy will be subject to disciplinary action, up to and including termination of employment, expulsion from the University, or being barred from the University premises and events.
  - d. False Information. An individual found to have knowingly and in bad faith provided materially false information may be subject to disciplinary action up to and including dismissal or separation from the University. A determination regarding responsibility alone is not sufficient to conclude that any party or witness made a materially false statement in bad faith.
9. Confidentiality
- a. The protections provided by this Section apply to:
    - i. Complainant;
    - ii. Reporting Party;
    - iii. An individual who sought guidance from the University concerning an incident;
    - iv. An individual who participated in the University's investigation of an incident; or
    - v. Respondent, if after completing an investigation, the University determines the report to be unsubstantiated or without merit.
  - b. Unless waived in writing by the individual, the identity of an individual described by Subsection (a):
    - i. Is confidential and not subject to disclosure under Chapter 552, Government Code; and
    - ii. May be disclosed by the University or University Employees only to: (1) University Employees or individuals under contract with the University to which the report is made who are necessary for an investigation of the report or other related hearings; (2) Texas Tech University System or University Employees for purposes of complying with applicable law, including for preparation and reconciliation of statistical reporting required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended; (3) a law enforcement officer as necessary to conduct a criminal investigation of the report by individuals described by Subsection (a); (4) a health care provider in an emergency, as determined necessary by the University; (5) the Respondent, to the extent required by other law or regulation; and (6) potential witnesses to the incident as necessary to conduct an investigation of the report and to the extent required by other law or regulation.

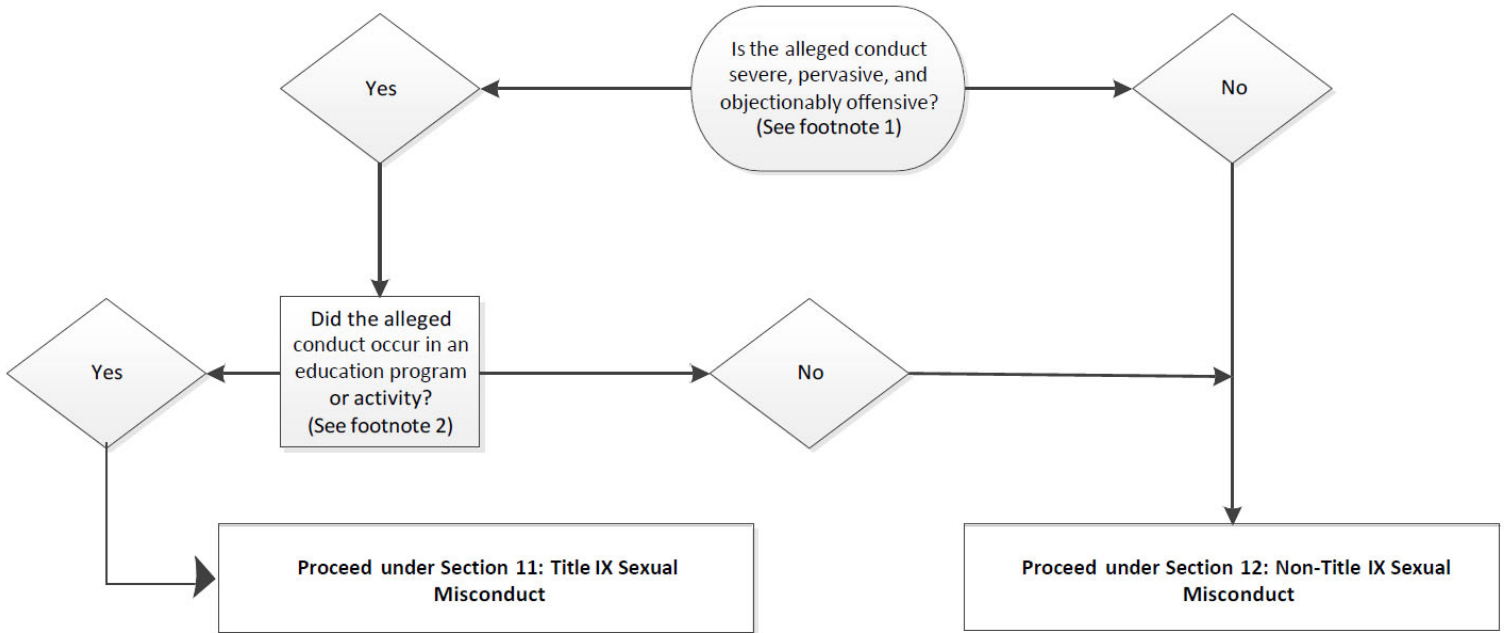
- c. For the purposes of this Section, investigation includes the coordination of the incident response, implementation of Supportive Measures, adjudication of the report, disciplinary action or administrative response to the report, and disclosure by the University as required under state or federal law or regulation.
10. Students may make confidential reports to the University Student Counseling Centers, where available, or to other counselors identified by the University. 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.
- Cooperation and Non-Interference with the Grievance Process**
- a. **Non-Interference.** Any individual who knowingly and intentionally interferes with a Grievance Process conducted under this policy is subject to disciplinary action up to and including dismissal or separation from the University. Interference with a Grievance Process may include, but is not limited to: (i) attempting to coerce, compel, influence, control, or prevent an individual's participation in an investigation or Grievance Process; (ii) removing, destroying, or altering documentation relevant to the investigation; or (iii) encouraging others provide false or misleading information.
11. **Training and Education**
- a. The University's commitment to preventing and raising awareness of the harm resulting from the conduct prohibited in this policy includes providing primary prevention and awareness programs for all incoming students and new Employees, ongoing education to both Employees and students, and emailing information regarding this policy to students at the beginning of each academic semester. This policy is published on the University's website and information regarding this policy and related policies is required in orientation materials for new students, faculty, and staff. All Employees must attend equal employment opportunity non-discrimination and sex/gender discrimination training including sexual assault, sexual harassment, and mandatory reporter training within the first thirty (30) days of employment and receive supplemental training every two (2) years. Other appropriate compliance training sessions will also be conducted on an ongoing basis. Training sessions will include information on how and where to report incidents of prohibited conduct, resources available, as well as risk reduction and safe and positive options for bystander intervention. In addition, the University Employees and administrators responsible for implementing this policy, including the University Title IX Coordinators, Title IX Deputy Coordinators, System Office of Equal Opportunity employees, Investigators, Hearing Panel members, and appeal officers, receive training about offenses, investigatory procedures, due process requirements, impartiality, conflicts of interest, informal resolution processes, and University policies related to or described in this policy.
  - b. Notwithstanding the foregoing, Title IX Coordinators, Investigators, Hearing Panel members, and facilitators of an Informal Resolution process shall receive adequate and unbiased training on:
    - i. The application of this Title IX Sexual Misconduct policy, and;
    - ii. The Grievance Process, including, where appropriate, how to conduct hearings, the use of technology, and how to make relevancy determinations.

- c. All materials used to train University Title IX Coordinators, Investigators, Hearing Panel members, and any person who facilitates an informal resolution process are publicly available on the University's Title IX websites set forth in Section 2, above.

## 12. Recordkeeping

- a. The University will create, make available to the Complainant and Respondent, and maintain for a period of at least seven (7) years from the date of creation of the last record pertaining to the case, the following records:
  - i. The Title IX Sexual Misconduct investigation, including any determination regarding responsibility, disciplinary sanctions imposed on the Respondent, and remedies provided to the Complainant;
  - ii. Any appeal and the result therefrom;
  - iii. Informal Resolution, if any; and
  - iv. All materials used to train Title IX Coordinators, Investigators, Hearing Panel members, and any person who facilitates an informal resolution process with regard to Title IX Sexual Misconduct.
- b. The University will also create and maintain for a period of seven (7) years records of any actions, including any Supportive Measures, taken in response to a report or Formal Complaint of Title IX Sexual Misconduct. In each instance, the University will document the basis for its conclusion that its response was not clearly unreasonable, and document that it has taken measures designed to restore or preserve access to the University's Education Program or Activity.

Midwestern State University  
Section 11 - Attachment 1



**Footnotes**

1. Items that are automatically considered to meet this standard include, but are not limited to, the following (as each are defined in Section 11: Title IX Sexual Misconduct):
  - A. Sexual assault;
  - B. Dating violence, domestic violence, or stalking; and
  - C. Quid pro quo.
2. "Education program or activity" includes locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the alleged sexual harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the University. See 34 CFR 106.44.

Title: Midwestern State University; Section 11 - Attachment 1

Top of chart begins Q: "Is the alleged conduct severe, pervasive, and objectionably offensive? (see footnote 1)"

1. If "No" to alleged conduct, then "Proceed under Section 12: Non-Title IX Sexual Misconduct"
2. If "Yes" to alleged conduct, then Q: "Did the alleged conduct occur in an education program or activity? (See footnote 2)"
  - a. If "No" to education program or activity, then "Proceed under Section 12: Non-Title IX Sexual Misconduct"
  - b. If "Yes" to education program or activity, then "Proceed under Section 11: Title IX Sexual Misconduct"

Footnotes:

1. Items that are automatically considered to meet this standard include, but are not limited to, the following (as each are defined in Section 11: Title IX Sexual Misconduct):

- A. Sexual assault;
- B. Dating violence, domestic violence; and
- C. Quid pro quo.

2. "Education program or activity" includes locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the alleged sexual harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the University. See 34 CFR 106.44.



## Midwestern State University Section 11: Title IX Sexual Misconduct Policy – Attachment 2

### Title IX Sexual Misconduct Hearing Procedures

#### 1. General Requirements

- a. *Hearing.* A live hearing may be conducted with all parties physically present in the same geographic location or, at the University’s discretion, any or all parties, witnesses, and other participants may appear at the hearing virtually, with technology enabling participants to simultaneously see and hear each other. At the request of either party, the live hearing may occur with the parties located in separate rooms; however, technology enabling the Hearing Panel, Hearing Officer, parties, and witnesses to simultaneously see and hear the party or the witness answering questions must be used.
- b. *Hearing Panel.* The University will appoint a three-member Hearing Panel (“Hearing Panel”). The Title IX Hearing Officer will be one of the three members of the Hearing Panel and will serve as the Hearing Panel’s chair. The Hearing Panel will be the decision-maker that objectively evaluates all relevant evidence and renders a determination regarding responsibility after the hearing. The determination regarding responsibility will be made by a majority vote of the Hearing Panel. The Hearing Panel has the right and responsibility to ask questions and elicit information from parties and witnesses on its own initiative to aid in obtaining relevant evidence both inculpatory and exculpatory.
- c. *Title IX Hearing Officer.* The University will appoint an independent Title IX Hearing Officer to oversee and conduct the hearing and chair the Hearing Panel (“Hearing Officer”). When the independent Hearing Officer is a licensed attorney, the Hearing Officer will provide confidential legal advice to the Hearing Panel when the panel is deliberating the determination regarding responsibility and drafting the written determination regarding responsibility.
- d. *Parties and Witnesses at Hearing.* All parties, witnesses, and other participants in a hearing must be physically or virtually present in a manner where all participants can simultaneously see and hear each other.
- e. *Advisors.* Each Complainant and Respondent shall have an advisor present at the hearing, and each is entitled to select an advisor of their choice. Each party must inform the University at least ten (10) days prior to the hearing whether the party intends to select and bring an advisor of their choice to the hearing. If a Complainant or Respondent does not have an advisor of their choice present at the hearing, the University will provide without fee or charge to that party, an advisor of the University’s choice. The advisor may be, but is not required to be, an attorney; provided, all advisors appointed or provided by the University shall act only in a capacity as an advisor for the Title IX Grievance Process and not in a capacity as legal counsel for any party. The advisors’ only permissible roles at the hearing are to advise the party and to conduct cross-examination on behalf of that party.
- f. *Rules of Order and Decorum.* The University will adopt rules of order and decorum provided for and enforced by the Hearing Officer. Such rules will include, without limitation, time limits, hearing order, and requirements that participants not badger a witness, and repetition of the same question may be deemed irrelevant by the Hearing Officer; no party be asked questions in an abusive or intimidating manner; and questioning shall be relevant, respectful, and non-abusive.

#### 2. Hearing Procedure

- a. *Title IX Hearing Officer to Direct Hearing.* The Hearing Officer will set the Rules of Order and Decorum and agenda for the hearing and will direct and oversee the hearing in

accordance with this regulation and the Rules of Order and Decorum. The hearing shall be no more than four (4) hours in length, unless the Hearing Officer determines that exceptional circumstances exist justifying a longer hearing.

- b. *Record of Hearing.* The University will create a record of the live hearing and make it available to the parties for inspection and review upon request. The Hearing Panel's deliberations are not part of the live hearing and therefore will not be part of the record.
- c. *Evidence Not Included in the Investigative Report.* Only evidence (including but not limited to documents, media, witnesses, and other tangible evidence) provided by the parties to the Investigator during the pre-hearing investigation, and/or identified or included in the Investigative Report may be presented, introduced, or used at the hearing. Any new evidence identified after completion of the Investigative Report that a party intends to present, introduce, or use at the hearing must be provided to the Title IX Coordinator at least five (5) days prior to the hearing and to the other party at least three (3) days prior to the hearing. Failure to comply with this provision will result in the new evidence being excluded from consideration during the hearing and decision-making process.
- d. *Opening and Closing Statements.* At the direction of the Hearing Officer, Complainants and Respondents will have an opportunity to offer their own opening and closing statements, subject to time limits set by the Hearing Officer.
- e. *Presentation of Evidence.* Each party will have an opportunity to introduce evidence to the Hearing Panel.
  - i. *Rules of Evidence; Relevance.* The Hearing Officer will be responsible for making determinations regarding evidence, including relevance. Information that will be deemed not relevant includes, without limitation, information protected by a legal recognized privilege; questions or evidence about Complainant's sexual predisposition or prior sexual behavior (unless offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent); and any party's medical, psychological, and similar records (unless the party has given voluntary written consent).
- f. *Examination of Witnesses*
  - i. *Direct Examination.* Direct examination may be conducted by the Hearing Officer or the Hearing Panel.
  - ii. *Cross-Examination.* All cross-examination must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. Only relevant cross-examination and other questions, including those challenging credibility, may be asked of a party or witness. Before a participant answers a cross-examination or other question, the Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

## Section 12: Non-Title IX Sexual Misconduct Policy and Procedures

Any student who is the victim of sexual misconduct should contact the Title IX Office or file an electronic report, which can be accessed on the MSU homepage or the MSU Safety app.

The University is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from sex discrimination of any kind. The University prohibits discrimination based on sex, which includes pregnancy, sexual orientation and gender identity, and other types of Sexual Misconduct. Sexual Misconduct is a broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes Sexual Harassment, Sexual Assault, Sexual Exploitation, Stalking, Public Indecency, Interpersonal (Dating, Domestic, or Family) Violence, Dating Violence, Sexual Violence, and any other misconduct based on sex. Any acts that fall within the scope of this policy hereinafter are referred to as Sexual Misconduct. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, by actions, or electronically displayed or conveyed.

This policy provides information regarding University's prevention and education efforts related to sex discrimination, Sexual Harassment, Nonconsensual Sexual Contact, Nonconsensual Sexual Intercourse, Sexual Assault, Sexual Exploitation, Public Indecency, Sexual Misconduct, Interpersonal Violence, Dating Violence, and Stalking. This policy provides students and employees with their rights and options and also explains how the University will proceed once it is made aware of allegations of prohibited conduct in keeping with the University's values and in order to meet the legal obligations of Title VII, Title IX, the Violence Against Women Act (VAWA), the Campus Sexual Violence Elimination Act (SaVE), the Texas Education Code, 34 CFR Part 106, and other applicable laws and regulations.

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

All investigations and procedures will be non-adversarial in nature and will be conducted in a prompt, equitable, and impartial manner. Investigations conducted under this policy are not criminal investigations. For all complaints under this policy, the burden of proof shall be a preponderance of the evidence, which means more likely than not.

The University expects all members of the University Community to comply with applicable law and University policies. Members of the University Community who violate this policy and related laws may be subject to disciplinary action or sanctions, up to and including, expulsion from the University, or being barred from University premises and events.

For complaints relating to Title IX Sexual Misconduct, please see [Section 11: Title IX Sexual Misconduct](#). For complaints relating to any form of discrimination not covered by this policy or

Section 11: Title IX Sexual Misconduct, or for acts of gender/sex discrimination, that are not sexual in nature and do not constitute Sexual Misconduct as defined in this policy or Title IX Sexual Misconduct as defined in Section 11, please see [Section 9: Bias Incident Policy](#). Additionally, if at any time during a Sexual Misconduct grievance process under this policy it is determined that the alleged conduct constitutes Title IX Sexual Misconduct, the University shall proceed under Section 11: Title IX Sexual Misconduct or any other applicable policy and procedure.

## 1. Definitions

- a. **Complaining Party.** An individual who was allegedly subjected to a violation of this policy.
- b. **Consent.** Mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly convey permission for a specific activity. Consent is not effective if it results from: (i) the use of physical force, (ii) a threat of physical force, (iii) intimidation, (iv) coercion, (v) incapacitation, or (vi) any other factor that would eliminate an individual's ability to exercise their own free will to choose whether or not to engage in sexual activity.
- c. **Employee.** An individual who receives a W-2 or 1042-S from the University, including full- and part-time faculty, staff, and students. An Employee is working in the course and scope of their employment if the Employee is performing duties in the furtherance of the University's interest.
- d. **Incapacitation.** A state of being that prevents an individual from having capacity to give consent. For example, incapacitation could result from the use of drugs or alcohol, an individual being asleep or unconscious, or because of an intellectual or other disability.
- e. **Interpersonal Violence.** For purposes of this policy, Interpersonal Violence is:
  - i. **Dating Violence.** Physical, sexual, or verbal abuse or violence, or a threat of abuse or violence, committed by an individual who is or has been in a social relationship of a romantic or intimate nature with the Complaining Party. The existence of such a relationship will be determined based on the type and length of the relationship and the frequency of interaction between the individuals involved in the relationship. A casual acquaintanceship or ordinary socializing between two individuals does not constitute a romantic or intimate relationship. This definition does not include acts covered under Domestic or Family Violence.
  - ii. **Domestic or Family Violence.** Physical, sexual, or verbal abuse or violence committed by a current or former spouse or intimate partner of the Complaining Party, by an individual with whom the Complaining Party shares a child in common, by an individual with whom the Complaining Party is cohabiting (or has cohabited) with a spouse or intimate partner, by an individual similarly situated to a spouse of the Complaining Party under the Domestic or Family Violence laws of the state of Texas, or by any other individual against an adult or youth victim who is protected from that individual's acts under the Domestic or Family Violence laws of the state of Texas.
- f. **Public Indecency.** Engaging in private or sexual acts in a publicly viewable location, such that it is offensive to accepted standards of decency including, but not limited to: (i) exposing one's genitals or private areas; (ii) public urination; (iii) public defecation; and/or (iv) public sex acts.

- g. Reporting Party. An individual or entity (in the case of the University), other than the Complaining Party, who reports an alleged violation of this policy.
- h. Responding Party. Generally, the Responding Party is the individual or organization that is alleged to be responsible for the prohibited conduct alleged in a complaint.
- i. Responsible Employee. All Employees, except as provided in Section 6 below, are Responsible Employees who must report allegations of Sexual Misconduct, including all known information concerning the incident, to the Title IX Coordinator as provided in Section 6 below.
- j. Sex Discrimination. An act that deprives a member of the University Community of their right of access to campuses and facilities and/or of participation in education, services, programs, operations, employment, benefits, or opportunities with the University on the basis of the individual's sex.
- k. Sexual Assault. Sexual contact or intercourse with an individual without that individual's consent, including sexual contact or intercourse against an individual's will or in a circumstance in which an individual is incapable of consenting to the contact or intercourse. Sexual Assault includes:
  - i. Nonconsensual Sexual Contact. Intentional sexual touching, however slight, with any object or part of one's body of another's private areas without consent. Sexual Contact includes: (1) intentional contact with the breasts, buttock, groin, or genitals; (2) touching another with any of these body parts; (3) making another touch you or themselves with or on any of these body parts; or (4) any other intentional bodily contact in a sexual manner.
  - ii. Nonconsensual Sexual Intercourse. Sexual penetration or intercourse, however slight, with a penis, tongue, finger, or any object, and without consent. Penetration can be oral, anal, or vaginal.
  - iii. The following offenses are examples of Sexual Assault:
    - 1. Incest. Sexual intercourse between individuals who are related to each other within the degrees wherein marriage is prohibited by law;
    - 2. Fondling. The touching of the private body parts of another individual for the purpose of sexual gratification, without the consent of the Complaining Party, including instances where the Complaining Party is incapable of giving consent because of the Complaining Party's age or because of the Complaining Party's temporary or permanent mental incapacity;
    - 3. Rape. The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another individual, without the consent of the Complaining Party; and
    - 4. Statutory Rape. Sexual intercourse with an individual who is under the statutory age of consent.
- l. Sexual Exploitation. Taking nonconsensual or abusive sexual advantage of another for the benefit of oneself or a third party. Prohibited behavior includes, but is not limited to: (i) purposeful recording, distribution, or dissemination of sexual or intimate images or recordings of another individual without that individual's full knowledge or consent; (ii) sexual voyeurism; (iii) inducing another to expose one's genitals or private areas; (iv) prostituting another; and (v) knowingly exposing someone to or transmitting a sexually transmitted disease, without the individual's full knowledge and consent.
- m. Sexual Harassment. Unwelcome, sex-based verbal or physical conduct that:

- i. In the education context, is sufficiently severe, persistent, or pervasive that the conduct unreasonably interferes with a student’s ability to participate in or benefit from educational programs or activities.
  - ii. Examples of inappropriate behavior that may constitute Sexual Harassment include, but are not limited to: (1) sexual teasing, jokes, remarks, or questions; (2) sexual looks and gestures; (3) sexual innuendoes or stories; (4) communicating in a manner with sexual overtones; (5) inappropriate comments about dress or physical appearance; (6) inappropriate discussion of private sexual behavior; (7) gifts, letters, calls, emails, online posts, or materials of a sexual nature; (8) sexually explicit visual material (calendars, posters, cards, software, internet, or other multimedia materials); (9) sexual favoritism; (10) pressure for dates or sexual favors; (11) unwelcome physical contact (touching, patting, stroking, rubbing); (12) nonconsensual video or audio-taping of sexual activity; (13) exposing one’s genitals or inducing another to expose their genitals; (14) Stalking; (15) domestic or Dating Violence; (16) Nonconsensual Sexual Intercourse, Sexual Assault, or rape; and (17) other gender-based threats, discrimination, intimidation, hazing, bullying, Stalking, or violence.
  - n. Sexual Misconduct. A broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes Sexual Harassment, Nonconsensual Sexual Contact, Nonconsensual Sexual Intercourse, Sexual Assault, Sexual Exploitation, Stalking, Public Indecency, Interpersonal Violence, sexual violence, and other misconduct based on sex.
  - o. Stalking. A course of conduct directed at a specific individual that would cause a reasonable individual to fear for the individual’s safety or the safety of others or would cause that individual to suffer substantial emotional distress. A “course of conduct” means two or more acts in which an individual directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about an individual or interferes with an individual’s property. “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
  - p. Supportive Measures. Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complaining Party or the Responding Party before or after the filing of a complaint or where no complaint has been filed.
  - q. Title IX Sexual Misconduct. Certain sexual misconduct as defined in and governed by [Section 11: Title IX Sexual Misconduct](#).
  - r. University Community. All University faculty, staff, and students of and visitors to any University premises or University-affiliated activity.
2. Contact Information for University Title IX Coordinator
- a. University Title IX Coordinator (Students). Midwestern State University has a Title IX Coordinator who oversees the University’s compliance with Title IX. Students seeking information, to report sexual misconduct of any kind (including both Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct), or to file a complaint of Sexual Misconduct, should contact the following:

TITLE IX COORDINATOR EMAIL & PHONE	OFFICE ADDRESS	TITLE IX WEBSITE & REPORTING LINK
Laura Hetrick 940.397.4213 <a href="mailto:laura.hetrick@msutexas.edu">laura.hetrick@msutexas.edu</a>	Vinson Health Center Room H-136 3410 Taft Blvd. Wichita Falls, TX 76308	<i>Title IX Website:</i> <a href="https://msutexas.edu/titleix/">https://msutexas.edu/titleix/</a> <i>Reporting Link:</i> <a href="https://cm.maxient.com/reportingform.php?MSUTexas&amp;layout_id=6">https://cm.maxient.com/reportingform.php?MSUTexas&amp;layout_id=6</a>

3. Reporting Sexual Misconduct
- a. Mandatory Reporting to University by Employees. Texas law requires Employees to report certain types of Sexual Misconduct to appropriate University personnel. All Employees, including student Employees, who in the course and scope of employment, witness or receive information regarding the occurrence of an incident that the Employee reasonably believes constitutes Sexual Misconduct and is alleged to have been committed by or against an individual who was a student enrolled at or an Employee of the University at the time of the incident shall promptly report the incident to the University Title IX Coordinator, Title IX Deputy Coordinator, or the System Office of Equal Opportunity (OEO). An Employee is required to report an incident regardless of where or when the incident occurred. Failure to report Sexual Harassment, Sexual Assault, Dating Violence, or Stalking under this policy is a violation of state law that shall result in termination of employment and may result in criminal penalties.
  - b. Contents of Report. Except as provided by Section 6.c below, the report must include all information concerning the incident known to the Reporting Party, including the involved parties' names, regardless of whether the Complaining Party has expressed a desire for confidentiality; however, the Reporting Party may also state whether the Complaining Party has expressed a desire for confidentiality.
  - c. Contents of Report by Employee with Confidential Relationship. An Employee designated by the University as an individual with whom University students may speak confidentially concerning Sexual Misconduct or who receives information regarding such an incident under circumstances that render the Employee's communications confidential or privileged under other law shall, in making a report under this policy, state only the type of incident reported and may not include any information that would violate a student's expectation of privacy. This Subsection does not affect the Employee's duty to report an incident under any other law.
  - d. Reporting by Students and Third Parties Encouraged. All students and third parties are strongly encouraged to promptly report any incidents of Sexual Misconduct to the University Title IX Coordinator, Title IX Deputy Coordinator, or the OEO.
  - e. Reporting to Law Enforcement Agencies. All students, Employees, and third parties may also report incidents of Sexual Misconduct to law enforcement, including University and local police. Complaining Parties may choose to notify law enforcement and will be provided the assistance of a Title IX Coordinator, Title IX Deputy Coordinator, or the OEO in contacting these authorities if the individual wishes. Complaining Parties may also decline to notify law enforcement of incidents of Sexual Misconduct.
  - f. Victims Encouraged to Seek Medical Care. An individual who experiences Sexual Misconduct is encouraged to seek medical care for treatment and preservation of

evidence, if applicable, as soon as practicable after the incident. Preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Victims can undergo a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, a SANE may still collect evidence several days following a Sexual Assault. With the examinee's consent, the physical evidence collected during this medical exam can be used in a criminal investigation. To undergo a SAFE, go directly to the nearest emergency department that provides SAFE services.

- g. Preservation of Evidence. An individual who experiences any form of Sexual Misconduct should also preserve other evidence relevant to the complained of activity, such as items of clothing, photographs, phone records, text messages, computer records, and other documents.
- h. Good Faith Actors. The University may not discipline or otherwise discriminate against an Employee who in good faith: (i) makes a report as required under this policy or (ii) cooperates with an investigation, a disciplinary process, or a judicial proceeding relating to a report made by the individual as required under this policy. This Subsection does not apply to an individual who perpetrates or assists in the perpetration of the incident reported under this policy.
- i. Non-Disclosure of Private Information to Medical Providers. Absent consent from the Complaining Party, disclosures to a healthcare provider, mental health care provider, or other medical provider acting in the course and scope of their employment with the University shall only state the type of incident reported and may not include any information that would violate an expectation of privacy. These Employees are encouraged to provide Complaining Parties with information and guidance regarding University reporting options and available resources. This Subsection does not affect the Employee's duty to report an incident under any other law or regulation under which they maintain their licensure.
- j. Request of Complaining Party Not to Investigate. If the Complaining Party of an alleged incident of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking reported to the University requests the University not to investigate the alleged incident, the University may investigate the alleged incident in the same manner that an anonymous complaint may be investigated. The University shall inform the Complaining Party whether the University will conduct an investigation. In determining whether to investigate the alleged incident, the University shall consider:
  - i. The seriousness of the alleged incident;
  - ii. Whether the University has received other reports of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking committed by the alleged perpetrator or perpetrators;
  - iii. Whether the alleged incident poses a risk of harm to others; and
  - iv. Any other factors the University determines relevant.If the University decides not to investigate an alleged incident of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking based on the Complaining Party's request not to investigate, the University shall take any steps it determines necessary to protect the health and safety of the University Community in relation to the alleged incident.
- k. How to Submit a Report. Employees may fulfill their reporting obligations by submitting a report through the applicable University's electronic reporting form, available at the



links set forth in Section 2, above. Reporting Employees should keep a receipt or proof of the submission of the report.

- I. False or Malicious Claims. An individual found to have knowingly submitted a false or malicious claim may be subject to disciplinary action.
4. Complaints By or Against Students
    - a. If a student enrolled at the University reports Sexual Misconduct in good faith, the University may not take disciplinary action against that student for violation(s) of the Code of Student Conduct in accordance with the amnesty provisions set forth in the respective University's Student Handbook.
    - b. Sanctions for violations of this policy or the Code of Student Conduct by students may be found in [Section 7: Conduct Procedures](#).
    - c. If a student Employee has a complaint of Sexual Misconduct, which occurs during the course and scope of employment with the University, against an Employee, the student should follow the procedure set forth for Employees in this policy.
    - d. The Complaining or Responding Party who is the subject of an alleged incident of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking will be allowed to drop a course in which they are both enrolled without any academic penalty.
    - e. If a student withdraws or graduates from the University pending a disciplinary charge alleging the student violated this policy and the University's code of conduct by committing Sexual Harassment, Sexual Assault, Dating Violence, or Stalking, the University:
      - i. May not end the disciplinary process or issue a transcript to the student until the University makes a final determination of responsibility;
      - ii. Shall expedite the University's disciplinary process as necessary to accommodate both the student's and the alleged victim's interest in a speedy resolution; and
      - iii. On request by another institution, the University shall provide to the requesting institution information relating to a determination that a student enrolled violated this policy and the University's code of conduct by committing Sexual Harassment, Sexual Assault, Dating Violence, or Stalking.
  5. Employee Complaint Procedures, Including Student Employees
    - a. Type and Location for Filing a Complaint. If an Employee has a complaint of Sexual Misconduct against another Employee, the general provisions relating to Employees and the Employee complaint procedures set forth in [System Regulation 07.10](#) shall apply.
    - b. Required Form of Complaint. To initiate an investigation, an Employee having a complaint under this policy must submit a completed Complaint of Sexual Harassment, Sexual Assault, or Sexual Misconduct form, which is available at: [http://www.depts.ttu.edu/hr/documents/TTU\\_Misconduct\\_40.03.pdf](http://www.depts.ttu.edu/hr/documents/TTU_Misconduct_40.03.pdf).
    - c. In addition, in complaints of Sexual Misconduct, the following provisions shall control.
      - i. While there is no deadline to file a complaint, to promote prompt and equitable review, the Texas Tech University System and University encourages individuals who believe they have experienced Sexual Misconduct to come forward as soon as possible with their complaint and to seek assistance. Delays in reporting greatly limit the ability to stop the Sexual Misconduct, collect evidence, and/or take effective action against individuals or organizations accused of violating this policy.
      - ii. Individuals wishing to remain anonymous may file a complaint in any manner, including by telephone or written communication, with the University Title IX

Coordinator, a Title IX Deputy Coordinator, or the System Office of Equal Opportunity. However, electing to remain anonymous may greatly limit the ability to investigate an alleged incident, collect evidence, and/or take effective action against individuals or organizations accused of violating this policy.

- iii. Both the Complaining and Responding Parties have the right to be accompanied by an advisor of the individual's choosing during all meetings, proceedings, and/or disciplinary hearings at which the individual is present. The role of the advisor will be limited to being present only; advisors are not allowed to actively participate in the process.
  - iv. Upon the agreement of all involved parties, voluntary or informal resolution may be used to resolve complaints as defined in this policy.
  - v. After the investigation is complete, the System Office of Equal Opportunity will simultaneously provide notice in writing to the Complaining Party, to the Responding Party, and to the appropriate administrators of the following: (1) determination of the outcome; (2) the finding of the System Office of Equal Opportunity is final and not appealable by either party; (3) in the event a finding of a violation of this policy is made, appropriate disciplinary actions or sanctions will be taken as determined by the appropriate administrator, up to and including termination of employment; and (4) if either party disagrees with the imposed disciplinary action or lack thereof because the disciplinary action imposed substantially varies from the range of disciplinary actions normally imposed for similar infractions, they may appeal within five business days to the University Title IX Coordinator. However, if the disciplinary action recommended is tenure revocation, proceedings will be pursuant to the University's Tenure Policy.
  - vi. The Complaining Party and Responding Party will be simultaneously notified in writing of any changes to the results of an appeal of any disciplinary action that occur prior to the time such results become final and when such results become final.
6. Complaints Involving Non-University Individuals
- a. Complaints Against University Students or Employees. If a non-University individual has a complaint of Sexual Misconduct by a University student, the individual involved may file a report with either the University's Title IX Office or the OEO, and the University may investigate and take steps to address the situation.
7. Complaints By University Students or Employees. If a University student has a complaint of Sexual Misconduct by a non-University party that affects the student's educational program or activity, the student may make a report to the University Title IX Coordinator, Title IX Deputy Coordinator, or the OEO. University may conduct an inquiry and take action, if possible, to prevent further misconduct. However, responses may differ for complaints regarding third parties based on the level of control the University has over the third party. Even though the ability to take direct action against a third party may be limited, the University may take steps to provide appropriate remedies for the Employee or student and, where appropriate, the broader University Community.
- Retaliation and False Information
- a. Retaliation. Retaliation against an individual who reports a potential violation in good faith under this policy, assists someone with a report of a violation, or participates or refuses to participate in any manner in an investigation or in the resolution of a complaint made under this policy is strictly prohibited and will not be tolerated.

Retaliation includes, but is not limited to threats, intimidation, coercion, discrimination, reprisals, or adverse actions related to an individual's employment or education. The University will take appropriate steps to ensure that an individual who, in good faith, reports, complains about, or participates or refuses to participate in an investigation, proceeding, hearing, or other resolution pursuant to this policy will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to lodge a complaint with the University using the same procedure outlined in this policy.

- b. Subsection (a) does not apply to an Employee who:
    - i. Reports an incident of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking perpetrated by the Employee;
    - ii. Cooperates with an investigation, a disciplinary process, or a judicial proceeding relating to an allegation that the Employee perpetrated an incident of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking; or
    - iii. Makes a report of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking which after investigation is found not to have been made in good faith.
  - c. Individuals who are found to have retaliated under this regulation will be subject to disciplinary action, up to and including termination of employment, expulsion from the University, or being barred from the University premises and events.
  - d. False Information. An individual found to have knowingly and in bad faith provided false or malicious information may be subject to disciplinary action up to and including dismissal or separation from the University. A determination that a Responding Party is not responsible for allegations of Sexual Misconduct does not imply information provided was false. Similarly, a determination that a Responding Party is responsible for a policy violation does not imply that a Responding Party's statements disclaiming responsibility were false.
8. Interim Measures
- a. The Complaining Parties may request and the University may implement interim measures, as may be necessary to assure the safety and well-being of the participants in the complaint process, to maintain an environment free from harassment, discrimination, or retaliation, and to protect the safety and well-being of the University Community. Appropriate University officials will decide if and what interim measures are necessary. Such interim measures may include, but are not limited to: (i) separating the Complaining Party's and Responding Party's academic or working situations; (ii) forbidding contact between parties involved in a complaint; and (iii) suspending the right of the Responding Party to be present on campus or otherwise altering the University status of the Responding Party.
  - b. Other interim measures may be implemented depending upon the Responding Party's relationship with the University. These interim measures may be kept in place through the conclusion of any review, investigation, or appeal process. Interim measures can be implemented regardless of whether or not the Complaining Party pursues a formal University action or criminal action.
9. Confidentiality
- a. The protections provided by this Section apply to:
    - i. Complaining Party;
    - ii. Reporting Party;
    - iii. An individual who sought guidance from the University concerning an incident;

- iv. An individual who participated in the University's investigation of an incident; or
  - v. Responding Party, if after completing an investigation, the University determines the report to be unsubstantiated or without merit.
- b. Unless waived in writing by the individual, the identity of an individual described by Subsection (a):
- i. Is confidential and not subject to disclosure under Chapter 552, Government Code; and
  - ii. May be disclosed only to: (1) University Employees or individuals under contract with the University to which the report is made who are necessary for an investigation of the report or other related hearings; (2) Texas Tech University System or University Employees for purposes of complying with applicable law, including for preparation and reconciliation of statistical reporting required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended;<sup>1</sup> (3) a law enforcement officer as necessary to conduct a criminal investigation of the report by individuals described by Subsection (a); (4) a health care provider in an emergency, as determined necessary by the University; (5) the Responding Party, to the extent required by other law or regulation; and (6) potential witnesses to the incident as necessary to conduct an investigation of the report and to the extent required by other law or regulation.
- c. For the purposes of this Section, investigation includes the coordination of the incident response, implementation of interim measures, adjudication of the report, disciplinary action or administrative response to the report, and disclosure by the University as required under state or federal law or policy.
- d. The willful and unnecessary disclosure of confidential information by anyone, including the Complainant Party or Responding Party, may affect the integrity of the investigation.
- e. Students may make confidential reports to the University Student Counseling Centers, where available, or to other counselors identified by University. Likewise, Employees may make confidential reports through the Employee Assistance Program. All Complainant Parties may also make confidential reports to local rape crisis centers or to other licensed clinical and/or mental health professionals acting in their professional role of providing those services, including medical providers employed by the University. Information may be shared by the clinical and/or medical provider only with the Complainant Party's or Responding Party's consent.

#### 10. Cooperation and Non-Interference with an Investigation or Grievance Process

**Cooperation by University Employees.** All University Employees who are not a Complainant Party or Responding Party are required to comply with the Interim Measures, Supportive Measures or information requests, as directed or requested by the University Title IX Coordinator or System Office of Equal Opportunity

**Non-Interference.** Any individual who knowingly and intentionally interferes with an investigation or grievance process conducted under this policy is subject to disciplinary action up to and including dismissal or separation from the University. Interference with an investigation or grievance process may include, but is not limited to: (i) attempting to coerce, compel, influence, or prevent an individual from providing testimony or relevant information; (ii) divulging confidential information; (iii) removing, destroying, or altering documentation relevant to the investigation; (iv) providing false or misleading information to the investigator, or encouraging others to do so; or (v) making a report under this policy that, after investigation, is found not to have been made in good faith.

## 11. Training and Education

The University's commitment to preventing and raising awareness of the harm resulting from the conduct prohibited in this policy includes providing primary prevention and awareness programs for all incoming students and new Employees, ongoing education to both Employees and students, and emailing information regarding this policy to students at the beginning of each academic semester. This policy is published on the University's website and information regarding this policy and related policies is required in orientation materials for new students, faculty, and staff. All Employees must attend equal employment opportunity non-discrimination and sex/gender discrimination training including Sexual Assault, Sexual Harassment, and mandatory reporter training within the first thirty (30) days of employment and receive supplemental training every two (2) years. Other appropriate compliance training sessions will also be conducted on an ongoing basis. Training sessions will include information on how and where to report incidents of prohibited conduct, resources available, as well as risk reduction and safe and positive options for bystander intervention. In addition, the University Employees and administrators responsible for implementing this policy, including the University Title IX Coordinators, Title IX Deputy Coordinators, OEO employees, investigators, and hearing officers, receive annual training about offenses, investigatory procedures, due process requirements, and University policies related to or described in this policy.

## 12. Free Expression

This policy encourages and respects the right of free speech and expression guaranteed by the First Amendment of the Constitution and academic freedom. Constitutionally protected expression is not considered harassment under this policy; however, some offensive conduct, even though it contains elements of speech, may rise to the level of the type of conduct that creates a sexually hostile environment which is a violation of this policy.

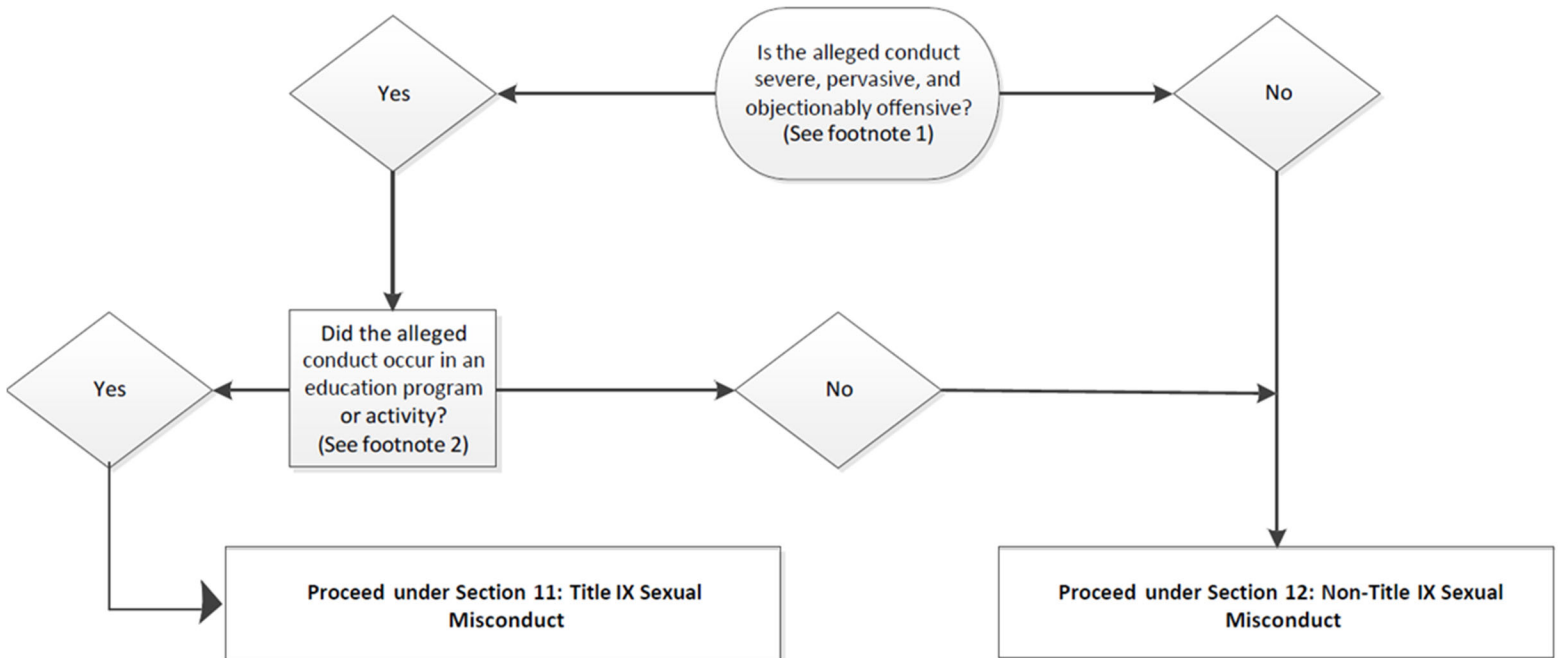
## 13. Websites and Other Resources

University and System Title IX Websites. The University and System Office of Equal Opportunity maintain websites, set forth above in Section 2, that provide relevant information about this policy as implemented at the University, including resources, supportive measures, local support services, and illustrative examples of definitions contained herein.

Additional Resources. In addition to the websites set forth in Section 2, the following additional online resources are available to members of the University Community:

<https://msutexas.edu/titleix/index.php>

## Midwestern State University Section 12 - Attachment 1



### Footnotes

1. Items that are automatically considered to meet this standard include, but are not limited to, the following (as each are defined in Section 11: Title IX Sexual Misconduct):
  - A. Sexual assault;
  - B. Dating violence, domestic violence, or stalking; and
  - C. Quid pro quo.
2. "Education program or activity" includes locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the alleged sexual harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the University. See 34 CFR 106.44.

Title: Midwestern State University; Section 12 - Attachment 1

Top of chart begins Q: "Is the alleged conduct severe, pervasive, and objectionably offensive? (see footnote 1)"

1. If "No" to alleged conduct, then "Proceed under Section 12: Non-Title IX Sexual Misconduct"
2. If "Yes" to alleged conduct, then Q: "Did the alleged conduct occur in an education program or activity? (See footnote 2)"
  - a. If "No" to education program or activity, then "Section 12: Non-Title IX Sexual Misconduct"
  - b. If "Yes" to education program or activity, then "Section 11: Title IX Sexual Misconduct"

Footnotes:

1. Items that are automatically considered to meet this standard include, but are not limited to, the following (as each are defined in Section 11: Title IX Sexual Misconduct):
  - A. Sexual assault;
  - B. Dating violence, domestic violence, or stalking; and
  - C. Quid pro quo.
2. "Education program or activity" includes locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the alleged sexual harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the University. See 34 CFR 106.44.

# PART II: University Policies and Procedures

## Academic Dishonesty Policy & Procedures

Academic Dishonesty: Cheating, collusion, and plagiarism (the act of using source material of other persons, either published or unpublished, without following the accepted techniques of crediting, or the submission for credit of work not the individual's to whom credit is given). Additional guidelines on procedures in these matters may be found in the Office of Student Rights and Responsibilities.

- a. The term "cheating" includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; or (3) the acquisition without permissions, of tests or other academic material belonging to a member of the university, faculty, or staff.
- b. The term "plagiarism" includes, but is not limited to, the use by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgement. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
- c. The term "collusion" means collaboration with another person in preparing work offered for credit if that collaboration is not authorized by the faculty member in charge.

### Academic Dishonesty Procedure

- I. After an alleged incident of Academic Dishonesty occurs, [for which an instructor finds a student responsible for a violation of the Academic Dishonesty Policy](#), the instructor does the following, [in writing](#):
  - a. Informs the student of the academic sanction(s) to be imposed [for the course in which the alleged Academic Dishonesty occurred](#);
  - b. Informs the student of [his/her/their](#) right to appeal the sanction(s);
  - c. Notifies the [Department Chair](#) of the incident and the sanction(s) imposed.
- II. The [Department Chair](#) then reports the incident and the sanction(s) to the following parties, [in writing](#):
  - a. Dean of the College
  - b. Director of Student Rights and Responsibilities
  - c. Dean of [the Dr. Billie Doris McAda Graduate School](#) ~~Graduate Studies~~ (if the incident occurred in a graduate course)
  - d. Registrar (if the sanction is a course grade of F).

Note: if the ~~faculty member~~ [instructor](#) is a department chair, the [Dean of the College](#) assumes the role of the [Department Chair](#) in addition to the role of [Dean of the College](#). If the [instructor](#) ~~faculty member~~ is a dean, the Provost [and Vice President for Academic Affairs](#) assumes the role of the [Dean of the College](#).

- III. The student accepts the academic sanction(s) or appeals the sanction(s) to the [Department Chair](#) in writing no later than five (5) working days after being notified of the sanction(s).
- IV. If the student appeals the sanction(s) imposed by the instructor, the [Department Chair](#) investigates the incident and consults with the instructor and student. If the [Department Chair](#) and instructor do not agree on the disposition [and academic sanction\(s\)](#), the appeal

proceeds directly to the Dean of the College. If the Department Chair and instructor agree on the disposition of the appeal and academic sanction(s), the Department Chair notifies the following parties of any change in the outcome sanction, in writing:

- a. Student
  - b. Instructor
  - c. Dean of the College
  - d. Director of Student Rights and Responsibilities
  - e. Dean of the Dr. Billie Doris McAda Graduate School ~~Graduate Studies~~ (if the incident occurred in a graduate course)
  - f. Registrar (if the sanction is a course grade of F or if a sanction of F is revoked).
- V. The student accepts the decision and academic sanction(s) imposed by the instructor and Department Chair or appeals the decision and academic sanction(s) to the Dean of the College in writing no later than five (5) working days after being notified of the outcome by the Department Chair's decision.
- VI. If the student appeals the decision of the instructor and Department Chair, or if the Department Chair and the instructor did not agree on the disposition and an academic sanction(s), the Dean of the College investigates the incident, consults with all parties, decides the disposition of the sanction(s), and informs the following parties of the decision, in writing:
- a. Student
  - b. Instructor
  - c. Department Chair
  - d. Director of Student Rights and Responsibilities
  - e. Dean of the Dr. Billie Doris McAda Graduate School ~~Graduate Studies~~ (if the incident occurred in a graduate course)
  - f. Provost and Vice President for Academic Affairs
  - g. Registrar (if the sanction is a course grade of F or if a sanction of F is revoked).
- VII. The student accepts the decision and academic sanction(s) imposed by the Dean of the College or appeals the decision ~~of the dean of the college~~ to the Academic Appeals Committee in writing no later than five (5) working days after being notified of the outcome by the Dean of the College's decision.
- VIII. If the student appeals the decision of the Dean of the College, the Academic Appeals Committee investigates the incident and holds a hearing. The Academic Appeals Committee may confirm or change the outcome decision, remove the sanction(s), confirm the sanction(s), or impose ~~a~~ different academic sanctions, and may refer the case to the Student Conduct Committee with a recommendation for a conduct sanction in addition to the academic ~~penalty~~ sanction(s) for the course. The decision of the Academic Appeals Committee is final. The Chair of the Academic Appeals Committee informs the following parties of the decision, in writing:
- a. Student
  - b. Instructor
  - c. Department Chair
  - d. Dean of the College
  - e. Director of Student Rights and Responsibilities
  - f. Dean of the Dr. Billie Doris McAda Graduate School ~~Graduate Studies~~ (if the incident occurred in a graduate course)
  - g. Provost and Vice President for Academic Affairs



- h. Registrar (if the sanction is a course grade of F or if a sanction of F is revoked).
- IX. ~~The Student Conduct Committee considers exclusively whether to add disciplinary sanctions to the academic sanction imposed beforehand and selects and imposes the sanction(s). The Director of Student Rights and Responsibilities informs the following parties of the decision:~~ If the Academic Appeals Committee refers the case to the Student Conduct Committee, the Student Conduct Committee shall utilize and review the case records and any prior university conduct history of the responding student to consider exclusively whether to add disciplinary conduct sanctions to the academic sanction(s) for the course already imposed. Based on its review, the Student Conduct Committee will determine whether or not to impose disciplinary conduct sanction(s) on the responding student and what those sanctions would be. The Director of Student Rights and Responsibilities informs the following parties of the decision of the Student Conduct Committee, in writing:
- a. Student
  - b. Instructor
  - c. Department Chair
  - d. Dean of the College
  - e. Dean of the Dr. Billie Doris McAda Graduate School~~Graduate Studies~~ (if the incident occurred in a graduate course)
  - f. Provost and Vice President for Academic Affairs
  - f.g. Registrar (if there is a disciplinary conduct sanction of University Suspension or University Expulsion).

### **Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus (AIDS/HIV) Infection**

Midwestern State University recognizes Human Immunodeficiency Virus (HIV) as a serious public health threat and is committed to encouraging an informed and educated response to questions raised by students. Guidelines have been developed to address the medical, educational, legal, administrative, and ethical issues involved. Information related to the Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus policy is available in the Midwestern State University Operating Policy 34.06, [Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus Infection](#).

### **Building Hours and Keys**

Classroom buildings will generally be open Monday through Friday from 7:00 a.m. to 6:00 p.m., when classes are in session. Buildings in which evening classes are taught will close at the conclusion of the final class period. Classroom buildings will be closed Saturdays, Sundays, and holidays unless otherwise noted. Clark Student Center, Moffett Library, and the Student Wellness Center will be open daily unless otherwise noted.

#### *Entry to Closed Buildings and Student Use of Authorized Building Keys*

Authorized Entry of Closed Buildings and Facilities – Only students issued an outside door key or students accompanied by faculty or staff members *for the duration of their stay* may enter closed buildings or facilities.

When buildings are closed to general use, student athletes working out on athletic equipment or practicing on indoor courts must be accompanied by coaches or by graduate assistants who

have been issued authorized outside door keys. Coaches and graduate assistants *must remain with the athletes for the duration of their stay in the building*. When student athletes are accompanied by graduate assistants, no extraneous persons may be in attendance or participate in the activities, and both the student athletes and the teaching assistants must be in possession of their student I.D. cards.

#### *Restrictions upon Students Holding Authorized Outside Door Keys*

- I. Students issued an authorized outside door key will be prohibited from using *recreational facilities*, such as basketball courts and exercise equipment, *or computer labs or meeting rooms* for their *own private purposes* or that of their friends and acquaintances *when buildings are closed to general use*.
- II. Students issued authorized outside door keys for academic buildings are prohibited from working in laboratories and studios *unless accompanied by an MSU faculty/staff for the duration of their stay in the building*.

*Disciplinary Action* – The following will be cause for disciplinary action:

1. Students in possession of unauthorized building keys.
2. Students lending their authorized building keys to *unauthorized* persons.
3. Students leaving doors ajar or otherwise enabling unauthorized persons to enter buildings or facilities closed to general use.
4. Unauthorized entry or occupation of university buildings.

### **Campus Crime Reporting**

[The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, part of the Federal Higher Education Act of 1965, as amended, and as further amended by the Higher Education Opportunity Act \(HEOA\), and the Violence Against Women Reauthorization Act of 2013 \(collectively known as the “Clery Act”\) requires that colleges and university participating in federal student aid programs gather and report to the campus community and the federal government statistics for certain crimes that occur on or near campuses and publish policy statements concerning campus safety and security. The Clery Act also requires that such institutions have policies in place to take certain actions when circumstances prescribe that those actions are required. Midwestern State University is committed to the safety of the campus community and compliance with the Clery Act.](#)

~~[Information related to the Campus Crime Reporting policy is available in the Midwestern State University Operating Policy 62.07, Annual Crime Reporting – Clery Act Compliance. All criminal incidents as well as all traffic accidents should be reported to the University Police Department immediately.](#)~~

~~Midwestern State University is committed to assisting all members of the community in providing for their own safety and security. The Annual Security and Fire Safety Report is available here: <https://msutexas.edu/police/assets/files/clery-report.pdf>. The report contains information regarding campus security and personal safety including topics such as crime prevention; public safety authority; crime reporting policies; fire safety; programs to prevent dating violence, domestic violence, sexual assault, and stalking; the procedures the University will follow when one of these crimes is reported; and other matters of importance related to~~

~~security on campus. The report also contains information about fire statistics in MSU Texas Residential Facilities and crime statistics for the three most recent calendar years concerning reported crimes that occurred on campus; in certain off-campus buildings or property owned or controlled by the University or a recognized student organization; and on public property within, or immediately adjacent to and accessible from the campus. This information is required by law and is provided by the Midwestern State University Police Department.~~

~~If you would like to receive a hard copy of the Annual Security and Fire Safety Report which contains this information, you can stop by the Midwestern State University Police Department at 6 Eureka Circle, Wichita Falls, TX or you can request that a copy be mailed to you by calling (940) 397-4239.~~

#### ~~Notification of Penalty for False Alarm or Report~~

~~It is an offense under the Texas Penal Code, Sec 42.06, to make, initiate, communicate, or circulate a report about a present, past, or future bombing, fire, offense or other emergency knowing that it is false or baseless and the report would ordinarily:~~

- ~~1. cause action by an official or volunteer agency organized to deal with emergencies, or~~
- ~~2. place a person in fear of imminent serious bodily injury, or~~
- ~~3. prevent or interrupt the occupation of a building, room, place of assembly, place to which the public has access, or aircraft, automobile, or other mode of conveyance.~~

~~Offenses under this section are considered a Class A misdemeanor. However, when a false report is of an emergency involving a public or private institution of higher education or involving a public primary or secondary school, public communications, public transportation, public water, gas, or power supply or other public service, the offense is considered a state jail felony.~~

## **Carrying Concealed Handguns on Campus Policy**

### Policy Statement

Midwestern State University (MSU) is committed to providing a safe and secure learning, working and living environment for students, faculty, staff, and visitors, and to respecting the right of individuals who are licensed to carry a handgun where permitted by law. Individuals who are licensed to carry may do so on MSU's campus premises except in locations and at activities prohibited by law or by this policy. The carrying of any handgun by an unlicensed person or the open carry of a handgun is not permitted in any place on MSU's campus premises. [Information related to the Carrying Concealed Handguns on Campus policy is available in the Midwestern State University Operating Policy 02.41, Carrying Concealed Handguns on Campus.](#)

#### ~~I. Reasons for Policy~~

~~The necessity for this policy is occasioned by the 84th Texas Legislature's enactment of Senate Bill No. 11 (S.B. 11—commonly known as the “campus carry” law) which added Section 411.2013 to the Texas Government Code authorizing the concealed carry of handguns on the premises of MSU that takes effect on August 1, 2016. In accordance with S.B. 11, this policy memorializes the rules and regulations enacted by the President of MSU in consultation with students, faculty, and staff and approved by the Board of Regents.~~

#### ~~II. Application of Policy~~

~~This policy applies to all faculty, staff, students, guests, visitors, and individuals and organizations doing business on or on behalf of MSU. This policy does not apply to~~

~~commissioned peace officers as defined in article 2.12 of the Texas Code of Criminal Procedures.~~

### ~~III. Definitions (specific to this policy)~~

~~A. Activities: all functions, events, and programs on the MSU campus premises.~~

~~B. Equipment that is incompatible with metallic objects: means, for example, magnetic resonance imaging and nuclear magnetic resonance machines.~~

~~C. Extremely dangerous chemicals, biologic agents, or explosive agents: means biological hazards including a biological substance used in research or experimentation that poses a threat to the health of a living organism, primarily that of a human, and is classified as biosafety level (BSL) 3 or 4 by the Centers for Disease Control and Prevention (biological hazards can include medical waste or samples of microorganisms); or any chemical(s) with a National Fire Protection Association (NFPA) label that lists a particular chemical(s) as a 3 or higher in any category of flammability, instability, or health hazard, or is listed as radioactive in the special hazard category.~~

~~D. Campus Premises: all land, buildings, and portions of buildings owned or leased by the University.~~

~~E. Campus Housing: a residential facility owned or leased and operated by the University and located on the campus premises.~~

~~F. Collegiate Sports: intercollegiate, club, and intramural athletic activities occurring on the campus premises.~~

~~G. Concealed Handgun: a handgun, the presence of which is not openly noticeable to the ordinary observation of a reasonable person.~~

~~H. Days: means business days.~~

~~I. Employee: an individual at any component of MSU, who is hired in a full-time, part-time, or temporary capacity in a faculty or staff position or in a position where the individual is required to be a student as a condition of employment.~~

~~J. Handgun: any firearm that is designed, made, or adapted to be fired with one hand.~~

~~K. Interscholastic Event: a function or program involving elementary or secondary schools.~~

~~L. License Holder: a person issued a License to Carry a Handgun (formerly called a "Concealed Handgun License") by the Texas Department of Public Safety under Chapter 411 of the Texas Government Code.~~

~~M. Reviewing Official: the University official designated by the President to review a decision to temporarily restrict the carrying of concealed handguns on the campus premises.~~

~~N. Secure Gun Storage: a safe, gun safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means (18 U.S.C. §921(a)(34)(c)).~~

~~O. Store: to take steps that a reasonable person would take to prevent the access to a firearm, including but not limited to placing a firearm in a locked container (secure gun storage); for purposes of this policy, a firearm that is temporarily rendered inoperable by use of a trigger lock or other means is not stored.~~

~~P. Work Area: the place(s) an individual performs assigned duties as an employee of MSU.~~

### ~~IV. Rules and Regulations~~

~~A. Open Carry Prohibited. All persons, including License Holders, are prohibited from openly carrying a handgun on the campus premises, including on any public driveway,~~

~~street, sidewalk or walkway, parking lot, parking garage, or other parking area on the campus premises.~~

- ~~B. Carrying of Concealed Handgun by a License Holder Right to Carry. A license holder may carry a concealed handgun while on the campus premises (including public driveways, streets, sidewalks or walkways, parking lots, parking garages, and other parking areas) and in MSU passenger transportation vehicles, unless prohibited by state or federal law, or by this policy. License holders are responsible for knowing areas where carrying a concealed handgun is prohibited where notice is not required to be posted.~~
- ~~1. Intoxication. A license holder may not carry a concealed handgun while intoxicated.~~
  - ~~2. Display of Concealed Handgun. A license holder may not carry a partially or wholly visible handgun, or intentionally or knowingly display a handgun in plain view of another person, even if holstered, on the campus premises, including public driveways, streets, sidewalks or walkways, parking lots, parking garages, or other parking areas on the premises of MSU.~~
  - ~~3. Requirement to Display License. A license holder must display his or her license to carry when directed by a law enforcement officer in accordance with section 411.205 of the Texas Government Code. Otherwise, an individual is not required to disclose whether he or she is a license holder in order to participate in any program or service offered by MSU, except as required by law.~~
- ~~C. Carrying of Concealed Handgun by Employees. An employee who lawfully holds a license to carry may carry a concealed handgun into his or her work area, unless prohibited under this policy, but is not authorized to use the weapon in the course and scope of performing his or her duties. An employee whose possession, storage, or use of a handgun results in personal injury or property damage is personally liable for the injury or damage, and is not entitled to immunity under section 411.208 of the Texas Government Code or any other immunity to which the individual may be otherwise entitled as a University employee.~~
- ~~D. Locations and Activities where Concealed Handguns are prohibited. A license holder is prohibited from carrying a concealed handgun onto the campus premises where prohibited by law and where prohibited by this policy based on the nature of the student population, specific safety concerns, uniqueness of the campus environment, and special or unique uses.~~
- ~~1. Concealed handguns are prohibited:
    - ~~a. at a location where a high school, collegiate, or professional sporting event or interscholastic event is taking place as prohibited under section 46.035(b)(2) of the Texas Penal Code, or where a sports club or intramural athletic competition is taking place;~~
    - ~~b. at a location used as a church, synagogue, or other established place of religious worship as prohibited under section 46.035(b)(6) of the Texas Penal Code;~~
    - ~~c. at a location designated as a polling place on the day of a federal, state, or local election, including while early voting is in progress as set out in section 46.03(a)(2) of the Texas Penal Code;~~
    - ~~d. at a location where the campus premises is used by a court unless the handgun is carried pursuant to written regulation or written authorization of the court in accordance with section 46.03(a)(3) of the Texas Penal Code;~~~~

- ~~e. in a nonpublic, secure portion of the MSU Police Department used to conduct official business as prohibited under section 411.207(b) of the Texas Government Code;~~
  - ~~f. in any laboratory, room, or storage area with extremely dangerous chemicals, biologic agents, or explosive agents, and areas with equipment that is incompatible with metallic objects, as defined by this policy;~~
  - ~~g. where state or federal law or contract, at the sole discretion of the state or federal government or organization with whom the contract is entered, requires exclusion of a handgun in a specific location, including the MSU Testing Center, and the exclusion does not generally prohibit or have the effect of generally prohibiting license holders from carrying concealed handguns on the campus premises;~~
  - ~~h. at a location where medical, health, or clinical services are provided, specifically Vinson Health Center, Gaines Dental Hygiene Clinic, MSU Counseling Center, West College of Education Counseling Center, and MSU Psychology Clinic, including offices within each of these clinics or centers;~~
  - ~~i. at a location where services (e.g., activities/camps) to minors are provided, specifically locations used for Pre-K through Grade 12 activities/camps on the MSU Campus, including residence halls and other buildings used for summer camps and other scheduled activities where school-age children are on the MSU campus, SAT and ACT testing on the MSU campus, and University Interscholastic League (UIL) events held on the MSU campus;~~
  - ~~j. at a location where intercollegiate, club, intramural, and sporting and athletic activities and events occur on the campus premises, specifically the D. L. Ligon Coliseum, MSU Softball, Soccer and Tennis Centers, and Redwine Wellness Center, and fields or other areas on campus premises utilized for such events;~~
  - ~~k. at a location where any meeting, hearing, or other occurrence that involves formal grievances, discipline, dismissal, or remediation of students, faculty, or staff; and~~
  - ~~l. in the room or rooms where a meeting of a governmental entity is held and if the meeting is an open meeting subject to Chapter 551, Government Code, and the entity provided notice as required by that chapter.~~
- ~~2. Concealed handguns are prohibited at the following Activities: where intercollegiate, club, intramural, and sporting and athletic activities and events occur on the campus premises, specifically D. L. Ligon Coliseum, MSU Softball, Soccer, and Tennis Centers, and Redwine Wellness Center, and fields or other areas on campus premises utilized for such events.~~
- ~~E. Obligation to Provide Notice Where Concealed Handguns are Prohibited. The University shall provide notice at all locations and activities where concealed handguns are prohibited under this policy and may post notice where handguns are expressly prohibited but where notice is not required to be posted by law. The language of the notice, which is set out in section 30.06 of the Texas Penal Code, shall not be altered in any way unless revised by state law. Any individual who without authorization, tampers with, defaces, modifies, or removes a notice provided pursuant to this policy is subject to disciplinary action, including trespass from campus, suspension, termination of employment or a business relationship, and is subject to criminal prosecution.~~
- ~~1. Notice required under this policy must read:~~



- ~~Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.~~
- ~~2. Notice must be provided in writing and on a card or other document in both English and Spanish. When notice is posted at a location, the sign must appear in contrasting colors with block letters at least one (1) inch in height, displayed in a conspicuous manner that is clearly visible to the public, and at a sufficient distance from the location or activity to inform a license holder that entry on the property or presence at the activity with a concealed handgun is prohibited.~~
  - ~~3. The University's General Counsel and the MSU Police Department shall be responsible for developing and implementing procedures to ensure campus compliance with the notice requirements provided by this policy.~~
  - ~~4. The University shall publish this policy annually in the policy manual and student handbook, and on a webpage dedicated to the carrying of concealed handguns on campus premises.~~
  - ~~5. Contracts for use of the campus premises shall include pertinent provisions of this policy.~~
- ~~F. Campus Housing. A concealed handgun may be carried or stored in campus housing as set out in this policy. Any time a handgun in a campus housing facility is not in the immediate care, custody, or control of the owner, that handgun must be stored within secure gun storage. No gun storage will be provided by MSU; however, secure gun storage safes may be rented through the Office of Residence Life and Housing for use in campus housing.~~

~~1. Residents~~

~~A license holder who resides in campus housing may carry a concealed handgun into campus housing and may store the weapon in his or her assigned residential room except during periods between the spring and fall semesters when the facility hosts summer camps attended by minors.~~

- ~~a. A resident who brings a concealed handgun into campus housing pursuant to this policy must carry the weapon on his or her person at all times or store it in his or her assigned room within secure gun storage.~~
- ~~b. A handgun may be stored only in a residential room, and in a locked container rented from or approved by the University.~~
- ~~c. A resident may not intentionally or knowingly display a handgun in plain view of another person in campus housing except as necessary to properly store the weapon in his or her assigned residential room.~~
- ~~d. A student who is assigned to a residential room in campus housing where a firearm is stored and is concerned about his or her wellbeing may request a transfer to another residential room through the regular University housing process.~~

~~2. Non Residents~~

- ~~a. A license holder who does not reside in campus housing may carry a concealed handgun into campus housing except during periods between the spring and fall semesters when the facility hosts summer camps attended by minors.~~

- b. ~~The handgun must be carried on the non-resident's person at all times and may not be stored in a campus housing room.~~
    - 3. ~~Responsible for Personal Injury or Damage. A resident or non-resident whose possession, use, or storage of a handgun results in personal injury or property damage is personally liable for the injury or damage.~~
  - G. ~~Temporarily Prohibiting Concealed Handguns on Campus Premises~~
    - 1. ~~The President or President's designee may prohibit the carrying of concealed handguns for up to seven (7) days in order to promote safety on the campus premises:~~
      - a. ~~when the activity has a history for violence;~~
      - b. ~~where a large-scale activity, due to the presence of alcohol, uniqueness of the campus environment, specific threat of violence, or other safety considerations presents a reasonable threat to health or safety; or~~
      - c. ~~upon request of the University Chief of Police when it reasonably appears there is threat of injury to human life, destruction to University property, or a threat of willful disruption of orderly operation of the University as defined in section 51.231 of the Education Code, or upon receipt of credible information of imminent injury to human life or destruction to University property.~~
    - 2. ~~Review of Decision to Temporarily Restrict Carrying of Concealed Handgun~~
      - a. ~~A license holder may request review of the decision to temporarily prohibit the carrying of a concealed handgun.~~
      - b. ~~The request must be submitted in writing to the reviewing official and describe why allowing concealed handguns at the location or activity does not present a safety concern.~~
      - c. ~~The reviewing official may request additional information and must notify the license holder of the decision no later than two (2) days after receiving the request for review. The notice must provide the reason(s) for the decision.~~
      - d. ~~The decision of the reviewing official is final.~~
  - H. ~~Sanctions for Violating this Policy. Any individual who violates this policy is subject to disciplinary action which may include trespass from campus, suspension, or termination of employment or a business relationship, and is subject to criminal prosecution.~~
  - I. ~~Training. The MSU Police Department will establish Safe Campus training that will be made available to the University community.~~
  - J. ~~Report to Legislature. MSU's President, or her/his designee, shall prepare a report for the Texas Legislature describing the campus rules adopted to regulate the carrying of concealed handguns on campus and the reasons for the rules not later than September 1, 2016 and every even-numbered year thereafter. This report will be submitted to the University's Board of Regents prior to submission to the Legislature.~~
  - K. ~~Amending Policy. As provided for by law, the President may, at her/his discretion, amend the provisions of this policy as necessary for campus safety, which shall take effect as determined by the President unless subsequently amended by the Board of Regents.~~

## **Computer and Network Services**

Midwestern State University recognizes that Information Technology (IT) is critical for the University and must be managed in compliance with state and federal laws. Information



regarding computer and network services is available in the Midwestern State University Operating Policy 44.10, [Information Technology Operations](#).

## **Disability Grievance Procedures**

It is the policy of Midwestern State University that no otherwise qualified person, on the basis of disability, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any education program, activity, or employment of the university. Any student/employee seeking accommodations on the basis of disability must register with the Office of Disability Support Services and must provide all required documentation of disability.

### **1. Informal Resolution**

Individuals with grievances related to discrimination or lack of accommodation on the basis of a disability are encouraged to resolve the problem directly with the area involved. Students should contact the Office of Disability Support Services for advice and/or assistance. If no resolution is forthcoming or if direct confrontation is deemed inappropriate, the student may report the requested accommodation or the alleged discrimination to the area's immediate supervisor or the appropriate department head. The supervisor or department head should attempt to resolve the complaint and to maintain the student's anonymity, if requested. If resolution is not satisfactory, the student may request assistance from the appropriate vice president in attempting to reach an informal resolution on the matter.

### **2. Formal Grievance**

If the student is not satisfied with the informal resolution, he/she may file a grievance. The student must notify the ADA Coordinator (Director of Disability Support Services) in writing of the complaint. The notice should state the nature and date of the alleged discrimination, the name(s) of the individual(s) involved, the names of any other witnesses or participants, and the remedy the student seeks. The request must be signed by the student and filed within thirty (30) days of the alleged incident.

### **3. Hearing**

A grievance hearing will be held within fifteen (15) working days following receipt of the written request. The case shall be heard by complaint. The committee, by majority vote, shall determine whether or not a remedy is appropriate.

### **4. Findings**

The Committee will transmit its findings and determinations to the Vice President for Student Affairs within five (5) working days following the grievance hearing. The Vice President shall then notify the complainant in writing of the decision of the committee.

### **Appeal**

An appeal to the president of the university on the record only may be made by the complainant in writing within fifteen (15) working days following receipt of the grievance committee's decision. Unless the president acts within ten (10) working days following receipt of the written appeal, the grievance committee's decision is upheld. The president's decision shall be final.

The availability and use of this grievance procedures does not prevent a person from filing a complaint of discrimination on the basis of disability with the U.S. Department of Health and Human Services, Office for Civil Rights.

ADA Coordinator  
Debra Higginbotham  
Director, Disability Support Services  
Clark Student Center, Room 168  
(940) 397-4140

<https://msutexas.edu/student-life/disability/index.php>

## Disaster Policy

~~The purpose of these regulations is to acquaint all employees and students with the university's policies associated with disasters and related traumatic events.~~

The purpose of this policy is to support the protection of people and structures during emergency situations, including tornado, fire, bomb threat, and chemical accidents, by acquainting employees and students with information concerning response procedures. Information regarding disaster-related procedures is available in the Midwestern State University Operating Policy 34.03, Disaster Policy.

~~A. TORNADO: A tornado is a violent local storm with whirling winds of tremendous speed. It appears as a rotating funnel-shaped cloud which extends toward the ground from the base of a thundercloud. The peak time for tornadoes is from March through June, but they can occur any time of the year.~~

~~1. TORNADO WATCH: Means that weather conditions are favorable for tornadoes to develop. Go about normal daily activities, but be alert to the weather.~~

~~2. TORNADO WARNING: Means a tornado has actually been sighted or indicated on radar. Take refuge in a place of safety immediately. The National Weather Service issues weather warnings to the public over radio and television stations. The city of Wichita Falls will sound warning sirens. Procedures to be followed at Midwestern State University if a tornado warning is sounded are as follows:~~

~~a. Under no circumstances should students, faculty, or staff attempt to leave campus while the warning is in effect.~~

~~b. Faculty should not dismiss classes. Students should be directed to an interior hallway on the lowest floor of the building. Persons should lie on the floor as close to the wall as possible. Auditoriums, gymnasiums, or other free-span rooms should be avoided.~~

~~c. If the building in which you are located is not steel-framed or reinforced concrete construction, and time permits, you should move as quickly as possible to the nearest reinforced structure. Otherwise, move to a small room in the interior part of the building and, if possible, seek shelter under heavy furniture. Stay away from windows. Unreinforced buildings on campus are classrooms—Music, Music Education, Instrumental Music (Band Hall), McGaha Hall, and McCullough Hall; staff buildings—Vinson Health Center, Welding Shop, and Paint Shop; residence halls—Sunwatcher Village.~~

~~d. Because of the possibility of a power failure, elevators should not be used.~~

- e. ~~Because there is the danger that high pressure steam lines may burst, university basements and utility tunnels (including those labeled fallout shelters) should be avoided.~~
- f. ~~Tornado drill procedures and tornado warning procedures for university housing are outlined in the current *Residence Life Handbook*.~~

### ~~3. Special Functions~~

~~Because large groups of people frequently gather for special functions on campus, the following plan is developed for Ligon Hall, Fain Fine Arts Building, Akin Auditorium, Bolin Hall, and Clark Student Center.~~

#### ~~a. D.L. Ligon Hall~~

~~Persons in attendance should be directed to locker rooms, varsity and visitor dressing rooms, interior classrooms and offices, and the weight room via the east hallway. Persons on the floor area should be moved into the teams' dressing rooms. Persons on the east side of the upper deck should be moved to the men's locker room via the east hallway. Persons on the west side of the upper decks should be moved to the weight room and women's locker room.~~

#### ~~b. Fain Fine Arts Center~~

~~Persons should be directed to hallways adjacent to the auditorium on all three levels either ends of the foyer, and the restrooms. Persons in the production backstage should take cover in small classrooms and hallways adjacent to the stage area.~~

#### ~~c. Akin Auditorium~~

~~Persons should be directed to hallways in Hardin Hall.~~

#### ~~d. Bolin Hall, Rooms 100 and 127~~

~~Persons should be directed to inner hallways.~~

#### ~~e. Clark Student Center~~

~~Persons should be directed to inner hallways and inner offices.~~

~~B. FIRE: In case of fire, notify the fire department first, then call the University Police Department, and sound alarm for the building to begin evacuation. Procedures to be followed at Midwestern State University in case of fire are as follows:~~

- ~~1. The person discovering the fire will notify the Wichita Falls Fire Department (phone number 911) and then call the University Police Department (extension 4239).~~
- ~~2. The person discovering a fire will immediately give a vocal alarm in the building and make an attempt to extinguish the fire before it spreads.~~
- ~~3. The building in which the fire is located will be evacuated under the supervision of the first faculty or staff member on the scene, and personnel will be moved a minimum of 300 feet from the location of the fire.~~
- ~~4. Fire drill procedures and fire evacuation procedures for university housing are outlined in the current *Residence Life Handbook*.~~
- ~~5. When a fire alarm is sounded in a building, all persons will leave the building until it is determined to be safe to re-enter.~~

~~C. Bomb Threats: Compared with other university emergencies, the covert and criminal nature of bombing incidents makes detection and disarming of explosive devices a highly dangerous problem. A high percentage of all bomb threats are hoaxes; however, the chance remains the threat may be authentic and appropriate action should be taken in each case to provide for the safety of people and property. When a report of a bomb threat or explosion occurs, an immediate report should be made to the University Police Department.~~

## Freedom of Expression~~Expressive Activities on Campus~~

Midwestern State University recognizes freedom of speech and expression as a fundamental right and seeks to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the University as well as other persons. This policy is intended to protect the expressive rights of persons guaranteed by the constitutions of the United States and the State of Texas by recognizing freedom of speech and assembly as central to the mission of the University, and ensuring that all persons may assemble peaceably on the University campus for expressive activities, including to listen to or observe the expressive activities of others. For purposes of this policy, “expressive activities” means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, of the Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. Expressive activities on the MSU campus are governed by Texas Tech University System 07.04. Information related to the Freedom of Expression policy is available in the Midwestern State University Operating Policy 74.09, Expressive Activities on Campus.

### I.—Policy Statement

~~Midwestern State University (“MSU” or “University”) recognizes freedom of speech and expression as a fundamental right and seeks to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the University as well as other persons. It is the policy of the State of Texas and MSU, as it pertains to as an institution of higher education, to protect the expressive rights of persons guaranteed by the constitutions of the United States and the State of Texas by: (1) recognizing freedom of speech and assembly as central to the mission of the University; and (2) ensuring that all persons may assemble peaceably on University campuses for expressive activities, including to listen to or observe the expressive activities of others. For purposes of this policy, expressive activities do not include commercial speech. As such, commercial activities are prohibited on University grounds without a prior written agreement with the University.~~

### II.—Reason for Policy

~~The purpose of this policy is to comply with the provisions of Section 51.9315 of the Texas Education Code as enacted by Senate Bill 18 by the 86th Texas Legislature (Regular Session) in 2019, and ensure the fundamental right of freedom of speech and expression on the MSU campus.~~

### III.—Application of Policy

~~This policy is applicable to MSU students, faculty, staff, and others who wish to engage in expressive activities on MSU campuses.~~

~~This policy applies to all expressive activities of any person in the University’s common outdoor areas. This policy does not apply to the activities of the University itself. Individuals may engage in expressive activities without prior reservation, registration, or approval, provided such activities are conducted pursuant to applicable law as well as University policy.~~

### IV.—Definitions

~~Benefit—Includes:~~

- ~~(1) recognition by or registration with an institution of higher education;~~
  - ~~(2) the use of an institution of higher education’s facilities for meetings or speaking purposes;~~
  - ~~(3) the use of channels of communication controlled by an institution of higher education;~~
- ~~and~~

~~(4) funding sources made generally available to student organizations at an institution of higher education.~~

~~Common Outdoor Area—Means outdoor space that is operated and either owned or leased by the University and not used for dedicated University business or an event, an educational function, or a research function on a permanent or semi-permanent basis. It does not include University structures or the surfaces associated with or connected to University buildings.~~

~~Event—Means something that occurs in a certain place during a particular interval of time; events include but are not limited to human speakers, performances, exhibits, tables, distribution of literature, signs, and public assemblies.~~

~~Expressive Activities—Means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.~~

~~Institution of Higher Education—Has the meaning assigned by Section 61.003 of the Texas Education Code. MSU is an institution of higher education.~~

~~Student Organization—Includes any organization that is composed mostly of students enrolled at an institution of higher education and that receives a benefit from the institution.~~

## ~~V. Procedures and Responsibilities~~

### ~~A. Common Outdoor Areas~~

- ~~1. The University's common outdoor areas are deemed traditional public forums.~~
- ~~2. Any person is permitted to freely engage in expressive activities in the common outdoor areas of the University's campus as long as the person's conduct:
  - ~~a. is not unlawful; or~~
  - ~~b. does not materially and substantially disrupt the normal operations of the University's campus.~~~~
- ~~3. Notwithstanding Subsection V.A.1 and 2, MSU reserves the right to impose reasonable restrictions on the time, place, and manner of expressive activities in the common outdoor areas of the University's campus and those restrictions must:
  - ~~a. be narrowly tailored to serve a significant University interest;~~
  - ~~b. employ clear, published, content neutral, and viewpoint neutral criteria;~~
  - ~~c. provide for ample alternative means of expression; and~~
  - ~~d. allow members of the University community to assemble or distribute written material without a permit or other permission from the university.~~~~
- ~~4. Groups or individuals engaging in materially and substantially disruptive activities in common outdoor areas, or those failing to comply with applicable laws or University policy, may face immediate removal from University premises and/or other appropriate actions by University officials, including University police.~~
- ~~5. Groups or individuals are responsible for any damages and harm to persons and property that arise from expressive activities in common outdoor areas.~~
- ~~6. Expressive activities on the University campus do not imply endorsement by the University.~~
- ~~7. Subsections V.A.1, 2, and 3 do not limit the right of student expression at other campus locations or prohibit faculty members from maintaining order in the classroom.~~

### ~~B. Reservation of Common Outdoor Areas.~~

- ~~1. Use of common outdoor areas for expressive activities does not require advance registration or reservation with the University. However, advance registration and~~

~~reservation is recommended to ensure the availability of common outdoor area(s) of interest to the individual or group seeking to engage in expressive activities. If an area of the University's common outdoor areas has been reserved, the reserving individual or group shall be given priority for use of such area.~~

~~a. Advance registration and reservation requests for common outdoor areas on the University campus shall be submitted to the Clark Student Center.~~

~~b. The recommended advance notice for submitting a registration and reservation request is two (2) weeks.~~

### ~~C. Reasonable Time, Place, and Manner Restrictions~~

~~1. The following reasonable time, place, and manner restrictions are applicable to expressive activities in University common outdoor areas:~~

~~a. Activities that are unlawful or that materially and substantially disrupt the normal operations of the University are prohibited.~~

~~b. Activities that materially and substantially prevent other individuals or groups from carrying out an expressive activity are prohibited.~~

~~c. Activities that substantially interfere with vehicular or pedestrian traffic including the ingress or egress of University facilities and offices are prohibited. No person or organization may engage in expressive activity within a ten-foot clearance around points of entry and the exterior perimeter of all University buildings.~~

~~d. Activities that substantially interfere with fire protection, law enforcement, or emergency or medical services are prohibited.~~

~~e. Activities that threaten or endanger the health or safety of any person on University grounds are prohibited.~~

~~f. Activities that result in damage or destruction of University property are prohibited. Nothing may be affixed to or written on University property or grounds.~~

~~g. Activities that inherently lose First Amendment protection are prohibited.~~

~~h. Activities involving the possession, use, or display of firearms, facsimile firearms, ammunition, explosives, or other items that could be used as weapons, including but not limited to poles, clubs, swords, shields, rigid signs that can be used as a weapon or shield, or other objects that can be construed as weapons as covered within the MSU Code of Student Conduct, are prohibited unless authorized by federal, state, or local laws.~~

~~i. Activities characterized by the use of a mask, facial covering, or disguise to conceal the identity of the wearer in a calculated fashion to obstruct the enforcement of the law or University policy, or to intimidate, hinder or interrupt a University official or police officer in the lawful performance of their duties, are prohibited.~~

~~j. Expressive signage, posters, displays, or structures (herein "displays") must be hand-held, no larger than 3 feet in height by 3 feet in width. Displays, literature, and other items may not be left unattended.~~

~~k. Any person or organization distributing literature on campus as part of an expressive activity will pick up all copies dropped on the ground in the common outdoor area where the literature was distributed prior to vacating the area.~~

~~l. Amplified sound devices must be hand-held. Amplified sound shall not exceed 80 decibel levels near University buildings, as measured at the outdoor edge of~~



such buildings closest to the amplified sound. "Amplified sound" means sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are exempt from this definition and are not subject to special rules on amplified sound, but are subject to general rules on disruption.

- m. No open flames are permitted on the University campus without the express-written permission of the University.
  - n. Any activities that are subject to licensing, code, or ordinance requirements/permits must have the proper licenses/permits and satisfy such codes and ordinances (e.g., serving food and beverages).
2. The above list of reasonable time, place, and manner restrictions is not intended to be all-inclusive. The University reserves the right, as necessary, to impose additional reasonable time, place, and manner restrictions as circumstances arise.
  3. The University's decisions will not be based on political, religious, philosophical, ideological, or academic viewpoints.
  4. The University reserves the right to relocate, limit, or prohibit individuals or groups engaged in expressive activities in University common outdoor areas based on reasonable time, place, and manner restrictions.
- D. Students' and Employees' Rights and Responsibilities Regarding Expressive Activities on Campus
1. Any person, subject to Subsection V.C, shall be allowed to engage in expressive activities on campus, including by responding to the expressive activities of others.
  2. Student organizations and faculty are allowed to, subject to Subsections V.C and V.F, invite speakers to speak on campus.
  3. Students, student organizations, faculty, or staff who unduly interfere with the expressive activities of others on campus will be subject to the disciplinary policies and procedures outlined in the applicable Student Handbook, catalog, or operating policies and procedures.
  4. Violation of this policy may also constitute a breach of applicable criminal law. In such circumstances, the Penal Code and Code of Criminal Procedure will apply.
  5. Grievances concerning an alleged violation of this policy will be processed in accordance with University policies and procedures.
- E. Prohibited Actions by University against a Student Organization
1. The University may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the institution on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.
- F. Speaker Fees and Approvals
1. University student organizations and faculty have the right to invite speakers to speak on campus. When reviewing and determining whether to approve a speaker to speak on campus, or in determining the amount of a fee to be charged for use of the University's facilities, for purposes of engaging in expressive activities, the University will not consider any anticipated controversy related to the event. The University will consider content-neutral and viewpoint neutral criteria related to the needs of the event including, but not limited to:
    - a. the proposed venue and the expected size of the audience;

- ~~b. any anticipated needs for security;~~
- ~~c. any other necessary accommodations the University deems necessary for the event; and~~
- ~~d. any relevant history of compliance or noncompliance with University policies by the speaker and/or the requester.~~

## **General Student Complaints**

### *Purpose*

The purpose of this policy is to establish a process by which students may address general issues that do not fall under formal grievance policies. In an effort to expedite resolution to complaints, students will be requested to first follow the Informal Complaint Process. If resolution does not occur via the Informal Complaint Process, the student may follow the Formal Complaint Process.

### *Informal Complaint Process*

The informal complaint process promotes dialogue and understanding, and provides a framework to expedite resolution. It additionally promotes student development through self-advocacy and open communication. Prior to filing a formal complaint, the student must use the following informal procedure. The Informal Complaint Process is initiated in the Office of Student Rights and Responsibilities.

- The student should discuss with the Director of Student Rights and Responsibilities, or designee, the nature of the complaint in order to determine the most appropriate and expeditious manner of addressing said complaint. The Director of Student Rights and Responsibilities, or designee, and the student determine the faculty or staff member best equipped to address the complaint. The comfort of the student in addressing the complaint with any member of the faculty or staff is considered.
- The Director of Student Rights and Responsibilities, or designee, will assist the student in contacting the faculty or staff best equipped to handle a complaint. The student should discuss the complaint thoroughly with the determined faculty or staff as soon as practical. Both parties should openly discuss the issue and attempt to explore a mutually satisfactory outcome.
- The Director of Student Rights and Responsibilities maintains a log of Informal Complaints registered with his/her office. This log includes the student's name, contact information, nature of complaint, and complaint referral, if necessary.
- Within five (5) days of logging the complaint, the Director of Student Rights and Responsibilities, or designee, will follow-up with all parties in order to determine the disposition of the complaint. The disposition will be included in the complaint log.
- If the complaint is resolved, the process ends.
- If the complaint is not resolved, the student may initiate a Formal Complaint Process.

### *Formal Complaint Process*

A formal written complaint may be issued if the Informal Complaint Process does not produce resolution. The student is encouraged to contact the Office of Student Rights and Responsibilities prior to submitting a formal complaint so that they can be well-informed of the formal complaint process. The student must use the following formal complaint procedure:



- The student must submit in writing to the appropriate Dean, Director, Chair, or Supervisor, as determined in consultation with the Director of Student Rights and Responsibilities, an outline of what occurred, any witnesses to the alleged event, and the desired outcome of the complaint.
- The appropriate Dean, Director, Chair, or Supervisor, with guidance from the Director of Student Rights and Responsibilities, interviews all affected parties and witnesses.
- Within seven (7) business days of receiving the written complaint, the Dean, Director, Chair, or Supervisor issues a written decision regarding the complaint.
- If the complaint is resolved, the process ends.
- If the complaint is not resolved, the affected student may appeal the decision to the appropriate Vice President. The Director of Student Rights and Responsibilities will assist the student in making this determination. The appeal must be in writing, no later than seven (7) business days after receipt of the final disposition of the formal appeal.
- The Vice President will consider the appeal and issue a final decision to the student in writing. A copy of the final resolution will be sent to the student and the Director of Student Rights and Responsibilities.

### **Instructor Drop**

An instructor may drop a student any time during the semester for excessive absences, for consistently failing to meet class assignments, for an indifferent attitude, or for disruptive conduct. The instructor must give the student a verbal or written warning prior to dropping the student from the class. An instructor's drop of a student takes precedence over the student initiated course drop of a later date. The instructor will assign a grade of either WF or F through the first 9 weeks of a long semester, the first 4 1/2 weeks of an 8 week part-of-term, the first 6 weeks of a 10 week summer term, or the 12th class day of a 4 or 5 week summer term consisting of 20 days. After these periods the grade will be an F. The date the instructor drop form is received in the Office of the Registrar is the official drop date.

A student dropped from a class by a faculty member for disruptive behavior has the right of appeal to the Student Conduct Committee through the Office of Student Rights and Responsibilities (CSC 108).

### **~~Official Out-Of-Town University Trips~~**

~~When an official out-of-town trip is sponsored by a university college or department, the faculty or administrator involved will be responsible for all arrangements and supervision. When registered student organizations plan an official out-of-town trip, all arrangements must be cleared through the Office of Student Leadership and Involvement.~~

~~To ensure that student safety is a priority, this policy for student travel is intended to assist students in safe travel for university-sanctioned trips. This policy pertains to students or registered student organizations that travel over 25 miles to a university-sanctioned event.~~

#### ~~Definition of University-Sanctioned Travel~~

~~University-sanctioned travel occurs when travel meets one or more of the following conditions:~~

- ~~1. A university department or registered student organization plans the travel and/or recognizes for professional or educational purposes.~~
- ~~2. The university or registered student organization requires travel.~~
- ~~3. University or registered student organization funds are used.~~
- ~~4. Travel is undertaken in a university owned or leased vehicle.~~

#### *Travel Procedures*

~~The designated advisor(s) (faculty or staff) must accompany each student travel group. Any exception must be approved by the Dean of Students prior to such travel. The following procedures must be followed prior to travel:~~

- ~~1. Access and print a Student/Group Travel Form from the Dean of Students' website or MustangsLink.~~
- ~~2. Complete Student/Group Travel Form and submit to the Dean of Students Office or Office of Student Leadership and Involvement at least 10 days prior to the date of travel.~~
- ~~3. Receive approval of the travel request.~~

~~For questions or more information about the Student Travel Policy, please contact the Dean of Students office in room 108 of the Clark Student Center.~~

## **Posting on University Property**

### *Policy Statement*

Midwestern State University recognizes freedom of speech and expression as a fundamental right and seeks to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the University as well as other persons. This policy provides a standard for the location of printed matter posted in or on University buildings. This policy does not attempt to establish the type of material that may or may not be posted; rather, it is directed to the location on or within a building where the posting of printed material is permitted. [Information related to the Posting on University Property policy is available in the Midwestern State University Operating Policy 74.05, Posting on University Property.](#)

#### *I. Reason for Policy*

~~The purpose of this Operating Policy/Procedure (OP) is to provide space and standards for posting items on campus property.~~

#### *II. Application of Operating Policy*

~~This operating policy applies to all MSU students, faculty, staff, and others who wish to post items on MSU campuses.~~

#### *III. Definitions*

~~For purposes of this operating policy:~~

##### *Benefit* – Includes:

- ~~(1) recognition by or registration with an institution of higher education;~~
- ~~(2) the use of an institution of higher education's facilities for meetings or speaking purposes;~~
- ~~(3) the use of channels of communication controlled by an institution of higher education; and~~
- ~~(4) funding sources made generally available to student organizations at an institution of higher education.~~

~~*Student Organization*—Includes any organization that is composed mostly of students enrolled at an institution of higher education and that receives a benefit from the institution.~~

~~*University Property*—Means any building or property owned or controlled by the University.~~

#### ~~IV. Procedures and Responsibilities~~

- ~~A. The posting of any type of printed matter in the form of University communications, departmental notices, correspondence, posters, signs, banners, announcements, cards, advertisements, etc., must only be on approved University announcement boards (General Use Boards and Community Use Boards). The posting of such material on painted surfaces, doors, glass, tile, trees, or other surfaces not specifically designed or designated for this purpose is prohibited. For information about the location(s) of approved University announcement boards inside of a particular University building, individuals should contact the Clark Student Center office of the college/department office responsible for the building in question.~~
- ~~B. All material posted by the University affiliated departments or student organizations on General Use Boards must be approved and stamped by the Clark Student Center office, where compliance with size restrictions, sponsorship, and master calendar is verified. Material to be posted on General Use Boards inside of residential facilities must also be approved and stamped by the Office of Residence Life and Housing. Material will not be denied approval on the basis of the content or viewpoint expressed, unless such content represents a violation of local, state, or federal law, or inherently loses First Amendment protection. All material posted advertising a specific event must carry the name and contact information of the respective sponsor (i.e. an academic program, administrative department, or a student organization).~~
- ~~C. Material posted by University affiliated departments or student organizations on General Use Boards are subject to clearing one (1) week after posting, or otherwise after the event being advertised is completed.~~
- ~~D. University affiliated departments, student organizations, individual students, and employees may post on designated Community Use Boards in the Clark Student Center without seeking prior approval. Only one (1) copy of each posting may be placed on Community Use Boards. Only non-commercial materials may be posted on Community Use Boards. The University may impose reasonable restrictions on Community Use Boards, to include:
  - ~~1. Postings that are unlawful.~~
  - ~~2. Postings that inherently lose First Amendment protection.~~
  - ~~3. Postings that materially and substantially prevent other individuals or groups from carrying out an expressive activity.~~~~

~~For information about the location(s) of Community Use Boards inside of the Clark Student Center, individuals should contact the Clark Student Center office.~~

- ~~E. Postings on Community Use Boards are subject to clearing one week after posting, or otherwise after the event being advertised is completed.~~
- ~~F. The placement of special occasion banners or other material in or on certain University buildings such as the Clark Student Center, residence halls, or athletic facilities will be permitted only with the approval of the respective director, department head, dean or building authority of those facilities, and in accordance with University policy.~~
- ~~G. Damage to University facilities by items posted in prohibited locations will be the responsibility of the department or student organization that posted the items.~~

- ~~H. Most University buildings have adequate board space available. When additional space is needed, the respective director, department head, dean or building authority of those facilities should initiate action to increase the space.~~
- ~~I. The posting of signs, placards, barrier tape, and other types of similar warning materials by University entities and/or other entities and/or other entities have jurisdiction is permissible in location other than those noted if there are valid reasons for such postings. The following are examples of such valid reasons:~~
- ~~1. To ensure the health and safety of the building occupants;~~
  - ~~2. To secure the building contents; and~~
  - ~~3. To identify specific locations and prevent disturbance of materials as part of an ongoing investigation.~~

~~The entity responsible for posting the warning materials shall attempt, as much as possible, to minimize the damage caused by such attachment to the interior building finishes. If possible, the warning materials should be adhered to surfaces capable of being cleaned following the posting. Following the termination of the event requiring the notification, the posting entity shall be responsible for the timely removal of the warning materials.~~

## **Residence Life & Housing**

The Residence Life & Housing program is a vital part of the Midwestern campus community. The program is intended to support the educational mission of the university through programs, activities, services, facilities, and personnel that promote an atmosphere in university housing conducive to meeting the academic, social, cultural, and personal/developmental needs of resident students.

### *Residence Life Policy*

The residence life policy is based on the knowledge that living in university housing can provide both educational and social opportunities important to the success of college students. All students enrolling at Midwestern State University are required to live in university housing unless they:

1. Are living in the home of their parents or legal guardian within 60 miles of the campus and commuting to class.
2. Are married and living with their spouse.
3. Have accumulated 45 semester hours of college academic credit as a post-high school student prior to the first day of classes for the housing agreement period. Hours achieved while in high school are not counted (e.g. concurrent or dual credit).
4. Have reached the age of 21 prior to the first day of classes for the housing agreement period.
5. Are part-time students enrolled in 11 hours or less for the fall or spring semester.
6. [Are enrolled exclusively in an online distance education program.](#)

5. [Advance Notice: The number of semester credit hours per #3 above will increase from 45 to 60 for the 2024-2025 academic year.](#)

### *Food Service Policy*

All students living in MSU residence halls (except Sundance Court, Sunwatcher Village) during the fall and spring semesters are required to have a residential meal plan. Three (3) meal plans

(Platinum All Access; Gold 200; Silver 150) are available for students residing in the residence halls. Each meal plan includes Flex dollars that may be used at any dining facility on campus, as well as a meal exchange program for use at retail dining locations.

### *Policy Exceptions*

In unusual circumstances, the Director of Residence Life and Housing may grant exceptions to these policies. Regardless of the reason for a request for an exception to the housing requirement, all requests must be made in writing (forms are available in the Office of Residence Life and Housing) and filed with the director by the following dates:

FALL SEMESTER: July 1

SPRING SEMESTER: January 1

Students requesting an exception to the required meal plan policy must complete a form (available in the Office of Residence Life and Housing) and, if necessary, provide medical evidence of any special dietary need. During the time that an exception is being reviewed, the student will remain on his or her chosen meal plan.

### *Withdrawals*

Students living in university housing must move out within 24 hours of withdrawing or being withdrawn from the university.

For more information, contact the Office of Residence Life & Housing, located across the street from Legacy Hall in Sunwatcher Clubhouse (3704 Louis J. Rodriguez Drive), or refer to the *Residence Life Handbook*.

## **Student Event Guidelines**

### *Registration*

1. All activities and events of registered student organizations must be registered and approved through MustangsLink. Event registration is available online through each registered student organization's MustangsLink portal.
2. Event registration must occur for all registered student organization activities, whether held on or off campus.
3. By registering events through MustangsLink, events can be added to the University Master Calendar and Student Life calendar. Registering events is not the same as requesting or reserving university facilities. For assistance with requesting University facilities, please contact the Clark Student Center.
4. The deadline for registering a social event is four (4) days prior to the event, except for those activities approved as alcoholic beverage functions ~~and/or requiring the services of a police officer~~. Those functions must be registered ten (10) days prior to the event.
5. Cancellation of functions and facilities is equally important and should be made through the Clark Student Center. The Clark Student Center reserves the right to change room assignments or setups in order to accommodate the greatest number of customers.
6. Registered student organization events where alcohol will be served, held off campus, open to the public, and/or involving efforts to raise funds require approval of the organization's faculty/staff advisor prior to event registration and approval. Information as to duties and responsibilities of faculty/staff advisors regarding registration of alcohol functions is available in the Clark Student Center office.

### *Dress and Conduct*

1. Those attending student activities are requested to use good judgment about their dress, exercising good taste at all times.
2. Conduct at student activities shall be the responsibility of the sponsoring individual, group, department, or organization. If property damage should occur during the activity, the person or department/organization responsible for the damage will be assessed for the repair or replacement of the damaged item. When the person or persons responsible for the damage cannot be identified, the sponsoring department/organization will be assessed for the damages.

### *Raffles*

The Charitable Raffle Enabling Act states that an institution of higher education shall allow the sale of tickets to a raffle by a registered student organization at any facility of the institution, subject to reasonable time, place, and manner restrictions.

### *Corporate or Business Co-Sponsorship of Activities*

All corporate or business co-sponsors of a university or student organization event must enter into a contract with the university, the terms of which must be set by and/or approved by the university Administrative Council. This policy applies to sponsorship or co-sponsorship only and shall not be interpreted to include paid advertising.

### *Faculty/Staff Advisors and Campus Police*

1. Faculty/Staff advisors must be listed on the student organization roster which is on file with the Office of Student Leadership and Involvement through MustangsLink. At events where faculty/staff advisors are necessary, it is important that the advisor be present at all times during the social event. Extending an invitation to advisors well in advance of the event is a mark of thoughtfulness and courtesy.
2. Normally the faculty/staff advisor is a faculty member, an administrator, or a full-time staff member at the university; however, in special and unusual circumstances, a graduate assistant at the university can be approved by the Director of Student Leadership and Involvement to serve in this capacity.
3. Faculty/staff advisors are required to attend organization events at which alcohol will be served. A faculty/staff advisor must be present at all times during the entire event.
4. One police officer is required at all programs that have been approved as an alcohol event except when the function is an on-campus, invitation- only function involving one student organization. Exceptions to this requirement can be requested when completing the alcohol registration process by submitting an event safety and security plan, which must address how the behavior of attendees will be monitored and appropriately managed to reflect the values and expectations of the University. The event safety and security plan must be approved by the Dean of Students or designee in order for the event to occur.
5. When MSU officers are required or requested for events, the cost per hour for each officer will be determined by the University Police Department. The University Police Department must be notified at least fourteen (14) ~~ten (10)~~ days prior to the function to schedule any officers.

### *Expenses (Building Use)*

Midwestern State University is allocated funds by the State of Texas for its operations as related to its primary mission of education. Student- sponsored groups and organizations are required to fund the costs, utilities, custodial help, etc., incurred above university educational costs, for activities which the groups or organizations sponsor.

1. Generally, an approved (internal) group or organization will not be charged the utility costs for the use of a facility if it is used within normal hours of operations. Scheduling for any event or activity is required, even though no charges are assessed, through the Clark Student Center office.
2. Normal room custodial support will be provided within regular building hours at no additional cost. Extra costs, i.e., special cleanup, when incurred, will be billed to the using group.
3. For events outside normal hours of operation, internal groups and organizations will be charged for actual costs for each hour or fraction thereof that the facility is required beyond the normal hours. Additional charges will be added whenever additional custodial support is required, i.e., setup or cleanup.
4. Charges to internal groups will be determined by the Clark Student Center office from the approved rates. The chart of charges is on file in the Clark Student Center office. The CSC office will identify the appropriate student group to be billed and provide this information to the University Business Office to initiate billing.

#### *General*

1. Sponsoring organizations are invited to discuss plans for student activities with the staff in the Clark Student Center office or Office of Student Leadership and Involvement.
2. Attendance at events sponsored by Midwestern State University students is restricted to MSU students, faculty, staff, and guests of the sponsoring organization unless other groups are approved by the Clark Student Center office or Dean of Students.

### **Student Financial Responsibility Statement**

When registering for classes, you acknowledge and agree to all terms and conditions set forth by Midwestern State University including liability for all tuition, fees, room, board, and other related charges. Failure to pay your student financial obligation in full by the due date for the semester allows Midwestern State University to exercise its right to pursue other legal action for collection. This includes, but is not limited to, placing your past due account with a collection agency and/or other third party such as an attorney. In addition to paying your past due account, you will be obligated to pay all reasonable costs and expenses of collection, including, without limitation, reasonable court costs and attorneys' fees and/or collection agency fees and charges. Midwestern State University may also disclose to credit bureau organizations that you have defaulted on your student financial obligation to Midwestern State University. Failure to attend classes does not absolve you from financial liability. In all cases, it is your responsibility to drop classes by the published drop/add date or you will be held liable for those classes.

It is mandatory that all registered students agree to the SFRA each semester before registering for classes. Please login to your student portal, select the WebWorld/Banner link, select the Student tab, then click on the Student Financial Responsibility Agreement and follow the prompts. Select the accept button.

## **Student Identification**

The Campus Card is the official identification card of Midwestern State University which allows access to numerous campus locations and events. All enrolled students are eligible to receive a Campus Card. Each student will be issued an initial card at no cost. Campus Cards will only be issued after verification of enrollment and with the presentation of a government-issued photo ID (e.g. Driver's License, Military ID, or Passport). A replacement fee of \$20 exists for all lost, stolen, or damaged cards.

In addition to providing all the campus access features of the current MSU Campus Card (e.g. building access, library access, meal plan access, and on-campus event admission).

Campus Cards are issued at the Clark Student Center Information Desk, Room 121.

## **Student Organization Policies**

While all registered student organizations have faculty/staff advisement, general coordination and supervision of Midwestern State University's student organizations are handled through the Office of Student Leadership and Involvement. Information regarding the present status of all groups, their current officers, and membership requirements may be obtained in that office.

### *General Policies*

In order to be in good standing with the university, student organizations must fulfill the requirements listed as follows:

1. All student organization members must be enrolled students at MSU during the semester(s) in which they plan to participate in their respective organization(s).
2. Once officially approved and registered, student organizations must have a minimum of four (4) members to remain in good standing.
3. Each student organization must complete a MustangsLink student organization profile renewal by October 1 for the fall semester and February 15 for the spring semester.
4. Each student organization must have a campus-related advisor from the faculty or staff. In general, selection of the faculty/staff advisors will be made by the organization in accordance with the national and/or local constitution and in consultation with the Director of Student Leadership and Involvement. Faculty/staff advisors are to counsel the officers and members of the organization with regard to the purposes and activities of the organization. The faculty/staff advisors shall oversee and be responsible for its financial planning and transactions and shall confirm the eligibility of membership and of members to hold office. Faculty/staff advisors should attend as many organization meetings and programs as possible. A faculty/staff advisor is required to attend events where alcohol is served and/or off-campus guests are present.
5. All student organizations must observe an alcohol-free academic week. No alcohol will be permitted at registered functions taking place Sunday- Thursday.
  - A. Alcoholic beverages at approved student organization events must be distributed by a TABC licensed third party vendor which will ensure compliance with state law in regard to consumption, intoxication, drinking age, distribution, sale, etc. A copy of the third party vendor's current license must be submitted with an Alcohol Registration Form to event approval.



6. All activities, whether held on or off campus, must be registered in the student organization's profile on MustangsLink. All activities must conform to university social regulations. The failure of a student organization to conform to university policies will result in disciplinary action and could result in suspension.
7. Each student organization must have a constitution or statement of purpose on file in the Office of Student Leadership and Involvement.
8. No student organization shall initiate efforts to raise funds from private donors or organizations without prior university approval. Requests for approval should be initiated in writing through the Office of Student Leadership and Involvement and should include the following information:
  - A. Name of organization, business, or donor to be contacted.
  - B. Amount or nature of specific items or funds being requested.
  - C. Intended purpose of raising funds and method of distribution of products or use of funds.

Upon receipt of the request, the Office of Student Leadership and Involvement will secure approval from the Office of University Development to avoid conflicts with potential donors. This provision will ensure that fundraising efforts are centrally planned and coordinated. Notification of approval or denial will be given to each organization from the Office of Student Leadership and Involvement.
9. Midwestern State University assumes no fiscal responsibility or liability for any student organization including club sport organizations.
10. All club sport teams are required to have a group accident policy, covering the entire membership, each academic year. A copy of the policy is to be submitted to the Office of Student Leadership and Involvement at the beginning of each fall semester. Additionally, members of club sport teams are required to sign a liability waiver before participating in the sport. Each club sport team is responsible for ensuring compliance with this policy.
11. A student organization training must be completed by October 1 of each year. Each organization is required to have one student representative participate in a training, online or in person.
12. A student representative from each student organization must complete a university sponsored or approved risk management training by February 15 of each year.
13. Regulations pertaining to student organizations may be obtained in the Office of Student Leadership and Involvement, [BAC 101CSC-124](#).

#### *Additional Policies for Social Fraternities/Sororities*

1. All single-sex fraternities and sororities as recognized by Title IX of the Education Amendments of 1972 criteria, and formed and operating not for professional or honorary purposes, must be members of an appropriate MSU governing council (IFC, CGC, or PHC), as determined by the Director of Student Leadership and Involvement.
2. Each fraternity/sorority must adhere to the MSU [Fraternity and Sorority](#) ~~Greek~~-Life Standards of Excellence and submit yearly review materials by January 31.
3. Each fraternity/sorority must adhere to the MSU [Fraternity and Sorority](#) ~~Greek~~-Life policies for Academic Reporting, Expansion/Extension, and Recruitment/Intake. Full policies are available in the Office of Student Leadership and Involvement, [BAC 101CSC-124](#).
4. Each fraternity/sorority must maintain a 2.50 semester chapter GPA and adhere to the MSU [Fraternity and Sorority](#) ~~Greek~~-Life Academic Policy. The full policy is available in the Office of Student Leadership and Involvement, [BAC 101CSC-124](#).

### *Procedure for Establishing a New Organization*

1. Students interested in forming a new organization must meet with the Director of Student Leadership and Involvement, or his/her designee. Student organizations may be officially registered when formed for purposes that are consistent with the philosophy and goals of Midwestern State University. The purposes, goals and activities of one organization should not duplicate those of another.
2. The [New Organization Form](#) ~~following forms~~ must be submitted [through MustangsLink](#) ~~to the Director~~ to begin the approval process: the student organization roster (a list of proposed members, officers and faculty-staff advisor) with a minimum of eight (8) currently enrolled MSU students, an Activity Reservations/Guidelines Agreement, and a constitution or statement of purpose which must include:
  - A. The exact title of the organization.
  - B. The purpose of the organization. Is it fostering a broad educational goal? Does it have a social, cultural, or political aim? Why was the group founded? Be precise enough so that a non-member would understand the group's written purpose. Religious organizations must indicate their religious affiliation.
  - C. A statement of the group's willingness to abide by all university policies.
  - D. A statement that membership must be open to all Midwestern State University students, with the exception of single-sex organizations as recognized by Title IX of the Education Amendments of 1972.
  - E. Details on how to become a member. How are voting members identified? What is the deadline for joining to be able to vote? Who keeps the official membership list?
  - F. Membership dues, if applicable.
  - G. Details on how a member may remain in the organization if she/he fails to pay dues.
  - H. A statement on the number of officers. What are their titles and duties? Will the officers constitute an executive committee? Officers must be full-time undergraduate students.
  - I. Details on how officers are elected. What constitutes a quorum? What type of ballot? Who may vote? When are they elected, and for what period? Who is eligible for office? When do officers assume office? How may officers be removed? How will mid-year vacancies be filled? You may wish to clarify the role of the faculty-staff advisor.
3. If the organization has a state, regional, or national affiliation, the organization must also include from its state, regional, or national office the constitution, by-laws, financial support, type of supervisory role held with local chapters, and documentation establishing recognition and support for a student organization at MSU. When this is obtained, final approval of the state, regional, or national organization must be made by the university's Administrative Council.
4. Final approval for local organizations must be made by a committee comprised of the Vice President for Student Affairs, Associate Vice President & Dean of Students, and the Director of Student Leadership and Involvement.
5. Prospective MSU student organizations may have a maximum of three (3) organizational meetings on campus prior to final approval. All student organizational meetings must comply with the MSU Activity Reservations/Guidelines Agreement.

### *Eligibility to Hold Office in a Student Organization*

1. Officers of each organization must have a 2.0 cumulative grade point average preceding election to office and must maintain this average while in office.
2. An officer must not be on University academic or conduct probation.



## Student Records

Midwestern State University maintains educational records for each student who is or has been officially enrolled.

Areas in which student records are maintained:

- A. Academic Records - Registrar's Office
- B. Admissions Records - Admissions Office, Dr. Billie Doris McAda Graduate School, and Global Education Office
- C. Financial Aid Records - Financial Aid Office
- D. Graduate Studies Records - Dr. Billie Doris McAda Graduate School
- E. Placement Records - Career Management Center
- F. Progress Records - Faculty Offices and Academic Advising Offices
- G. Disciplinary Records - Office of Student Rights and Responsibilities
- H. Housing Records - Residence Life and Housing
- I. Athletics Records - Athletics Office
- J. Occasional Records - University staff person who maintains minutes of faculty or committee meetings or copies of correspondence

### Directory Information

This is information which may be released to the general public without the written consent of the student. A student may request that the Directory Information be withheld from the public by making a written request to the Office of the Registrar during the first 12 class days of a fall or spring semester or the first 4 class days of a summer term. This request will remain in effect the remainder of the academic year, and the request must be renewed each fall. The following items have been designated as Directory Information:

- A. Name
- B. Date and Place of Birth
- C. Current and Permanent Address
- D. Telephone Listing
- E. Major and Minor Fields of Study
- F. Student Enrollment Status (full-time/part-time)
- G. Classification
- H. Participation in Officially Recognized Activities and Sports
- I. Weight and Height of Members of Athletic Teams
- J. Dates of Attendance
- K. Degrees and Awards Received
- L. All Previous Educational Agencies or Institutions Attended
- M. Photographs

### Review of Record

Students who desire to review their records may do so upon written request of the appropriate record custodian. The Review Request Form must identify as precisely as possible the records to be reviewed.

## Challenge to Accuracy of Record-keeping

Students who desire to challenge the accuracy of their records shall follow the procedure outlined below:

### Informal Review

The procedure outlined for Review of Record shall be followed. The review official will summarize action taken on the Review Request form. This form should be signed and dated by the review official and maintained with the student's record. If the Informal Review does not clarify the accuracy of record-keeping, the student may request a Formal Review.

### Formal Review

The Provost will chair and appoint a committee to hear challenges concerning records of offices reporting to him or her. The Vice President for Student Affairs and the Vice President for Enrollment Management will each chair and appoint a committee to hear challenges concerning records in their respective areas. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may be assisted by one or more individuals, including an attorney.

The Provost or the appropriate Vice President will prepare a written decision based solely on the evidence presented at the hearing for their respective areas. The decision will include a summary of the evidence presented and the reasons for the decision. If the University's decision is that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, the student will be notified that he/she has a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.

The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If MSU discloses the contested portion of the record, it must also disclose the student's statement. If MSU decides that the information is inaccurate, misleading, or in violation of the student's rights of privacy, it will amend the record and notify the student, in writing, that the record has been amended.

Students have a right to consent to disclosures of personally identifiable information (PII) contained in their education records, except to the extent that the Family Educational Rights and Privacy Act (FERPA) authorizes disclosure without consent. The following exceptions permit disclosure without consent:

- a. Disclosure without consent is permitted to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, collection agent, or enrollment or loan and degree verification service); a person serving on the Board of Regents; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

- b. The Higher Education Amendments of 1998 allow disclosure of the final results of student disciplinary proceedings involving students found to have committed a disciplinary offense that would constitute a “crime of violence” (or a non-forcible sex offense) under federal law, specifically the name of the student found to have committed the offense, the violation committed, and any sanction imposed.
- c. The 1998 FERPA amendments also allow institutions of higher education to disclose to a parent or legal guardian of a student under the age of 21 years information regarding the student’s violation of any federal, state, or local law, or any institutional rule or policy related to the use or possession of alcohol or a controlled substance.
- d. Generally, schools must have written permission from the parent or eligible student in order to release any information from a student’s education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
  - School officials with legitimate educational interest;
  - Other schools to which a student is transferring (seeks or intends to enroll);
  - Specified officials for audit or evaluation purposes;
  - Appropriate parties in connection with financial aid to a student;
  - Organizations conducting certain studies for or on behalf of the school;
  - Accrediting organizations;
  - To comply with a judicial order or lawfully issued subpoena;
  - Appropriate officials in cases of health and safety emergencies; and
  - State and local authorities, within a juvenile justice system, pursuant to specific State law.

Students have a right to consent to disclosure of personally identifiable information (PII) contained in their education records, except to the extent that FERPA authorizes disclosures without consent. Certain exceptions permit disclosure without consent. As of January 3, 2012, the U.S. Department of Education’s FERPA regulations expand the circumstances under which a student’s education records and personally identifiable information contained in such records may be accessed without the student’s consent. Students needing more details regarding these exceptions may contact the Office of the Registrar.

Students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by Midwestern State University to comply with the requirements of FERPA.

FERPA allows the Texas Higher Education Coordinating Board (the State of Texas educational governing entity), with student consent, to disclose to higher education institutions the number of credit hours taken previously.

#### Address Changes

Students whose names, home addresses, local college addresses, email addresses, or other pertinent information changes after initial registration at MSU are requested to notify the Office of the Registrar, the MSU Business Office, Financial Aid office, MSU Admissions or Dr. Billie Doris McAda Graduate School, and Moffett Library. Student employees should also notify Human Resources and the Payroll office. The Global Education Office should be notified if an international student has an address change. Students may change their addresses online through the myMSUTexas portal. All notices, information, and official correspondence are

addressed to the last mailing address on record with the university or MSU issued student email address. Failure by the student to have the current correct mailing address or email address on record with the university shall not be construed to invalidate any notices or correspondence. Under Texas law, students are responsible for reporting changes in legal residence. This notification is submitted to MSU Admissions or Dr. Billie Doris McAda Graduate School.

#### Release of Information

Release of Information Forms are used to grant permission for university officials to release specified information from a student's educational record to a third party (i.e. parent, spouse, agency, or sponsor). Federal privacy laws prohibit Midwestern State University from providing non-directory information within a student's educational record to a third party, such as grades, course schedule, financial aid, discipline, housing assignment, and email address. Any student who desires information to be released to a third party must submit an Authorization to Release Student Information Form to the Dean of Students Office. Forms are available on the [Dean of Students website http://www.msutexas.edu/student-life/dean/\\_assets/files/release-of-information-form.pdf](http://www.msutexas.edu/student-life/dean/_assets/files/release-of-information-form.pdf), and in person through the Dean of Students Office, Clark Student Center, Room 108.

#### Student Email Address

Midwestern State University provides all enrolled students an official "my.msutexas.edu" University email address through Google. The email address is activated once a student is admitted to the University and is accessible through the myMSUTexas Portal under the "Gmail" link in the Quick Launch menu on the left side of the Portal homepage. The email address (and associated Google applications) will stop being available 13 months after a student graduates or disenrolls from Midwestern State University.

The "my.msutexas.edu" email address is the University's primary method of electronic communication with students. Students are responsible for all electronic communications delivered to their Midwestern State University "my.msutexas.edu" email address. Failure to read an electronic communication sent to the "my.msutexas.edu" email address does not excuse a student from the information, expectations, or requirements described therein.

### **Student Right to Know**

In compliance with the Student Right to Know and Campus Security Act of 1990, Midwestern State University provides all students, employees, and prospective students up-to-date information about campus crime statistics, six-year graduation rates of students and student athletes, and campus services such as tuition and fee rates, housing options, withdrawal procedures, study abroad programs and disability services. Links to current information are available at <https://msutexas.edu/finaid/additional-consumer-resources>.

### **Student Travel**

[To ensure that student safety is a priority, Midwestern State University's policy for student travel is intended to assist students in safe travel for university-sanctioned trips. This policy pertains to students or registered student organizations that travel over twenty-five \(25\) miles to a university-sanctioned event. Information related to the Student Travel Policy is available in the Midwestern State University Operating Policy 10.10, Student Travel Policy.](#)

## Traffic Appeals

### PURPOSE

A Traffic Appeals Committee composed of students and faculty/staff shall be appointed to review appeals from students and faculty/staff who wish to contest a ticket received for violation of the university traffic and vehicle regulations. The committee shall have the authority to render judgments with reference to the *Traffic and Parking Regulations found within MSU Operating Policy 62.01*. The Traffic Appeals Committee exists to assist those students and faculty/staff with violations due to unusual or extenuating circumstances. The decision of the committee is final.

### COMPOSITION

The Traffic Appeals Committee shall consist of eight (8) members (three (3) students, two (2) faculty members, two (2) staff members and the Student Government Association Vice President).

### PROCEDURE AND DISPOSITION

- A. Request for Appeal. A student wishing to contest a ticket may appeal using the Rydin online parking management system available through the University Police website. For each violation, an appeal must be submitted within seventeen (17) calendar days after the citation was issued. Should the person charged not pay a violation fee or appeal of the citation within the allotted time period, the appeal process will be forfeited and a \$15.00 late fee will be assessed.
- B. Conduct of Review. All Traffic Appeal Committee meetings shall be closed to the public. The co-chairperson (or designee) shall preside and conduct the business of the review. The committee may request further information from the university police officer or the appealing student with regard to the citation in question.
- C. Review Procedure. The Traffic Appeals Committee will meet regularly during the academic year. It shall make the findings and determinations in an executive session (only members of the committee and advisor present). The committee shall promptly consider each case on its merits, make its findings and determinations, and submit them to the Dean of Students. Results of the appeal will be communicated to the student electronically using the Rydin system in a timely manner. If the student is found not in violation, a waiver shall be made of the penalty fee assessed.

Students who amass unpaid citations will be subject to transcript and registration holds on file with the Business Office, and may be referred to the student conduct process. A student with three or more unresolved citation may be subject to their vehicle being impounded in place.

## Use of Tobacco Products

~~Smoking or other tobacco use, tobacco advertising, tobacco sales, and free distribution of tobacco products are prohibited on the Midwestern State University campus.~~

Midwestern State University seeks to provide a safe, healthy, pleasant environment for its faculty, staff, and students. To this end, the use of tobacco products, including smoke and smokeless tobacco, and the advertising, sale, free distribution, and discarding of tobacco



products shall be prohibited in all indoor and outdoor facilities and in all university vehicles. The policy extends to faculty, staff, students, vendors, guests, and visitors. [Information related to the Use of Tobacco Products policy is available in the Midwestern State University Operating Policy 74.08, Use of Tobacco Products.](#)

#### *Specifications*

1. ~~“Use of tobacco products” shall include~~
  - a. ~~Possession of a lighted tobacco product;~~
  - b. ~~Use of smokeless tobacco products; or~~
  - c. ~~Use of e-cigarettes and other tobacco derived products.~~
2. ~~“Indoor and outdoor facilities and university vehicles” shall include~~
  - a. ~~All university-owned or leased vehicles, including cars, pick-up trucks, vans, box trucks, and carts; or~~
  - b. ~~All private vehicles parked on property owned or leased by Midwestern State University.~~
3. ~~All buildings and facilities owned or leased by Midwestern State University, including residential homes~~
  - a. ~~All outdoor areas owned or leased by Midwestern State University, including the grounds of the Main Campus and the South Campus and the grounds of residential homes owned by the university.~~
4. ~~Exceptions: None~~

#### *Enforcement*

1. ~~It is the responsibility of all members of the campus community and campus visitors to observe the provisions of this policy.~~
2. ~~It is the responsibility of all students, faculty, staff, and campus visitors to uphold the honor of the university by affirming its commitment to this policy.~~
3. ~~Courtesy and consideration will be exercised when informing violators of this policy. No person will be retaliated against for informing others of the policy or asking others to comply with the policy.~~
4. ~~A complaint against a violator who fails to comply with the policy after being asked by another to do so, may be referred to a provost and vice president for academic affairs, vice president, associate vice president, dean, or director. Appropriate disciplinary action may be applied to a violator against whom multiple complaints have been received.~~

## **Withdrawals**

Withdrawals are when a student wishes to be unenrolled from all courses at MSU. A withdrawing student must contact the Office of Student Affairs, preferably in person, to begin the withdrawal process and complete an official withdrawal slip. At the time of withdrawal, a student will be informed of any eligible refund for tuition and fees and any academic consequence of the withdrawal given the timing within a particular term. If a student is unable to withdraw him/herself (i.e. due to medical reasons, etc.), he/she may only be withdrawn by someone who has legal power of attorney for the student. Students living in university housing must move out within 24 hours of withdrawing or being withdrawn from the university.

A student who wishes to un-enroll from all courses at MSU must come to the Office of Student Affairs, located in the Clark Student Center, room 108, to fill out a withdrawal slip. The student will need to bring his/her MSU I.D. Card at the time of withdrawal. Distance education students

may contact the Student Affairs Office via phone to withdraw. Once the withdrawal slip has been completed and signed by the student, copies are distributed to the Registrar's Office, Business Office, and Financial Aid Office. Students unable to withdraw themselves from MSU (due to medical reasons, etc.) may only be withdrawn by someone who has legal power of attorney for the student.

### Refunds

Only students withdrawing before the official first class of the term will receive a 100% refund of tuition and fees. Starting the first day of classes, the refund rate decreases to 80%.

#### *Refund and Repayment Policy Withdrawal Process*

A withdrawing student who has received a prior student loan(s) will be required to visit with the Financial Aid Office, if possible, to complete an online Exit Interview session. A student who is not able to report to campus may have the withdrawal request processed via phone or email but still will be required to complete an online Exit Interview session with the Financial Aid Office. Upon receipt of the withdrawal form in the Financial Aid Office, the appropriate federal and/or state refund calculation will be performed to determine if the student must repay all or part of the aid awarded, as detailed below. Refer to the information below regarding the FEDERAL "RETURN OF TITLE IV AID" POLICY to determine if you will be required to repay any financial aid monies as a result of withdrawal from the University.

A student who withdraws or is administratively withdrawn from Midwestern State University (MSU) may be eligible to receive a refund to all or a portion of the tuition, fees and room/board charges that were paid to MSU for the semester. HOWEVER, if the student received financial aid (federal/state/institutional grants, loans and/or scholarships), all or a portion of the refund may be returned to the financial aid programs. As described below, two formulas (federal and state) exists in determining the amount of the refund. (Examples of each refund calculation will be made available upon request.)

#### *Federal "Return of Title IV Aid" Policy*

The federal refund formula is applicable to any student receiving Title IV aid, which includes the Federal Pell Grant, Federal Supplemental Educational Opportunity Grant, TEACH Grant, Federal Perkins Loan, Federal Direct Loan (Subsidized and/or Unsubsidized), and Federal Direct PLUS Loans (parent or graduate); this refund calculation excludes Federal Work-Study. The federal refund formula provides a return of Title IV aid if the student withdraws, is administratively withdrawn, or voluntarily stops attending all classes before completing more than 60% of the semester. If any refund remains after the required return of the Title IV aid, the refund will then be used to repay other state/institutional grants and/or scholarships, as detailed in the State Refund Policy. If any financial aid funds are released to the student prior to the student's withdrawal via a refund check as a result of a credit balance on the student's account, the student may then be required to repay all or a portion of the financial aid funds that had been previously released to the student. A student not receiving Title IV aid will have his/her refund calculated using only the State Refund Policy, as below. Additional details about these refund policies are available at <https://msutexas.edu/finaid/withdrawal-policy>.

#### *State Refund Policy*

As stated in the current catalog, a student who withdraws from the University will receive a prorated refund of tuition, fees and room/board charges, in accordance with the following schedule:

Fall/Spring Semesters		Summer Term(s)	
Prior to 1st class day	100%	Prior to 1st class day	100%
During the first 5 class days	80%	During the 1st, 2nd or 3rd day	80%
During the second 5 class days	70%	During the 4th, 5th or 6th day	50%
During the third 5 class days	50%	After the 6th day	0%
During the fourth 5 class days	25%		
After the fourth 5 class days	0%		

*Petitioning for a Full (100%) Refund*

To petition for a 100% refund after the first day of classes, students must meet the following requirements:

1. The reason for withdrawing was beyond the student's control (medical, family emergency, etc.);
2. Provide a written statement explaining why the student feels he/she deserves a full refund;
3. Provide supporting documentation to validate the reason for withdrawal (i.e. medical records with date of admittance and release.

Once a student has provided the Office of Student Rights and Responsibilities with the above information/documentation, the information will be provided to the Vice President of Administration and Finance to make the final decision on whether or not the refund petition will be approved.

## **Appendix A; Drug and Alcohol Abuse Prevention Program**

The Drug-Free Schools and Communities Act Amendments of 1989 requires an annual distribution, in writing, to each student for which academic credit will be awarded (regardless of the length of the student's program of study) as well as all employees, and must include the following:

1. Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities;
2. A description of applicable legal sanctions under local, State, or Federal law for the unlawful possession or distribution of illicit drugs and alcohol;
3. A description of health risks associated with the use of illicit drugs and the abuse of alcohol;
4. A description of drug or alcohol counseling, treatment, or rehabilitation or re-entry programs available to students or employees; and
5. A statement of the disciplinary sanctions the University will impose on students and employees and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the applicable standards of conduct.

The following information is provided annually to students and employees of Midwestern State University for their assistance and to comply with provisions of the Act.

### **PREVENTION OF ALCOHOL ABUSE AND ILLICIT DRUG USE AT MIDWESTERN STATE UNIVERSITY**

Midwestern State University has adopted and implemented a program to prevent unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on the campus or as a part of any of its activities. Midwestern State University recognizes the importance of information about drug and alcohol abuse; therefore, this information is designed to provide you with information about university policies and procedures, applicable legal sanctions and health risks associated with alcohol abuse and illicit drug use.

### **STANDARDS OF CONDUCT**

Midwestern State University prohibits the unlawful possession, use, or distribution of alcohol and illicit drugs by employees and students on University property or as a part of any officially sponsored University activity. Policies and procedures adopted by the Board of Regents and Midwestern State University relating to the standards of conduct expected of its students and employees in the area of illicit drugs and alcohol are provided in the Student Handbook and in the university's operating policies and procedures.

## HEALTH RISKS OF ALCOHOL AND DRUGS

### Alcohol's Effects on the Body

Drinking too much – on a single occasion or over time – can take a serious toll on a person's health. Below is information about how alcohol can affect the human mind and body.

#### Brain

Alcohol interferes with the brain's communication pathways, and can affect the way the brain looks and works. These disruptions can change mood and behavior, and make it harder to think clearly and move with coordination.

#### Heart

Drinking a lot over a long time or too much on a single occasion can damage the heart, causing problems including:

- Cardiomyopathy – stretching and drooping of heart muscle
- Arrhythmias – irregular heart beat
- Stroke
- High blood pressure

#### Immune System

Drinking too much can weaken your immune system, making your body a much easier target for disease. Chronic drinkers are more liable to contract diseases like pneumonia and tuberculosis than people who do not drink too much. Drinking a lot on a single occasion slows your body's ability to ward off infections – even up to 24 hours after getting drunk.

#### Liver

Heavy drinking takes a toll on the liver, and can lead to a variety of problems and liver inflammations including:

- Steatosis or fatty liver
- Alcoholic hepatitis
- Fibrosis
- Cirrhosis

#### Pancreas

Alcohol causes the pancreas to produce toxic substances that can eventually lead to pancreatitis, a dangerous inflammation and swelling of the blood vessels in the pancreas that prevents proper digestion.

#### Cancer

Based on extensive reviews of research studies, there is a strong scientific consensus of an association between alcohol drinking and several types of cancer. In its Report on Carcinogens, the National Toxicology Program of the US Department of Health and Human Services lists consumption of alcoholic beverages as a known human carcinogen.

The research evidence indicates that the more alcohol a person drinks—particularly the more alcohol a person drinks regularly over time—the higher his or her risk of developing an alcohol-associated cancer. Based on data from 2009, an estimated 3.5 percent of all cancer deaths in the

United States (about 19,500 deaths) were alcohol related. Clear patterns have emerged between alcohol consumption and the development of the following types of cancer:

- Breast cancer. Epidemiologic studies have consistently found an increased risk of breast cancer with increasing alcohol intake. Pooled data from 118 individual studies indicates that light drinkers have a slightly increased (1.04-fold higher) risk of breast cancer, compared with nondrinkers. The risk increase is greater in moderate drinkers (1.23-fold higher) and heavy drinkers (1.6-fold higher). An analysis of prospective data for 88,000 women participating in two US cohort studies concluded that for women who have never smoked, light to moderate drinking was associated with a 1.13-fold increased risk of alcohol-related cancers (mostly breast cancer).
- Colorectal cancer. Moderate to heavy alcohol consumption is associated with 1.2- to 1.5-fold increased risks of cancers of the colon and rectum compared with no alcohol consumption.
- Esophageal cancer. Alcohol consumption at any level is associated with an increased risk of a type of esophageal cancer called esophageal squamous cell carcinoma. The risks, compared with no alcohol consumption, range from 1.3-fold higher for light drinking to nearly 5-fold higher for heavy drinking. In addition, people who inherit a deficiency in an enzyme that metabolizes alcohol have been found to have substantially increased risks of esophageal squamous cell carcinoma if they consume alcohol.
- Head and neck cancer. Moderate to heavy alcohol consumption is associated with higher risks of certain head and neck cancers. Moderate drinkers have 1.8-fold higher risks of oral cavity (excluding the lips) and pharynx (throat) cancers and 1.4-fold higher risks of larynx (voice box) cancers than non-drinkers, and heavy drinkers have 5-fold higher risks of oral cavity and pharynx cancers and 2.6-fold higher risks of larynx cancers. The risks of these cancers are substantially higher among persons who consume this amount of alcohol and also use tobacco.
- Liver cancer. Heavy alcohol consumption is associated with approximately 2-fold increased risks of two types of liver cancer (hepatocellular carcinoma and intrahepatic cholangiocarcinoma).

Sources: The National Institute on Alcohol Abuse and Alcoholism, National Cancer Institute  
Drugs' Effects on the Body

All controlled substances have abuse potential or are immediate precursors to substances with abuse potential. Below is information about how drugs can affect the human mind and body.

Narcotics (Fentanyl, Heroin, Hydromorphone, Methadone, Morphine, Opium, Oxycodone)

- Effects on the Mind: Besides their medical use, narcotics/opioids produce a general sense of well-being by reducing tension, anxiety, and aggression. These effects are helpful in a therapeutic setting but contribute to the drugs' abuse. Narcotic/opioid use comes with a variety of unwanted effects, including drowsiness, inability to concentrate, and apathy.
- Effects on the Body: Narcotics/opioids are prescribed by doctors to treat pain, suppress cough, cure diarrhea, and put people to sleep. Effects depend heavily on the dose, how it's taken, and previous exposure to the drug. Negative effects include slowed physical activity, constriction of the pupils, flushing of the face and neck, constipation, nausea, vomiting, and slowed breathing. As the dose is increased, both the pain relief and the harmful effects

become more pronounced. Some of these preparations are so potent that a single dose can be lethal to an inexperienced user. However, except in cases of extreme intoxication, there is no loss of motor coordination or slurred speech.

#### Simulants (Amphetamines, Cocaine, Khat, Methamphetamine)

- **Effects on the Mind:** When used as drugs of abuse and not under a doctor's supervision, stimulants are frequently taken to produce a sense of exhilaration, enhance self-esteem, improve mental and physical performance, increase activity, reduce appetite, extend wakefulness for prolonged period, and "get high." Chronic, high-dose use is frequently associated with agitation, hostility, panic, aggression, and suicidal or homicidal tendencies. Paranoia, sometimes accompanied by both auditory and visual hallucinations, may also occur. Tolerance, in which more and more drug is needed to produce the usual effects, can develop rapidly, and psychological dependence occurs. In fact, the strongest psychological dependence observed occurs with the more potent stimulants, such as amphetamine, methylphenidate, methamphetamine, cocaine, and methcathinone. Abrupt cessation is commonly followed by depression, anxiety, drug craving, and extreme fatigue, known as a "crash."
- **Effects on the Body:** Stimulants are sometimes referred to as uppers and reverse the effects of fatigue on both mental and physical tasks. Therapeutic levels of stimulants can produce exhilaration, extended wakefulness, and loss of appetite. These effects are greatly intensified when large doses of stimulants are taken. Taking too large a dose at one time or taking large doses over an extended period of time may cause such physical side effects as dizziness, tremors, headache, flushed skin, chest pain with palpitations, excessive sweating, vomiting, and abdominal cramps.

#### Depressants (Barbiturates, Benzodiazepines, GHB, Rohypnol)

- **Effects on the Mind:** Depressants used therapeutically do what they are prescribed for: induce sleep, relieve anxiety and muscle spasms, and prevent seizures. They also cause amnesia, leaving no memory of events that occur while under the influence, reduce reaction time, impair mental functioning and judgment, and cause confusion. Long-term use of depressants produces psychological dependence and tolerance.
- **Effects on the Body:** Some depressants can relax the muscles. Unwanted physical effects include slurred speech, loss of motor coordination, weakness, headache, lightheadedness, blurred vision, dizziness, nausea, vomiting, low blood pressure, and slowed breathing. Prolonged use of depressants can lead to physical dependence even at doses recommended for medical treatment. Unlike barbiturates, large doses of benzodiazepines are rarely fatal unless combined with other drugs or alcohol. But unlike the withdrawal syndrome seen with most other drugs of abuse, withdrawal from depressants can be life threatening.

#### Hallucinogens (Ecstasy/MDMA, Ketamine, LSD, Peyote & Mescaline, Psilocybin)

- **Effects on the Mind:** Sensory effects include perceptual distortions that vary with dose, setting, and mood. Psychic effects include distortions of thought associated with time and space. Time may appear to stand still, and forms and colors seem to change and take on new significance. Weeks or even months after some hallucinogens have been taken, the user may experience flashbacks — fragmentary recurrences of certain aspects of the drug experience in the absence of actually taking the drug. The occurrence of a flashback is

unpredictable, but is more likely to occur during times of stress and seems to occur more frequently in younger individuals. With time, these episodes diminish and become less intense.

- Effects on the Body: Physiological effects include elevated heart rate, increased blood pressure, and dilated pupils.

### Marijuana/Cannabis

- Effects on the Mind: When marijuana is smoked, the tetrahydrocannabinol (THC) passes from the lungs and into the bloodstream, which carries the chemical to the organs throughout the body, including the brain. In the brain, the THC connects to specific sites called cannabinoid receptors on nerve cells and influences the activity of those cells. Many of these receptors are found in the parts of the brain that influence pleasure, memory, thought, concentration, sensory and time perception, and coordinated movement. The short-term effects of marijuana include problems with memory and learning, distorted perception, difficulty in thinking and problem-solving, and loss of coordination. The effect of marijuana on perception and coordination are responsible for serious impairments in learning, associative processes, and psychomotor behavior (driving abilities). Long term, regular use can lead to physical dependence and withdrawal following discontinuation, as well as psychic addiction or dependence. Clinical studies show that the physiological, psychological, and behavioral effects of marijuana vary among individuals and present a list of common responses to cannabinoids, as described in the scientific literature:
  - Dizziness, nausea, tachycardia, facial flushing, dry mouth, and tremor initially
  - Merriment, happiness, and even exhilaration at high doses
  - Disinhibition, relaxation, increased sociability, and talkativeness
  - Enhanced sensory perception, giving rise to increased appreciation of music, art, and touch
  - Heightened imagination leading to a subjective sense of increased creativity
  - Time distortions
  - Illusions, delusions, and hallucinations are rare except at high doses
  - Impaired judgment, reduced coordination, and ataxia, which can impede driving ability or lead to an increase in risk taking behavior
  - Emotional lability, incongruity of affect, dysphoria, disorganized thinking, inability to converse logically, agitation, paranoia, confusion, restlessness, anxiety, drowsiness, and panic attacks may occur, especially in inexperienced users or in those who have taken a large dose
  - Increased appetite and short-term memory impairment are common
- Effects on the Body: Short-term physical effects from marijuana use may include sedation, bloodshot eyes, increased heart rate, coughing from lung irritation, increased appetite, and decreased blood pressure. Marijuana smokers experience serious health problems such as bronchitis, emphysema, and bronchial asthma. Extended use may cause suppression of the immune system. Withdrawal from chronic use of high doses of marijuana causes physical signs including headache, shakiness, sweating, and stomach pains and nausea. Withdrawal symptoms also include behavioral signs such as restlessness, irritability, sleep difficulties, and decreased appetite.



## Steroids

- **Effects on the Mind:** Case studies and scientific research indicate that high doses of anabolic steroids may cause mood and behavioral effects. In some individuals, steroid use can cause dramatic mood swings, increased feelings of hostility, impaired judgment, and increased levels of aggression (often referred to as “roid rage”). When users stop taking steroids, they may experience depression that may be severe enough to lead one to commit suicide. Anabolic steroid use may also cause psychological dependence and addiction.
- **Effects on the Body:** A wide range of adverse effects is associated with the use or abuse of anabolic steroids. These effects depend on several factors including age, sex, the anabolic steroid used, amount used, and duration of use. In adolescents, anabolic steroid use can stunt the ultimate height that an individual achieves. In boys, steroid use can cause early sexual development, acne, and stunted growth. In adolescent girls and women, anabolic steroid use can induce permanent physical changes, such as deepening of the voice, increased facial and body hair growth, menstrual irregularities, male pattern baldness, and lengthening of the clitoris. In men, anabolic steroid use can cause shrinkage of the testicles, reduced sperm count, enlargement of the male breast tissue, sterility, and an increased risk of prostate cancer. In both men and women, anabolic steroid use can cause high cholesterol levels, which may increase the risk of coronary artery disease, strokes, and heart attacks. Anabolic steroid use can also cause acne and fluid retention. Oral preparations of anabolic steroids, in particular, can damage the liver. Users who inject steroids run the risk of contracting various infections due to non-sterile injection techniques, sharing of contaminated needles, and the use of steroid preparations manufactured in non-sterile environments. All these factors put users at risk for contracting viral infections such as HIV/AIDS or hepatitis B or C, and bacterial infections at the sight of injection. Users may also develop endocarditis, a bacterial infection that causes a potentially fatal inflammation of the heart lining.

## Inhalants

- **Effects on the Mind:** Inhalant abuse can cause damage to the parts of the brain that control thinking, moving, seeing, and hearing. Cognitive abnormalities can range from mild impairment to severe dementia.
- **Effects on the Body:** Inhaled chemicals are rapidly absorbed through the lungs into the bloodstream and quickly distributed to the brain and other organs. Nearly all inhalants produce effects similar to anesthetics, which slow down the body’s function. Depending on the degree of abuse, the user can experience slight stimulation, feeling of less inhibition, or loss of consciousness. Within minutes of inhalation, the user experiences intoxication along with other effects similar to those produced by alcohol. These effects may include slurred speech, an inability to coordinate movements, euphoria, and dizziness. After heavy use of inhalants, users may feel drowsy for several hours and experience a lingering headache. Additional symptoms exhibited by long-term inhalant users include:
  - Weight loss, muscle weakness, disorientation, inattentiveness, lack of coordination, irritability, depression, and damage to the nervous system and other organs
  - Some of the damaging effects to the body may be at least partially reversible when inhalant abuse is stopped; however, many of the effects from prolonged abuse are irreversible.

- Prolonged sniffing of the highly concentrated chemicals insolvents or aerosol sprays can induce irregular and rapid heart rhythms and lead to heart failure and death within minutes. There is a common link between inhalant use and problems in school — failing grades, chronic absences, and general apathy.
- Paint or stains on body or clothing; spots or sores around the mouth; red or runny eyes or nose; chemical breath odor; drunk, dazed, or dizzy appearance; nausea; loss of appetite; anxiety; excitability; and irritability

Source: Drugs of Abuse, US Department of Justice Drug Enforcement Administration Resource Guide, 2017 Edition

## DRUG AND ALCOHOL ABUSE COUNSELING SERVICES

Trained personnel in the MSU Counseling Center are available to counsel university students who voluntarily seek assistance and have not been charged with violation of university policy.

## DRUG AND ALCOHOL PREVENTION AND EDUCATION PROGRAMS

The university places considerable emphasis on prevention programs, teaching basic behavioral skills, increasing awareness of the dangers of high- risk behavior, and aiming to shift social norms and correct misperceptions about what substance safety risk behaviors students are actually engaging in. Following is a listing of relevant prevention and education initiatives.

### AlcoholEdu, Office of the Dean of Students

AlcoholEdu is a 1.5 hour online training program required of all incoming MSU Texas undergraduates under the age of 25. Entering undergraduates 25 and older and graduate students are invited to complete the training, but not required. A required student is ineligible to register for the subsequent long semester courses until the training is complete. The training incorporates the latest evidence-based prevention methods to create a highly engaging user experience that inspires students to reflect on and consider changing their drinking habits in addition to providing strategies for staying safe while in college.

### AlcoholEdu (Sanctions Module), Office of Student Rights and Responsibilities

AlcoholEdu for Sanctions is designed specifically to help students who have violated campus alcohol policies to make safer and healthier choices and to avoid experiencing alcohol related problems again. The course provides a strong educational foundation to support campus judicial programs and is an essential component of a comprehensive alcohol prevention initiative. The course re-emphasizes the skills and topics important for this particular group of students to reconsider, such as standard drink measurements, factors affecting blood alcohol content and how to identify and respond to alcohol poisoning. The goals for this course are to help educate students to make different drinking choices and reduce their participation in behaviors that will lead to additional sanctions.

### Campus Safety Program at Orientation, Admissions & Student Leadership and Involvement

New students participating in freshman and transfer orientation programs prior to the semester, including online orientation, early orientation, and Mustangs Roundup, receive information about

campus safety. Information includes university policies, reporting options, confidential resources, and educational programs that pertain to alcohol, drugs, and sexual misconduct.

#### College Connections, Tutoring and Academic Support Programs

College Connections is a first-year seminars for new undergraduates. The curriculum includes a unit on wellness discussing the harmful effects of substance abuse. Students also receive a more intimate look at the resources on campus and in our local community relevant to wellness should they ever need to seek help. Instructors also build in reminders to complete the University's Think About It training program to help ensure students complete their modules on alcohol, drug, and sexual misconduct awareness.

#### Community Partners Program, Vinson Health Center

Multiple community resources address various aspects of health problems generated by behavioral issues. Our community partners program systematically coordinates the student health center with the Public Health Department. This has provided coordinated STI testing and tracking, free condom distribution, and on-campus presence of public health for STI screening on HIV/AIDS Awareness Day. We also coordinate education on STI's by providing continuing education credits to addiction professionals, juvenile justice workers, professional counselors, marriage and family counselors, and social workers. We have also established an expedited counseling, testing, and treatment program with the HIV Preventive Services Office, providing onsite, immediate services for patients with a positive HIV screening test.

#### Conduct Referrals, Residence Life and Housing

Residence Life and Housing makes multiple student conduct referrals on the basis of alleged alcohol or drug violations. In addition to following University conduct procedures in these instances, an educational approach helps connect students with supportive campus partners, such as the Counseling Center, as applicable.

#### Internal Awareness and Intervention Program, Vinson Health Center

MSU provides discrete detection, prevention, and treatment to students at the Vinson Health Center. Every student is screened for emotional concerns, alcohol use, tobacco use, and substance use; positive answers are followed by motivational interviewing and treatment as indicated. We have developed an expedited STI screening process that is RN directed. The STI screening process involves interview, counseling, testing, and a sexual health product bag. Monthly well woman classes provide accurate and practical knowledge regarding women's health, STI's, and gynecologic issues. We provided office space for a counselor from First Step in the clinic and coordinated private appointments for the counselor.

#### Marijuana 101, Office of Student Rights and Responsibilities

Marijuana 101 is an online course used for sanctioning pursuant to violations of the University drug policy. The course provides an exploration of a student's attitudes, behaviors, and risk levels related to marijuana use. The lessons provide an overview of marijuana's effects on the body, the laws related to marijuana, and how to reduce or stop marijuana use.

#### Mustangs Shuttle and MESA Bus Service, Office of the Dean of Students

The Mustangs Shuttle and MESA is a service provided by the City of Wichita Falls, which offers free shuttle rides to and from the university while classes are in session. The Mustangs Shuttle

operates Monday-Thursday until 10pm, while the MESA operates Friday-Saturday until midnight.

#### New Member Institute, Student Leadership and Involvement

Each semester, all new members of Greek-letter organizations participate in a series of educational programs through the New Member Institute intended to educate new members about the responsibilities of fraternity and sorority life membership, and bring awareness to the important topics of alcohol, drugs, hazing, sexual misconduct, diversity/inclusion, and scholarship.

#### Outreach Presentations, Counseling Center

Programs are planned and presented on request by student organizations on topics including safe partying and substance abuse. Organizations which are members of the fraternity and sorority system at the University typically request a program annually.

#### Outreach/Education Program, Vinson Health Center

As health experts, we both provide and participate in educational opportunities beyond the clinic walls. These include education on STI's and on contraception provided each semester to senior nursing classes, sociology classes (human sexuality), and to incoming freshmen. Vinson Health Center staff have participated in educational activities to enhance understanding of the Clery Act, VAWA, Title IX, and hosted an in-service by the local SANE nurse program. Vinson Health Center staff has provided expertise on STI's and women's health to the combined sororities on campus, and has contributed to National Women's Day and other Campus Climate activities.

#### Psycho-Educational Substance Abuse Counseling, Counseling Center

Group therapy sessions centered on the issues of alcohol and drug use are available monthly and presented by a Licensed Chemical Dependency Counselor. Referrals to the sessions are made through the Counseling Center.

#### Residence Hall Programming, Residence Life and Housing

Residence Life staff focus programming through a traditional wellness model. Alcohol and drug awareness programming are included in this model each semester. Resident Assistants and Hall Directors are the primary staff members responsible for hosting these events within their respective residence hall.

#### Safe Spring Break, Residence Life and Housing

Residence Life and Housing conducts a campus-wide spring break safety program each March titled to promote healthy student behaviors during spring break. Alcohol and drug information is included in this annual program.

#### Sexual Assault Awareness Month, Title IX Office

Each April, collaborative programming is offered to raise awareness and enhance prevention of sexual misconduct/assault. These programs include speakers, workshops, trainings, and information campaigns. Included in many of these programs is information about the interrelationship between alcohol use and sexual misconduct, as well as the role alcohol/drugs play in determining affirmative consent.

#### Speakers/Performances, Counseling Center & Title IX Office

Each year, the Counseling Center and/or Title IX Office sponsors a major program for students, which includes content on awareness/abuse.

#### Step-Up Bystander Intervention Training, Athletics

Each academic year, student-athletes attend the Step-Up Bystander Intervention Training. The Step-Up Bystander Intervention Training is an interactive in-person training that encourages prosocial behavior and educates students to be proactive in helping others. It received a NASPA Goldaward and recently was identified as a 'Best Practice' by the NCAA Sports Science Institute of national and international scholars.

#### Student-Athlete Development, Athletics

The Athletic department provides various types of life skills workshops to enhance the lives of student-athletes. The Drug and Alcohol Prevention program is one that focuses on the negative effects drugs and alcohol have on the human body as it pertains to athletics. These educational workshops provide the opportunity for student-athletes to ask questions and become more knowledgeable about the services available to them on campus.

#### Student Organization Risk Management Training, Student Leadership and Involvement

Student organization leaders are required to complete annual Risk Management training. Alcohol is a specific topic included in the training. The training focuses on building knowledge and skill amongst student organization leaders to minimize and address risk and enhance the health and safety of students and other members of the MSU community.

#### Student Success Series, First2Go

The student success series provides student programs on various topics important to undergraduate student success. A program titled Sex, Drugs, Alcohol and Everything in Between by Julia Garcia was presented to students and included stories of real life experiences of excessive partying that ultimately led to a sexual assault, death of a best friend and infamous night that almost took the entire college experience away completely.

### DISCIPLINARY SANCTIONS

Where violation of the MSU Drug-Free Schools and Communities Act Policy is found, the university will, in accordance with established procedures of Midwestern State University, take appropriate disciplinary action against such students or employees, up to and including expulsion or termination of employment. The University may require such students or employees to participate satisfactorily in an off-campus drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency. The cost of such programs, not covered by applicable insurance, shall be borne by the individual.

Students or employees found in violation of university policy or Local, State, or Federal law regarding the use, possession, or distribution of alcohol or other drugs (as defined by the Texas Health and Safety Code, Chapter 481, Texas Controlled Substances Act, and the Texas Alcoholic Beverage Code, Chapter 1) will be subject to legal penalty in addition to any appropriate university personnel or disciplinary action(s).

## University Disciplinary Sanctions for Students

VIOLATION: Minor in Possession/Consumption of Alcohol or Housing Alcohol Policy Violation	POSSIBLE DISCIPLINARY SANCTIONS
First Offense (possible sanctions include, but are not limited to)	Participation in an alcohol education course, at the student's expense unless provided through the University Authorship of a research/reflection essay Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)
Second Offense (possible sanctions include, but are not limited to)	Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor's evaluation Authorship of a research/reflection essay Fine of \$100 Notification of parents/guardians of students under the minimum legal drinking age of 21 Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)
Third and Subsequent Offenses (possible sanctions include, but are not limited to)	Suspension or expulsion from University housing and/or the University Fine of \$200 Notification of parents/guardians of students under the minimum legal drinking age of 21 Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)

VIOLATION: Purchasing, Selling or Providing Alcohol to Minors	POSSIBLE DISCIPLINARY SANCTIONS
First Offense (possible sanctions include, but are not limited to)	Participation in an alcohol education course at the student's expense, unless provided through the University Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor's evaluation Authorship of a research/reflection essay Fine of \$100 Notification of parents/guardians of students under the minimum legal drinking age of 21 Suspension from University housing Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)
Second Offense (possible sanctions include, but are not limited to)	Suspension or expulsion from the University Notification of law enforcement authorities Fine of \$200 Notification of parents/guardians of students under the minimum legal drinking age of 21 Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)

VIOLATION: Driving Under the Influence/Driving While Intoxicated	POSSIBLE DISCIPLINARY SANCTIONS
First Offense (possible sanctions include, but are not limited to)	Loss of driving and/or parking privileges on campus for a specified period of time Participation in an alcohol education course, at the student's expense, unless provided through the University Authorship of a research/reflection essay Fine of \$100 Notification of parents/guardians of students under the minimum legal drinking age of 21 Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)
Second Offense (possible sanctions include, but are not limited to)	Suspension or expulsion from University housing and/or the University Notification of law enforcement authorities Fine of \$200 Notification of parents/guardians of students under the minimum legal drinking age of 21 Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)

VIOLATION: Possession of Drug Paraphernalia or Housing Drug Policy Violation	POSSIBLE DISCIPLINARY SANCTIONS
First Offense (possible sanctions include, but are not limited to)	Participation in a drug education course, at the student's expense, unless provided through the University Authorship of a research/reflection essay Notification of parents/guardians of students under 21 years of age Notification of law enforcement authorities Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)
Second Offense (possible sanctions include, but are not limited to)	Expulsion from University housing Notification of parents/guardians of students under 21 years of age Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor's evaluation Authorship of a research/reflection essay Fine of \$100 Notification of law enforcement authorities Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)
Third Offense (possible sanctions include, but are not limited to)	Expulsion from the University Notification of parents/guardians of students under 21 years of age Fine of \$200 Notification of law enforcement authorities Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)



VIOLATION: Possession or Use of Drug Illegal Drugs	POSSIBLE DISCIPLINARY SANCTIONS
First Offense (possible sanctions include, but are not limited to)	<p>Expulsion from University housing</p> <p>Suspension from the University for a period of not less than the remainder of the semester in which the infraction occurred</p> <p>Participation in a drug education course, at the student's expense, unless provided through the University</p> <p>Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor's evaluation</p> <p>Authorship of a research/reflection essay</p> <p>Notification of parents/guardians of students under 21 years of age</p> <p>Fine of \$100</p> <p>Notification of law enforcement authorities</p> <p>Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)</p>
Second Offense (possible sanctions include, but are not limited to)	<p>Expulsion from the University</p> <p>Notification of parents/guardians of students under 21 years of age</p> <p>Fine of \$200</p> <p>Notification of law enforcement authorities</p> <p>Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)</p>

VIOLATION: Manufacture, Sale or Distribution of Illegal Drugs	POSSIBLE DISCIPLINARY SANCTIONS
First Offense (possible sanctions include, but are not limited to)	<p>Expulsion from University housing</p> <p>Suspension from the University for a period of not less than the remainder of the semester in which the infraction occurred</p> <p>Notification of parents/guardians of students under 21 years of age</p> <p>Fine of \$100</p> <p>Notification of law enforcement authorities</p> <p>Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)</p>
Second Offense (possible sanctions include, but are not limited to)	<p>Expulsion from the University</p> <p>Notification of parents/guardians of students under 21 years of age</p> <p>Fine of \$200</p> <p>Notification of law enforcement authorities</p> <p>Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)</p>

PENALTIES UNDER STATE OF TEXAS LAW

OFFENSE	LEGAL SANCTIONS AND PENALTIES UNDER TEXAS LAW
Manufacture or delivery of controlled substances (drugs)	<p>Minimum: Fine not to exceed \$10,000 and confinement in jail for a term of not more than 2 years and not less than 180 days.</p> <p>Maximum: Fine not to exceed \$250,000 and imprisonment in TDC for life or for a term of not more than 99 years nor less than 15 years.</p>
Possession of controlled substances (drugs)	<p>Minimum: Confinement in jail for a term of not more than 180 days, a fine not to exceed \$2,000, or both.</p> <p>Maximum: Confinement in TDC for life or for a term of not more than 99 years or less than 10 years, and a fine not to exceed \$250,000.</p>
Delivery of marijuana	<p>Minimum: Confinement in jail for a term of not more than 180 days, a fine not to exceed \$2,000, or both.</p> <p>Maximum: Confinement in TDC for life or for a term of not more than 99 years or less than 10 years, and a fine not to exceed \$100,000.</p>
Possession of marijuana	<p>Minimum: Confinement in jail for a term of not more than 180 days, a fine not to exceed \$2,000, or both.</p> <p>Maximum: Confinement in TDC for life or for a term of not more than 99 years or less than 5 years, and a fine not to exceed \$50,000.</p>
Driving while intoxicated (includes intoxication from alcohol, drugs, or both)	<p>Fine up to \$10,000; Jail time between 3 days and 1 year; State prison time between 2 years and 10 years; Annual surcharge up to \$2000 for 3 years to keep your license; DWI intervention or education programs; Possible ignition interlock device.</p>
Public Intoxication: Minors Purchase of alcohol by a minor Consumption of alcohol by a minor Possession of alcohol by a minor	<p>Class C Misdemeanor, punishable by a fine up to \$500; Alcohol awareness class; 8 to 40 hours community service; 30-180 days loss or denial of driver's license.</p>
Selling or providing alcohol to a minor	<p>Class A misdemeanor, punishable by a fine up to \$4,000, confinement in jail for up to a year, or both. Driver's license automatically suspended for 180 days upon conviction.</p> <p>The state penalties described above are based on applicable State of Texas statutes and are subject to change at any time by the Texas Legislature and the Governor of Texas. Please refer to the applicable State of Texas statute for additional information.</p>

PENALTIES UNDER FEDERAL LAW

OFFENSE	LEGAL SANCTIONS AND PENALTIES UNDER FEDERAL LAW
<p>Manufacture, distribution, or delivery of controlled substances (drugs)</p>	<p>Minimum: Punishable by up to 3 years in prison and fine up to \$250,000.</p> <p>Maximum: Punishable by a term of life imprisonment without release (no eligibility for parole) and a fine not to exceed \$8,000,000 for an individual or \$20,000,000 (if other than an individual).</p>
<p>Possession of controlled substances (drugs)</p>	<p>Minimum: Punishable by up to 1 year in jail and minimum fine of \$1,000.</p> <p>Maximum: Punishable by up to 3 years in prison and fine up to \$5,000 plus costs of investigation and prosecution.</p>
<p>Distribution of controlled substances (drugs) to a person under 21 years of age</p>	<p>Minimum: Punishable by double the federal penalty for distribution of drugs. Maximum: Punishable by triple the federal penalty for distribution of drugs.</p> <p>The federal penalties described above are based on applicable federal statutes and are subject to change at any time by the US Congress and the President of the United States. There are additional factors in the federal sentencing guidelines, including various enhancement provisions for prior offenses. Title 21 U.S.C. Section 860 provides that the federal statutory penalties double (and in some cases triple) when a controlled substance is distributed (or even possessed with intent to distribute) within 1,000 feet of a school or a public university. Please refer to the applicable federal statute for additional information.</p>

## Appendix B: Information Supplementing the University Sexual Misconduct Policy

In addition to the information provided in the university Sexual Misconduct Policy, students should know that rape is a crime and should be reported to civil authorities. Rape is often thought of as a violent attack on a woman by a madman who uses a weapon to threaten his victim, but this description does not apply to the majority of rapes that take place in the United States. "Victims of rape and sexual assault report that in nearly 3 out of 4 incidents, the offender was not a stranger...two thirds of the victims 18 to 29 years old had a prior relationship with the rapist" (Greenfield, 1997). Therefore, university students are more likely to be victimized by someone they know, and perhaps trust, than by someone who is a stranger. Both men and women can be victims. Non-consensual intercourse by a person one knows is defined as *date rape* or *acquaintance rape*, both of which are as serious a crime as stranger rape.

### FREQUENTLY ASKED QUESTIONS

The following are some of the most commonly asked questions regarding the university's Sexual Misconduct Policy and procedures.

a) *Does a complaint remain confidential?*

Reports made to licensed counselors, health service providers, victim services advocates and clergy will be kept confidential. Other reports are considered private. The privacy of all parties to a complaint of sexual misconduct will be maintained, except insofar as it interferes with the university's obligation to fully investigate allegations of sexual misconduct. Where information is shared, it will still be tightly controlled on a need-to-know basis. Dissemination of information and/or written materials to persons not involved in the complaint procedure is not permitted. In all complaints of sexual misconduct, the reporting party will be informed of the outcome. In some instances, the administration also may choose to make a brief announcement of the nature of the violation and the action taken, to the community, though personally identifying information about the victim will not be shared. Certain university administrators are informed privately (e.g., the President of the University, Title IX Coordinator, Vice President for Student Affairs, Dean of Students, Chief of Police, Director of Student Rights and Responsibilities, Director of the Counseling Center, etc.). The university must statistically report the occurrence on campus of any major violent crimes, including certain sex offenses, in an annual report of campus crime statistics. This statistical report does not include personally identifiable information.

b) *Will my parents/guardians be told?*

No, not unless you tell them. Whether you are the reporting party or the accused student/responding party, the university's primary relationship is to the student and not to the parent/guardian. However, in the event of major medical or conduct action, or academic jeopardy, students are strongly encouraged to inform their parents. University officials may directly inform parents when requested to do so by a student, or in a life-threatening situation, or if an accused student has signed the permission slip at registration which allows such communication.

c) *Do I have to name the alleged perpetrator?*

Yes, if you want formal conduct action to be taken against the alleged perpetrator. No, if you choose to respond informally and do not file a formal complaint. One should consult the complete privacy policy described in Section 12: Sexual Misconduct Policy of the *Code of Student Conduct* to better understand the university's legal obligations regarding information which is shared with various university officials.

d) *What should I do if I am accused of sexual misconduct?*

First, do not contact the alleged victim. You may immediately want to contact someone in the campus community who can act as your advisor. You may also contact the Director of Student Rights and Responsibilities, Director of Human Resources, or Title IX Coordinator who can explain the university's procedures for dealing with sexual misconduct complaints. You may also want to talk to a confidential counselor in the Counseling Center.

e) *What should I do about legal advice?*

Victims of criminal sexual assault need not retain a private attorney to seek prosecution because legal issues will be handled through a representative from the local District Attorney's office. You may want to retain an attorney if you are the accused student/responding party or are considering filing a civil action against the alleged perpetrator.

f) *What should I do about changing university housing rooms?*

If you want to move, or have the accused student moved, you may request a room change through the Residence Life Room Change policy or contacting the Director of Residence Life & Housing. Room changes under these circumstances are considered emergencies. It is the university's policy that in emergency room changes, the student is moved to the first available suitable room. Other accommodations available to you might include:

1. Assistance from university support staff in completing the relocation;
2. Arranging to dissolve a housing contract and pro-rating a refund;
3. Exam, paper or assignment rescheduling;
4. Taking an incomplete in a class;
5. Transferring class sections;
6. Academic withdrawal; and/or
7. Alternative course completion options.

g) *What should I do to preserve evidence of a sexual assault?*

Physical information of a sexual assault must be collected within about 120 hours of the assault for it to be useful in a criminal prosecution. If you believe you have been a victim of a sexual assault, you should go to a hospital emergency room before washing yourself or your clothing. A sexual assault health professional (a specially trained nurse called a SANE) at the hospital is on call and will counsel you. If you go to the hospital, local police will be called but you are not obligated to talk to the police or to prosecute. The exam will help to keep that option open for you should you decide later to exercise it.

The hospital staff will collect information, check for injuries and address the possibility of exposure to sexually transmitted infections. If you have changed clothing since the assault, bring the clothing you had on at the time of the assault with you to the hospital in a clean, sanitary container such as a clean paper grocery bag or wrapped in a clean sheet. (Plastic containers do not breathe, and may render forensic information useless.) If you have not changed clothes, bring a change of clothes with you to the hospital, if possible, as they will likely keep the clothes you are wearing as information. You can take a support person with you to the hospital, and they can accompany you through the exam, if you want. Do not disturb the crime scene—leave all sheets, towels, etc. that may bear information for the police to collect.

h) *Will either party's prior use of drugs and/or alcohol be a factor when reporting sexual misconduct?*

No, not unless there is a compelling reason to believe that prior use or abuse is relevant to the present complaint.

- i) *Will a student be sanctioned when reporting an act of sexual misconduct if the student has illegally used drugs or alcohol?*

No. The university offers amnesty in such situations. The seriousness of sexual misconduct is a major concern and the university does not want any of the circumstances (e.g., drug or alcohol use) to inhibit the reporting of sexual misconduct.

- j) *What should I do if I am uncertain about what happened?*

If you believe that you have experienced non-consensual sexual contact or intercourse, but are unsure of whether it was a violation of the university's sexual misconduct policy, you should contact the Title IX Coordinator, Associate Vice President for Student Affairs, or Director of Human Resources. The university employs licensed counselors in the Counseling Center and the community offers confidential victim advocates from First Step, Inc. These individuals can help you to define and clarify the event(s), and advise you of your options.

## RISK REDUCTION TIPS

Tips like these tend to make victims feel blamed if a sexual assault occurs. It is never the victim's fault, and these tips are offered in the hope that recognizing patterns can help men and women to reduce the risk of victimization. That said, only a rapist or an empowered bystander can intervene to prevent a rape or assault. Generally, an assault by a known offender will follow a four-step pattern:

- a) An individual's personal space is violated in some way. For example, the perpetrator may touch the victim in a way that does not feel comfortable.
- b) If the victim does not express discomfort, the perpetrator may begin to view the victim as an easy target because she/he is not acting assertively.
- c) The perpetrator may take the victim to a location that is secluded and where the victim is vulnerable.
- d) The victim feels trapped or unable to be assertive and is raped or assaulted.

Decisive action early in an encounter may be the key to avoiding rape. An individual who can combine assertiveness and self-defense skills, who is self-confident and definite in his/her interactions with others, is less likely to become a victim of rape. If the individual can assertively defend his/her rights initially, he/she has a better chance of avoiding being raped than does a person who resorts to techniques such as pleading or trying to talk the perpetrator out of it. If you find yourself in an uncomfortable sexual situation, these suggestions may help you to reduce your risk:

- a) Make your limits known before things go too far.
- b) Give clear messages. Say "yes" when you mean yes and "no" when you mean no. Leave no room for misinterpretation. Tell a sexual aggressor "NO" clearly and loudly, like you mean it.
- c) Try to extricate yourself from the physical presence of a sexual aggressor.
- d) Grab someone nearby and ask for help.
- e) Be responsible for your alcohol intake/drug use and realize that alcohol/drugs lower your sexual inhibitions and may make you more vulnerable to someone who views a drunk or high person as a sexual opportunity.
- f) Watch out for your friends and ask that they watch out for you. A real friend will get in your face if you are about to make a mistake. Respect them if they do.

- g) Be aware of any nonverbal messages you may be sending that conflict with what you are saying. Notice your tone of voice, gestures and eye contact.
- h) Be forceful and firm when necessary. Don't be concerned with being polite. Your passivity may be interpreted as permission or approval for this behavior.
- i) Do not acquiesce to something you do not want just to avoid unpleasantness. Do not allow "politeness" to trap you in a dangerous situation. This is not the time to be concerned about hurt feelings.
- j) Trust your feelings or instincts. If a situation does not feel comfortable to you or you feel anxious about the way your date is acting, you need to respond. Leave immediately if necessary.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- a) Do not make assumptions about:
  1. Consent;
  2. Someone's sexual availability;
  3. Whether a person is attracted to you;
  4. How far you can go; or
  5. Whether a person is physically and mentally able to consent to you.
- b) Clearly communicate your intentions to your sexual partner and give him/her a chance to clearly relate his/her intentions to you.
- c) Mixed messages from your partner should be a clear indication that you should step back, defuse the sexual tension, and communicate better. Perhaps you are misreading your partner. Perhaps your partner has not figured out how far he/she wants to go with you yet. You need to respect the timeline with which your partner is comfortable.
- d) Do not take advantage of someone's drunkenness or drugged state, even if he/she did it to him/herself.
- e) Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Do not abuse that power.
- f) Understand that consent to some forms of sexual behavior does not necessarily imply consent to other forms of sexual behavior.
- g) On this campus, silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.
- h) Do not force someone to have sex with you, or have sex with a partner who has not clearly consented to you by words or actions unmistakable in their meaning.

## REFERENCES

Greenfield, L.A. (1997). Sex offenses and offenders [Electronic version]. *U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics*. Retrieved July 26, 2010, at <http://bjs.ojp.gov/content/pub/pdf/SOO.PDF>.

## Appendix C: University and Community Resources for Victims of Sexual Misconduct

### Midwestern State University Campus Resources

Title IX Coordinator

Laura Hetrick, Director and Coordinator of Title IX

**(940) 397-4213**

[laura.hetrick@msutexas.edu](mailto:laura.hetrick@msutexas.edu)

Deputy Title IX Coordinator for Students

Kristi Schulte, Director of Residence Life and Housing

**(940) 397-4217**

[kristi.schulte@msutexas.edu](mailto:kristi.schulte@msutexas.edu)

Deputy Title IX Coordinator for Employees

Dawn Fisher, Director of Human Resources

**(940) 397-4221**

[dawn.fisher@msutexas.edu](mailto:dawn.fisher@msutexas.edu)

University Police

~~Patrick Coggins~~ [Steven Callarman](mailto:steven.callarman@msutexas.edu), Chief of Police

**(940) 397-4239**

~~[patrick.coggins@msutexas.edu](mailto:patrick.coggins@msutexas.edu)~~ [steven.callarman@msutexas.edu](mailto:steven.callarman@msutexas.edu)

Counseling Center

Dr. Pam Midgett, Director

**(940) 397-4618**

[pam.midgett@msutexas.edu](mailto:pam.midgett@msutexas.edu)

~~Vinson Health Center~~

~~Dr. Keith Williamson, Medical Director and University Physician~~

~~**(940) 397-4231**~~

~~[keith.williamson@msutexas.edu](mailto:keith.williamson@msutexas.edu)~~

### COMMUNITY RESOURCES

First Step, Inc. - First Step provides comprehensive, confidential services to victims of sexual assault and domestic and family violence, including an abuse prevention program. Their services are offered free of charge and include a 24-hour crisis hotline, 24-hour emergency shelter, confidential counseling, legal advocacy, and emergency transportation. The hotline phone number is (800) 658-2683. The regular office phone number is (940) 723-7799. First Step is located at 624 Indiana Avenue, Suite #304, Wichita Falls, TX 76301.

United Regional Health Care System

1600 Eleventh Street

Wichita Falls, TX 76301

(940) 764-7000

Kell West Regional Hospital

5420 Kell Boulevard

Wichita Falls, TX 76310

(940) 692-5888





# **ATTACHMENT**

## **4**

**TTU Student Handbook 2023-24  
with proposed revisions  
(CONSENT Item f.)**

TEXAS TECH UNIVERSITY

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**STUDENT HANDBOOK**

20223 - 20224



**TEXAS TECH UNIVERSITY**  
**STUDENT HANDBOOK 2022-2023**

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**Appendix**

Appendix A: Definitions

## **General Purpose**

### **FOREWORD**

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

The University has a responsibility to maintain order within the University community and to discipline those who violate its standards, rules, and/or policies. Enrollment requires students to share this responsibility. Students are responsible for knowing the information, policies and procedures outlined in this document. Students agree to abide by the standards, rules and/or policies set forth in this *Student Handbook*, the Undergraduate Catalog and other official University publications, as well as the *Texas Education Code*. Student organizations also agree to follow these standards, rules, and/or policies. The University or its representative may amend this document at any time without notice. Neither this handbook nor the *Code of Student Conduct* constitutes a contract.

The University reserves the right to make changes to this *Code* as necessary and once those changes are posted online, they are in effect. Students are encouraged to check online [<http://www.depts.ttu.edu/dos/handbook>] for the updated versions of all policies and procedures. Students are also informed of changes to the *Code of Student Conduct* by electronic notification outlets and/or official campus publications. The *Student Handbook* was approved by the Board of Regents on ~~May~~ ~~August 5~~ ~~11~~, 2022~~3~~, to be effective ~~May~~ ~~August 5~~ ~~11~~, 2022~~3~~.

### **Membership in the TTU Community**

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

### **Texas Tech University Vision**

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

### **Texas Tech University Mission**

As a public research University, Texas Tech advances knowledge through innovative and creative teaching, research, and scholarship. The University is dedicated to student success by preparing learners to be ethical leaders for a diverse and globally competitive workforce. The University is committed to enhancing the cultural and economic development of the state, nation, and world.

*Approved by the Texas Tech University Board of Regents on May 14, 2010.*

### **Texas Tech Statement of Ethical Principles**

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

### **School of Law, School of Veterinary Medicine, and Texas Tech University Health Sciences Center**

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*.

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 Honor Code of the School of Law will be resolved by the Vice Provost [for Student Life](#) 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~~ [which](#) may be found here [under Student Resources](#): <https://www.depts.ttu.edu/vetschool/academics/policies/>  
<https://www.depts.ttu.edu/vetschool/academics/resources/policies-procedures/index.php>

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 [for Student Life](#) and the Dean of the respective school.

Students enrolled in the Schools of Health Professions, Medicine, Nursing, Pharmacy, ~~or~~ Public and Population Health, or the Graduate School of Biomedical Sciences, and organizations registered with the Texas Tech University Health Sciences Center are ~~subjected~~ to the TTUHSC Student Handbook/Code of Professional Conduct.

## Conduct

### PART I CODE OF STUDENT CONDUCT

#### SECTION A: STUDENT CONDUCT MISSION AND POLICIES

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

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

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 ~~the students'~~ moral and ethical decision-making of students who have violated the policies and to help ~~them~~ bring their behavior into accord with our community's 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 Life 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/Vice Provost for Student Life (DOS/VPSL), ~~Managing Director~~Assistant Dean of Students/Senior Director (ADOS/SD) of the Office of Student Conduct or designee and the Title



| IX Administrator and designee, ~~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 responsibility (i.e., “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~~ DOS/VPSL, the ~~Managing Director~~ ADOS/SD 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, ~~the~~ Office of Fraternity & Sorority Life, ~~Center for Campus Life~~ the Student Involvement Office, and University Student Housing. The investigator may assist the Resource Person or Committee Chairperson during the hearing.

Commented [GJ1]: Does this need to change at all?

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~~ ADOS/SD 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~~ ADOS/SD 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, ~~the~~ 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~~ ADOS/SD 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, ~~and~~ 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 ~~from~~<sup>for</sup> 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~~<sup>ADOS/SD</sup> 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~~<sup>ADOS/SD</sup> 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 a member of the Hearing Panel by the ~~Managing Director~~<sup>ADOS/SD</sup> or designee and ~~is~~<sup>are</sup> 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~~<sup>ADOS/SD</sup> 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~~<sup>ADOS/SD</sup> 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~~<sup>ADOS/SD</sup> 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~~ADOS/SD 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~~ADOS/SD 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~~ADOS/SD or designee will review and approve or deny student requests for removal of a Panel Member.

6. Panel Hearings

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

7. Panel Hearing Deliberation

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

8. Additional Hearing Panel Members

The ~~Managing Director~~ADOS/SD 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 Life~~DOS and DOS/VPSL. 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 Life 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 Life 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~~ADOS/SD 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~~ [ADOS/SD](#) 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~~ [ADOS/SD](#) 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 ~~to~~ 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~~ [DOS/VPSL](#) or ~~Managing Director~~ [ADOS/SD](#) 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 [which 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. 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 [dispositive](#) evidence in a University conduct proceeding.

Determinations made and/or sanctions imposed as a result of University disciplinary proceedings ~~will~~ [may](#) 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 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. 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 ~~mediums~~ [media](#). 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~~ [actively monitor](#) 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 [the](#) 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/](http://www.raiderlink.ttu.edu/).

Student organizations are provided notice through the organization's spokesperson via the notification procedures described above. In most cases, the organization's spokesperson is the President of the organization. However, organizations may appoint an alternate spokesperson to formally represent the organization. A student organization spokesperson must be a currently enrolled Texas Tech University student who is a member of the responding organization. The spokesperson may not be an alumni advisor, chapter advisor, faculty/staff advisor, national or international headquarters volunteer or staff member, or coach. Student organizations may only appoint one spokesperson for each case and must inform the University in the event that the appointed spokesperson is not the President of the organization.

#### **4. Timelines**

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

The Office of Student Conduct and/or the Office for Student Rights & Resolution will make every effort to complete the process as quickly as possible. Timelines may vary depending on the availability of individuals participating in the process, availability of evidence, delays for concurrent criminal investigations, breaks between academic semesters, and other delays.

#### **5. Standards of Evidence**

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

#### **6. Reporting Allegations of Misconduct**

To file allegation(s) of misconduct against student(s) or student organization(s), individuals should complete an online incident report form. The written allegation should describe the action or behavior in question. Individuals may also file a report in person at the Office of Student Conduct, located in suite 211 of the Student Wellness Building. Staff are also available in the Office of the Dean of Students to take initial reports of allegations and assist with conduct

processes. The Office of Student Conduct also regularly reviews reports submitted from Texas Tech University faculty and staff, University Student Housing, and the Texas Tech Police Department.

To submit a concern regarding a student organization or to file an allegation of misconduct against a student organization or its members, individuals (faculty, staff, students, organization members, parents, community members or other parties) may complete an online form.

Individuals may also file a report in person with the ~~Center for Campus Life~~ [Student Life Office](#), 201 203 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.

Commented [GJ2]: Does this need to change to Student Involvement Office or anything?

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~~ [University](#) policy.

To file allegations of misconduct against a student or student organization that involves gender or sex based harassment, the individual(s) should complete an online incident report form. The written allegation should describe the action or behavior in question. Individuals may also file a report in person at the Office for Student Rights & Resolution Student Union Building Room 232E.

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

## 7. **Confidentiality**

Texas Tech University is committed to ensuring confidentiality during all stages of the student conduct process. If students are unsure whether they want to involve family or friends, and are not yet certain whether they want to report to the police or the University, there are resources available, both on and off campus, that offer confidential assistance and support. Information about the TTU Student Counseling Center can be found at [www.depts.ttu.edu/scc/](http://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. Reporting Criminally

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

### 12. Amnesty

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

- 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 be reviewed 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.
- d. 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.
- e. 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.
- f. A student may not receive amnesty for reporting the student's own act of hazing of at least one or more others.
- g. 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 ADOS/SD](#) 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 ADOS/SD](#) 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, –stealing, transporting, attempting to buy or sell, buying, 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 [fraudulent](#) 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. Falsifying research data, laboratory reports, and/or other academic work offered for credit.
11. Failing to comply with instructions given by the person administering the academic work, test, quiz or other assignment.

#### b. Plagiarism/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. 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

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.

c. Assault

Intentionally, recklessly, or knowingly causing physical harm to another individual and/or causing physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or as harmful.

d. Threats

Any act or communication (written, oral, or otherwise) a reasonable person would interpret as a serious expression of intent to injure the health, safety, or property of a person(s) and/or inflict bodily harm upon a person(s), including intimidation to cause injury, implied threats or acts that cause a reasonable fear of harm.

***NOTE:** Examples may include but are not limited to, threats of mass violence, issuing a bomb threat, constructing mock explosive devices, etc., against any person, group of people, or property.*

e. Intimate partner/relationship violence/dating violence

For the purposes of this policy, see Part I, Section D.

f. Harassment

Conduct that is so severe, pervasive, and objectively offensive that it deprives a reasonable person access to education or the intended benefits of the University's resources and opportunities. Such conduct may include, but is not limited to, bullying and cyberbullying. 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.*

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.

h. 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.*

i. Sexual Misconduct

For the purposes of this policy, see Part I, Section 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*

k. Discriminatory Harassment



For the purposes of this policy, see Part I, Section D.

l. Retaliatory 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.

m. Complicity or Knowingly Present

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

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

**3. Alcoholic Beverages**

Unlawful or unauthorized possession, use, distribution, delivery, or sale of alcohol and/or public intoxication; consumption that endangers oneself; or operating a vehicle while intoxicated or under the influence of alcohol.

**4. Narcotics or Drugs**

Possession, use, sharing, furnishing or distribution of illegal drugs, intoxicants, controlled substances and/or drug paraphernalia; including the distribution, use or possession of prescription medications contrary to a valid prescription; being under the influence of illegal drugs, intoxicants, and/or controlled substances.

**5. Smoking, Vaping, and/or Tobacco Use**

Smoking, vaping, and/or tobacco use (including smokeless tobacco) in unauthorized areas on University property as designated by the Texas Tech University [smoke-free and tobacco-free environment policy](#) (OP 60.15). This includes the unlawful possession, use or distribution of products containing nicotine.

**6. Firearms, Weapons and Explosives**

Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals or use of any item, in a manner that attempts to harm others.

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

**7. Flammable Materials/Arson**

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

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

- a. Attempted or actual theft of property or services, including, but not limited to property or services of the University, other University students, other members of the University community, campus visitors or others.
- b. Possession of property known to be stolen or belonging to another person without the owner's permission.
- c. Attempted or actual damage to property including, but not limited to property owned or leased by the University, by other University students, by other members of the University community, by campus visitors or others
- d. Littering (as defined by the State of Texas Health and Safety Code, Section 365.011.6) on grounds owned or leased by the University, by other University students, other members of the University community, campus visitors, or others.
- e. 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. 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.

**12. Failure to Comply**

- a. Failure to comply with reasonable directives of a University official acting in the performance of their duties.
- b. Failure to present student identification on directive or identify oneself to any University official acting in the performance of their duties.
- c. Any intentional, retaliatory, or adverse action taken by a respondent individual or third party, absent legitimate nondiscriminatory purposes, against a party or supporter of a party to a Misconduct or Sexual Misconduct proceeding or other protected activity under this *Code of Student Conduct*.
- d. Failure to comply with the sanctions imposed by the University under the *Code of Student Conduct* or the Student Handbook.

*NOTE: Examples include but are not limited to directives from the Office of the Dean of Students staff, Office of Student Conduct staff, Title IX staff, University Student Housing staff, Texas Tech University Police Department, Athletic staff, and others.*

**13. Abuse, Misuse, or Theft of University Information Resources**

“Information resources” means procedures, equipment, and software that are employed, designed, built, operated, and maintained to collect, record, process, store, retrieve, display, and transmit information, and associated personnel including consultants and contractors (as defined by Texas Government Code §2054.003(7)). Per Texas statutes, TTU information resources are strategic assets of the state of Texas that must be managed as valuable state resources. Unauthorized use of University information resources is prohibited, and may be subject to criminal prosecution in addition to disciplinary sanctions pursuant to the *Code of Student Conduct*. Usage of TTU information resources may be subject to security testing and monitoring, and users have no expectation of privacy except as otherwise provided by applicable privacy laws. Use of information resources, regardless of location or method of access, is also subject to the Information Technology Security Policies (<http://depts.ttu.edu/infotech/security/>), University Operating Policies, and other applicable laws. Abuse, misuse, or theft of University information resources includes, but is not limited to the following:

- a. Unauthorized use of University information resources including, but not limited to, confidential and/or sensitive information and passwords, including the unauthorized sharing of confidential and/or sensitive information or passwords with individuals who

have not been granted access to University information resources.

b. Use of University information resources:

1. For unauthorized or nonacademic purposes including, but not limited to, illegal access, attempted or actual unauthorized accessing, copying, transporting or installing programs, records, data, or software belonging to the University, another user, or another entity, and/or illegal activity (e.g., sharing copyrighted materials or media).
2. To violate Part I, Section B.2 of the *Code of Student Conduct* (Actions against Members of the University Community and Others).

c. Attempted or actual:

1. Breach of the security of another user's account and/or computing system, depriving another user of access to TTU information resources, compromising the privacy of another user or disrupting the intended use of TTU information resources.
2. Use of TTU information resources to interfere with the normal operation of the University.
3. Use of TTU information resources for unauthorized political or commercial purposes, or for personal private 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. 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.

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

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

*NOTE: Refer to University Parking Services Regulations at <http://www.parking.ttu.edu/Resources/pdf/rulesregulations.pdf>*

**16. Interference with Expressive Activities**

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

*NOTE: See also Code of Student Conduct Part II, Section H – Freedom of Expression Activities & Section Q – Use of University Space*

**17. Violation of Published University Policies, Rules or Regulations**

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

- a. Transportation & Parking Services
- b. University Student Housing
- c. Recreational Sports
- d. Student Organization and Fraternity and Sorority Life
- e. Texas Tech University Board of Regents' Rules
- f. Texas Tech University Operating Policies and Procedures
- g. Community Policies of the Student Handbook
- h. [TTU Athletics](#)
- i. [Texas Tech University System Regulations](#)

h-

**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 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 [dispositive](#) evidence in or resolve a university conduct proceeding.

**19. Abuse of the Discipline System**

- a. Falsification, distortion, or misrepresentation of information in disciplinary proceedings.
- b. Disruption or interference with the orderly conduct of a disciplinary proceeding.
- c. Filing an allegation known to be without merit or cause.
- d. Discouraging or attempting to discourage an individual's proper participation in or use of the disciplinary system.
- e. 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.
- f. 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~~ DOS/VPSL or the ~~Managing Director~~ ADOS/SD 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~~ ADOS/SD or designee may proceed with the conduct process (even if the complainant(s) chooses not to participate) on a case-by-case basis if the alleged behavior involves pattern, predation, threat, or violence (PPTV) that may significantly impact the campus community and others.*

### **1. Remedies and Resources**

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

#### **a. Resources**

Texas Tech University has a variety of resources to assist students involved in conduct processes or experiencing concerns related to other student conduct. Resources include, but are not limited to assistance in reporting criminal behavior to the Texas Tech Police Department or Lubbock Police Department, counseling services, medical assistance, academic support referrals, and other support services. The Office of the Dean of Students is also available to help students understand the student conduct process and identify

resources.

b. Interim Actions

Under the *Code of Student Conduct*, the ~~Managing Director~~ADOS/SD 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~~ADOS/SD 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~~ADOS/SD 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~~ minimize 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(s) are not sanctions; ~~such action(s). It is~~ are taken in an effort to protect the safety and well-being of the Complainant, Respondent, and/or other members of the University Community. Interim action(s) is/are preliminary in nature; it is in effect only until the conduct process has been completed. However, violations of interim action may result in additional ~~allegations-violations~~ 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~~ADOS/SD 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~~ [ADOS/SD](#) 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~~ [ADOS/SD](#) 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 may~~ results in immediate temporary suspension:

- i. 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;
- ii. 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;
- iii. Criminal felony charges related to weapons, drugs, aggravated assault, and/or terroristic threats;
- iv. Severe disruption in the academic community related to erratic behavior, threats, property damage, and/or ~~verbal aggression speech~~ with another student [which loses legal protection](#), where the offending student is uncooperative with staff requests;
- v. Violation of a No Contact Order;
- vi. Retaliatory harm, discrimination, or [conduct that meets the legal definition of 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~~ [ADOS/SD](#) 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~~ [ADOS/SD](#) or designee. At the discretion of the ~~Managing Director~~ [ADOS/SD](#) 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

##### i. Grounds for Removal

The Investigator or another University agent acting in accordance with his/her duties may recommend to the ~~Dean of Students~~ [DOS/VPSL](#) 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~~ [DOS/VPSL](#), it is determined that:

1. The student has willfully disrupted the orderly operation of the premises, and;
2. The student's presence on the campus or facility constitutes a substantial and material threat to the orderly operation of the premises.
3. If the ~~Dean of Students~~ [DOS/VPSL](#) 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~~ [DOS/VPSL](#) and the Texas Tech Police Department. The ~~Dean of Students~~ [DOS/VPSL](#) 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.

ii. Registration Flag Following Withdrawal of Consent

1. When a student is withdrawn under this section, an administrative hold will be placed on the student's readmission to the University. This administrative hold will remain on the student's records until the student is readmitted.

*NOTE: See Texas Education Code, sections 51.233-51.244*

**2. Referral Meeting**

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

**3. Voluntary Resolution**

In any matter governed by the *Code of Student Conduct*, the parties (usually the Complainant and Respondent) may mutually agree to attempt to resolve the matter prior to conclusion of the conduct process through a Voluntary Resolution process. The procedures utilized in the Voluntary Resolution process must be agreed upon by the parties with concurrence from the [Managing Director ADOS/SD](#) 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 ADOS/SD](#) 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 anytime 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~~ 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 conduct procedure and/or failure to appear will not prevent an

Investigator from proceeding with the conduct process.

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. A student has the right to:

- i. A prompt, fair, and equitable process;
- ii. Be accompanied by an advisor to any meeting or Hearing. An advisor can be any one of the following: a member of the 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~~ ADOS/SD 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.
- iii. 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.*

- iv. The opportunity to provide information and evidence in support of his/her case;
- v. Know if they have been issued any allegations of misconduct;
- vi. Know the range of sanctions that may be imposed for a conduct violation, if one is alleged and found to have occurred;
- vii. Know the Texas Tech University conduct policies and procedures, and where to find them;
- viii. Know that any information provided by the student may be used in a conduct proceeding;
- ix. 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.

b. It is the student's responsibility to:

- i. Be responsive to all correspondence from the University;
- ii. Provide information relevant to the incident or situation;
- iii. Be honest and provide true and accurate information during the Investigation;
- iv. Review the *Code of Student Conduct* in order to fully understand all aspects of the student conduct process.

c. Investigation

The ~~Managing Director~~ [ADOS/SD](#) 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.

d. 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.

e. 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/DOS/VPSL](#) or [Managing Director/ADOS/SD](#) 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/ADOS/SD](#) 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.

f. Hearings

Upon completion of the initial inquiry/Investigation, after the allegation(s) have been assigned,

and proper notice has been given to the student, the University may proceed to conduct either an Administrative or a Panel Hearing and issue a finding and accompanying sanctions, if applicable. The Administrative or Panel Hearing may be held and a decision made, regardless of whether the student responds, fails to respond, attends the Hearing, or fails to attend the Hearing. Should the student fail to attend the Administrative or Panel Hearing, the Investigator or the Hearing Panel may consider the information contained in the Investigation Report and render a decision. If the student accepts responsibility for the allegations issued in the Investigation Report the student may request a Sanction Only Hearing. Arrangements can be made for either party to participate electronically/[remotely](#), 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.

i. Administrative Hearing

1. 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~~ [ADOS/SD](#) 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.

ii. Panel Hearing

1. For each Panel Hearing, a Panel of three (3) members will be chosen from the available pool by the ~~Managing Director~~ [ADOS/SD](#) 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 ADOS/SD](#) 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 ADOS/SD](#) 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.

- a. The Panel Resource Person may:
  - i. Prepare the Administrative Panel Hearing materials;
  - ii. Record the Administrative Panel Hearing proceedings;
  - iii. Escort participants into the Hearing room, grant breaks for participants, and distribute evidentiary materials;
  - iv. Ensure proper decorum throughout the Administrative Panel Hearing;
  - v. Ensure the procedural soundness of the Administrative Panel Hearing;
  - vi. Provide student conduct history of the Respondent during the sanctioning phase, if necessary;
  - vii. Transcribe the findings of the Administrative Panel Hearing;
  - viii. Compile the post- Hearing documentation,
  - ix. Deliver notification to student parties.

The Investigator will present the Investigation Report, evidence, witnesses, allegation(s), and questions for deliberation. The Complainant and Respondent may make an opening statement about key points of the case. During the opening statement phase of the conduct process, the Complainant and the Respondent may not make character statements about themselves or others and may not make impact statements. Likewise, the Complainant and Respondent may make additional comments about the facts of the case. The Panel may ask questions of the Investigator, Complainant, Respondent, and any witnesses. The Complainant and Respondent may not question each other or witnesses directly, but may pose questions through the Investigator. Should new evidence be presented without prior discussion with the Investigator, the Hearing may be halted to consider the inclusion of this information. Impact statements will also be halted if they are shared prior to the sanctioning phase of the Hearing. In the event the Resource Person of the Hearing removes a student due to misconduct (Complainant, Respondent, or witnesses) [during the Hearing](#),



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.*

iii. Sanction Only Hearing

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

*Note: A student may only choose a Hearing Panel for Sanction Only Hearings for potentially separable offenses.*

g. 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 <http://www.depts.ttu.edu/studentconduct>. The grid is provided only as a guideline for

administering sanctions by the Investigator, Administrative Hearing Officer, or the Hearing Panel. The Investigator, Administrative Hearing Officer and/or the Hearing Panel may deviate from the grid for sufficient reason.

***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 School Heightened and Secondary Outcomes Policy is located here: [Heightened Secondary Outcomes Policy | School of Law | TTU](#).*

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 ADOS/SD](#) 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 ADOS/SD](#) or designee, the effective date of the student's sanction(s) will be delayed pending the outcome of the appeal. However, upon the judgment of the [Managing Director ADOS/SD](#) 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:

- i. 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. The student remains in good disciplinary standing during this time.

ii. 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. The student is not in good disciplinary standing during this time period.

iii. 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~~ [ADOS/SD](#) 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~~ [ADOS/SD](#) 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~~ [ADOS/SD](#) or designee may recommend denial of readmission of a student. On denial of a student's readmission, the ~~Managing Director~~ [ADOS/SD](#) or designee will set a date when another application for readmission may again be made. An administrative hold will be placed on the student's record to prevent registration during the Disciplinary Suspension.

**NOTE:** For information pertaining to academic courses taken at another higher education institution during time-limited disciplinary suspension, please refer to OP 34.21 located at <http://www.depts.ttu.edu/opmanual/OP34.21.pdf>

iv. 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~~ [ADOS/SD](#) 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.

h. 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:

- i. Personal and/or academic counseling intake session;
- ii. Discretionary educational conditions and/or programs of educational service to the University and/or community;
- iii. Residence hall relocation and/or contract review/cancellation of residence hall contract and/or use of dining facilities;
- iv. Restitution or compensation for loss, damage or injury, which may take the form of appropriate service and/or monetary or material replacement;
- v. Monetary assessment owed to the University;
- vi. Completion of an alcohol or drug education program;
- vii. Referral to the BASICS Program for assessment.

i. 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:

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

j. Academic Penalties

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

- i. Assignment of a grade for the relevant assignment, exam, or course;
- ii. Relevant make-up assignments;
- iii. No credit for the original assignment;
- iv. Reduction in grade for the assignment and/or course;
- v. Failing grade on the assignment;
- vi. Failing grade for the course;
- vii. Dismissal from a departmental program;
- viii. Denial of access to internships or research programs;

- ix. Loss of appointment to academically-based positions;
  - x. Loss of departmental/graduate program endorsements for internal and external fellowship support and employment opportunities;
  - xi. Removal of fellowship or assistantship support.
- k. 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~~ [ADOS/SD](#) or designee.*

## 5. **Conduct Appeal Procedures**

A student may appeal the finding or the sanction(s) imposed in an Administrative Hearing or Panel Hearing by submitting a written petition to the ~~Managing Director~~ [ADOS/SD](#) 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~~ [DOS/VPSL](#), ~~Managing Director~~ [ADOS/SD](#), 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. A procedural [or substantive error] occurred 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 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:

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

The Office of Student Conduct shall make all reasonable efforts to simultaneously notify the parties 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.*

**NOTE:** *Law students found responsible under the University's Code of Conduct by the Office for Student Conduct may appeal the decision by following the guidelines for appeal set forth in the University's Code.*

*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](#)*

**6. Former Student Conduct & Readmission**

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

A student who has had an administrative hold placed on their records under this section must request readmission from the [Managing Director ADOS/SD](#) 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 ADOS/SD](#) 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 ADOS/SD](#) 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~~ 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 TTU OP 40.03 and Texas Tech University System Regulation 07.06, 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. 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.

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 of 120 business days, 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 System Regulation 07.06.A, and Non-Title IX Sexual Misconduct is addressed in accordance with System Regulation 07.06.B. The Title IX Coordinator or designee will assume



responsibility for determining which policy should be utilized to address a report of Sexual Misconduct and will coordinate the appropriate processes. The following flowchart will be utilized to assist the Title IX Coordinator in 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.
  - i. 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.
  - ii. 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:
    1. Resistance: pushing hands away, pulling away from partner
    2. Body going limp or freezing up
    3. Crying
    4. Wincing
  - iii. Other points regarding consent:
    1. A person is not required to actively resist their aggressor.
    2. A person’s intentional use of alcohol/drugs neither negates nor diminishes the initiator’s responsibility to acquire consent before engaging in sexual activity.
    3. Consent has an expiration date. Consent on Thursday does not mean consent on Friday.
    4. 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.
    5. 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.
- d. Revocation of Consent – One partner can revoke their consent at any time. Revocation must be clearly communicated verbally and/or non- verbally. Once a partner has

- revoked consent, the sexual activity must stop. If sexual activity continues after the other partner has revoked their consent, a sexual assault has occurred.
- e. 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.
  - f. 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.
  - g. 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.
  - h. 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.
  - i. Incapacitation – A state of being that prevents an individual from having capacity to give consent. Incapacitation includes, but is not limited to:
    - i. Age: A minor cannot consent to engage in sexual activity. In Texas, the legal age of consent is 17.
    - ii. 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.
    - iii. 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.
  - j. Informal Resolution – An alternative to the Grievance Process that may be offered and facilitated by the University following the filing of a Formal Complaint and upon the voluntary, written consent of the parties
  - k. Investigative Report – A report that summarizes the relevant evidence based upon the completion of an Investigation conducted under the Grievance Process.
  - l. Public Indecency – Engaging in private or sexual acts in a publicly viewable location, such that it is offensive to accepted standards of decency including, but not limited to:
    - i. Exposing one’s genitals or private areas;
    - ii. Public urination;
    - iii. Defecation; and/or
    - iv. 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. Non-Title IX Sexual Misconduct

- i. Interpersonal Violence – For purposes of this policy, Interpersonal Violence is:
  1. 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.
  2. 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.
- ii. 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:
    - a. Intentional contact with the breasts, buttock, groin, or genitals;
    - b. Touching another with any of these body parts;
    - c. Making another touch you or themselves with or on any of these body parts; or
    - d. Any other intentional bodily contact in a sexual manner
- iii. 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.
- iv. Sexual Exploitation – Taking nonconsensual or abusive sexual advantage of another for the benefit of oneself or a third party. Prohibited behavior includes, but is not limited to:
  1. Purposeful recording, distribution, or dissemination of sexual or intimate images or recordings of another person without that person's full knowledge or consent;
  2. Sexual voyeurism;

3. Inducing another to expose one's genitals or private areas;
  4. Prostituting another; or
  5. Knowingly exposing someone to or transmitting a sexually transmitted disease without the party's full knowledge and consent.
- v. 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.
- vi. 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
- q. 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.
- r. 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.
- s. 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. Sexual Harassment that is:
    1. 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;
    2. 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:
      - a. "Sexual Assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v);
      - b. "Dating Violence" as defined in 34 U.S.C. 12291(a)(10)
      - c. "Domestic Violence" as defined in 34 U.S.C. 12291(a)(8) or
      - d. "Stalking" as defined in 34 U.S.C. 12291(a)(30).
- t. 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, Title IX Training and Outreach Coordinator, 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. Title IX Training and Outreach Coordinator – A trained University staff member who oversees training and outreach activities for the campus community. The Title IX Training and Outreach Coordinator also serves as the Hearing Coordinator and a member of the Case Management Team.
- d. 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.
- e. 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 or serve as Title IX Advisors.

- f. SCRSM Business Assistant – A staff member who assists with day to day operations of the office.

### 3. **Sexual Misconduct Allegations**

The following constitute allegations that may be assigned under the Title IX and Non-Title IX Sexual Misconduct Policy.

- a. 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:

- i. Sexual Harassment-

- 1. 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.
- 2. 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:
  - a. Sexual Assault- An offense classified as a forcible or nonforcible sex offense.
  - b. 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.
  - c. Nonforcible sex offense- Unlawful, nonforcible sexual intercourse including incest and statutory rape.

*Note:(For complete definitions of forcible and nonforcible sex offenses, please see System Regulation 07.06.A)*

- d. 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.
- e. 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.

- f. 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.

b. Non-Title IX Sexual Misconduct

- i. Intimate Partner / Relationship Violence/Dating Violence For the purposes of this policy, Interpersonal Violence is:

1. 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.
2. 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.
3. 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.
4. Nonconsensual Sexual Contact - Intentional sexual touching, however slight and with any object or part of one's body, of another's private areas without consent. Sexual Contact includes:
  - a. Intentional contact with the breasts, buttock, groin, or genitals;
  - b. Touching another with any of these body parts;
  - c. Making another touch you or themselves with or on any of these body parts; or
  - d. Any other intentional bodily contact in a sexual manner.
5. Nonconsensual Sexual Intercourse - Sexual penetration or intercourse, however slight, with a penis, tongue, finger, or any object, and without consent. Penetration can be oral, anal, or vaginal.

This can include intentional removal of a condom or other protective measure during intercourse without the consent of the partner.

6. 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.
7. 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.
8. 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.
9. 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.
  - b. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.



- c. Complicity or Knowingly Present
  - i. Assisting via acts or omissions another student, individual, or group in committing or attempting to commit a violation of the *Code of Student Conduct*
  - ii. Complicity with or failure of any organized group to address known or obvious violations of the *Code of Student Conduct* by its members.
  - iii. 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.
- d. Discriminatory Harassment – In a student-on-student context, 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, pervasive, and objectively offensive 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.
- e. Failure to Comply
  - i. Failure to comply with reasonable directives of a University official acting in the performance of their duties.
  - ii. Failure to present student identification on directive or identify oneself to any University official acting in the performance of their duties.
  - iii. 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*.
  - iv. Failure to comply with the sanctions imposed by the University under the *Code of Student Conduct* or the Student Handbook.
- f. Retaliatory Discrimination or Harassment – Any intentional, adverse action taken by an individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant [or supporter of a participant] in a conduct process, civil rights grievance proceeding, or other protected activity.

**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.

a. 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.

- i. Filing an incident report (a report that is not a Formal Complaint) allows the institution to provide Supportive Measures to all Parties and does not necessarily result in the initiation of a Grievance Process. Students who report incidents involving themselves will be offered individualized Supportive Measures.
- ii. Filing an incident report online: A report can be made by visiting the online reporting form via the University Title IX & Sexual Misconduct website ([http://www.depts.ttu.edu/titleix/students/Report\\_an\\_Incident.php](http://www.depts.ttu.edu/titleix/students/Report_an_Incident.php)). This report can also be completed anonymously. Please note that reporting anonymously may limit the university's ability to stop the alleged conduct, collect evidence or initiate the Grievance Process.
- iii. Contacting a SCRSM 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.
  1. Title IX Coordinator- Dr. Kimberly Simón; Student Union Building 232, 806.834.1949, [kimberly.simon@ttu.edu](mailto:kimberly.simon@ttu.edu) or [titleix@ttu.edu](mailto:titleix@ttu.edu)
  2. Case Manager- Meredith Holden; Student Union Building Room 232; 806.834.5556, [meredith.holden@ttu.edu](mailto:meredith.holden@ttu.edu)
  3. CARE Coordinators- Student Union Building Room 232; 806.742.7233
- iv. Complete a report via mail: Reports of incidents of Sexual Misconduct may be mailed to Kimberly Simón, Box 42031, Lubbock, TX 79409.
- v. 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 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 232.

- vi. 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**

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 the 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, 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.

Supportive Measures 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.

a. 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.

**SCRSM staff will make all reasonable efforts to communicate directly with students prior to the issuance of a No Contact Order. A No Contact Order will not be issued in incidents involving a Complainant or Respondent who is not a student at the University.**

b. 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 opportunity to challenge the decision in writing to the Title IX Coordinator immediately following the removal. The University maintains discretion in altering and removing terms of the Emergency 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 Life](#) 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.

c. **Non-Student Supportive 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 participating in the Grievance Process, a student will be provided a [Student Rights and Responsibilities document](#). This document will be reviewed and acknowledged 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

their choice during all meetings, proceedings, and/or disciplinary Hearings at which the individual is present. CARE Coordinators may also attend any meeting or Hearing in addition to the student's advisor.

a. A student has the right to:

- i. 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 business 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;
- ii. 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;
- iii. File a Formal Complaint to begin the Grievance Process;
- iv. Be accompanied by an advisor to any meeting or Hearing.
- v. 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. 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.*

- vi. The opportunity to provide information and evidence in support of their case;
- vii. Receive a written copy of the Notice of Formal Complaint relevant to their case, and have adequate time to prepare for interviews;
- viii. Access and utilize Supportive Measures whether or not a Formal Complaint is filed;
- ix. Know the range of sanctions that may be imposed for a *Code of Student Conduct* violation;
- x. Know the Texas Tech University Grievance Process, where to find it, and have SCRSM staff answer any questions;
- xi. Know that any information provided by the student may be used in a Grievance Process; and
- xii. Know that if a student makes any false or misleading statements during the Grievance Process, that student could be subject to disciplinary action.

b. It is the student's responsibility to:

- i. Be responsive to all correspondence from the University;
- ii. Provide information they wish to be included that is relevant to the incident or situation. The Investigator will not accept investigative materials, statements, evidence, directly from an advisor of choice and will not communicate with the advisor of choice on behalf of a student;
- iii. Present their own information throughout the Grievance Process. Advisors are not permitted to participate directly unless authorized by a University Official;
- iv. Be honest and provide true and accurate information during the Grievance Process; and
- v. Review the *Code of Student Conduct* in order to fully understand all aspects of the Grievance Process.

c. **Advisors**

All students involved in the Grievance Process have the right to be accompanied by one advisor of choice to any meeting or Hearing. The Advisor must sign, and adhere to, the Advisor Expectation document. An advisor may be, but is not required to be, an attorney. If an advisor for a student is an attorney, an attorney from the Office of General Counsel may attend any meeting or Hearing.

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. 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.

In Title IX Sexual Misconduct Cases, each Complainant and Respondent must have an advisor present at the Hearing, and each is entitled to select an advisor of their choice. Each party must inform the University at least ten (10) days prior to the Hearing whether the party intends to select and bring an advisor of their choice to the Hearing. If a Complainant or Respondent does not have an advisor of their choice present at the Hearing, the University will provide without fee or charge to that party, an advisor of the University's choice. Advisors appointed or provided by the University shall act only in a capacity as an advisor for the Title IX Grievance Process and not in a capacity as legal counsel for any party. The advisors' only permissible roles at the Hearing are to advise the party and to conduct cross-examination on behalf of that party.

**7. 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. Amnesty will not be extended in situations where substances were used to facilitate sexual misconduct. Abuse of amnesty provisions can result in a violation of the *Code of Student Conduct*. The *Code of Student Conduct* amnesty provisions do not influence criminal proceedings or charges.

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. 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.

#### **8. Responding to Incident Reports**

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 Supportive 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.

##### **a. Intake**

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 Supportive 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 Supportive 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 attempt to inform the Complainant of the decision to investigate, or not investigate, the reported incident.

When an initial report of misconduct by a third party does not identify the involved parties or the involved parties are not available, SCRSM will attempt to identify the unknown parties.

***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.*

b. 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 three (3) business days 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.

c. 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.

i. Mandatory Dismissal- SCRSM shall dismiss a Formal Complaint in the following situations:

1. For Title IX Sexual Misconduct

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

2. For Non-Title IX Sexual Misconduct

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

ii. Permissive Dismissal- SCRSM 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.

iii. 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*.

iv. Appeal of Dismissal Decision- Any party can appeal the dismissal decision following the criteria and procedures listed below under Section D.10 - *Appeals*.

v. Right to Consolidate Complaints- The University may consolidate Formal Complaints as to allegations of Title IX Sexual Misconduct: (1) against more than one Respondent, (2) by more than one Complainant against one or more Respondents, or (3) by one party against the other party, where the allegations of Title IX Sexual Misconduct arise out of the same facts or circumstances.

d. 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 *Code of Student Conduct* by committing sexual harassment, sexual assault, dating violence, or stalking, the institution:

- i. May not end the disciplinary process or issue a transcript to the student until the institution makes a final determination of responsibility; and
- ii. Shall expedite the institution's disciplinary process as necessary to accommodate both the Respondent's and Complainant's interest in a speedy resolution.
- iii. 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.

After a Formal Complaint has been filed and 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.

e. General Requirements of the Grievance Process

- i. Equitable Treatment of Parties: The University shall treat Complainants and Respondents equitably by: (a) offering Supportive Measures, (b) providing remedies to a Complainant where a determination regarding responsibility for Title IX Sexual Misconduct has been made against the Respondent, (c) executing the Grievance Process in compliance with this Section before the imposition of any disciplinary sanctions or other actions that are not Supportive Measures against the Respondent; and (d) providing the parties with the same opportunities to have others present during any proceeding under the Grievance Process, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.
- ii. No Conflicts of Interest: The Grievance Process requires the Title IX Coordinator, Investigator, Hearing Panel members, appeal officers, and facilitators of an Informal Resolution process be free of conflicts of interest or bias against a party.
- iii. Presumption of Non-Responsibility; Standard of Evidence. There will be a presumption that the Respondent is not responsible for the alleged conduct until

a determination regarding responsibility is made at the conclusion of the Grievance Process. The standard of evidence under the Grievance Process shall be a preponderance of the evidence.

- iv. Objectivity: Credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness. The University shall require an objective evaluation of all relevant evidence, both inculpatory and exculpatory.
- v. Privileged Information: The University, Complainant, Respondent, Title IX Coordinator, Investigator, Hearing Panel members, or facilitators of an Informal Resolution process cannot require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege and the University has obtained that party's voluntary, written consent to do so for the Grievance Process under this regulation. Such privileged documents include, among other things, documents that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party.

#### **9. Title IX Sexual Misconduct Grievance Process**

This section applies exclusively to Title IX Sexual Misconduct. Any other form of Sexual Misconduct is governed by section 10 below.

a. Notices:

University will provide notices as required, including but not limited to:

- i. Notice of Formal Complaint: The University shall provide written notice to Complainant and Respondent upon receipt of a Formal Complaint with sufficient details known at the time and with sufficient time to prepare a response before an initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Title IX Sexual Misconduct, and the date and location of the alleged incident, if known. Such notice shall also include notice of the following: (a) this Grievance Process, including the University's Informal Resolution process; (b) that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Grievance Process; (c) that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney; (d) that the parties may inspect and review evidence; and (e) any applicable provision in the University's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the Grievance Process.
- ii. Non-response to Formal Complaint: 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.

- iii. Notice of Additional Allegations: If additional allegations are later included within the scope of the investigation under this Grievance Process, supplemental notice of such allegations shall be provided at that time.
- iv. Notice to All Parties of Hearings, Interviews, or Meetings. The University shall provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all Hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
- v. Written Notice Via University Email. Any person entitled to written notice under this regulation will receive such notice to their University email address. In the event a person is entitled to notice who does not have a University email address, written notice will instead be provided to an email address provided by such person.

b. Investigation of Formal Complaint

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 may not have access to evidence provided to or in possession of the Texas Tech Police Department. Students involved in the Grievance Process should provide to the Investigator any evidence they wish to be included in the Investigative report.

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 has the right to exclude any purported expert witness who intends to present non-relevant evidence from participation in the Grievance Process. The University retains the discretion to determine whether the content presented by an expert witness falls within the scope of their expertise, the relevance of that content to the Investigation, and whether or not the witness is in fact an expert in the field. Investigators cannot compel witnesses to cooperate with the Investigation process and do not have subpoena powers which could be used to collect evidence. 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 their 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 their advisor in electronic format or hard copy, for their review and written response, at least ten (10) days prior to the Hearing. Comments will be submitted as a supplement to the Investigation Report. 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 may 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.

c. Resolution Phase

Options for resolving Formal Complaints under the Title IX Sexual Misconduct Grievance Process include:

i. 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. 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. The Informal Resolution will be binding and final with no opportunity to appeal

ii. Hearings

If the Formal Complaint is not dismissed or resolved by Informal Resolution, then the Formal Complaint will proceed to a live Hearing. Complainants and Respondents will first complete the Pre-Hearing Process.

1. 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:

- a. Prepare Hearing materials;
- b. Record the Hearing proceedings;
- c. Escort participants into the Hearing room, grant breaks for participants, and distribute materials;
- d. Ensure proper decorum throughout the Hearing;
- e. Ensure the procedural soundness of the Hearing;
- f. Provide the conduct history of the Respondent during the sanctioning phase, if necessary;
- g. Transcribe the findings of the Hearing Panel;
- h. Compile the Post-Hearing documentation;

- i. 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.*

In preparation for the Pre-Hearing Meeting, 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. Complainants and Respondents will meet with their Resource Person to complete the Pre-Hearing Meeting. 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 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 may result in a Hearing.

Students may indicate whether a 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 a 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 Hearing, the student should inform the Resource Person and the Resource Person will inform the Investigator immediately. If the new information is relevant 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.

## 2. Hearings

Upon completion of the Pre-Hearing, the University may proceed to a Hearing and issue a finding and accompanying Sanctions, if applicable. 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. 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.

## 3. 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, and 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.

Each Complainant and Respondent must 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); and any party's medical, psychological, or similar records (unless the party has given voluntary, written consent).

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 University will provide the written determination to the parties simultaneously within five (5) University working days. 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.

4. Sanction Only Hearing

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

iii. Sanctions

A Hearing Panel may impose sanctions as a result of a Title IX Sexual Misconduct Panel Hearing when a student is found responsible.

The potential sanctions are listed in the Sanctioning Grid on the Title IX website at <http://www.depts.ttu.edu/titleix/>. The grid is provided only as a guideline for administering sanctions by the Hearing Panel. 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.

All records related to the disciplinary process will remain on file in SCRSM for a minimum of seven (7) years from the date of report. 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:

1. 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.
2. 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. The status of Disciplinary Probation will be shown on the student's academic record, including the transcript through the duration of the probationary period. Further instances of Misconduct under the *Code of Student Conduct* during this period may result in additional sanctions.
3. 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 <http://www.depts.ttu.edu/opmanual/OP34.21.pdf>*

4. 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.

iv. Conditions

A condition is an educational or personal element that is assigned by a Hearing Panel. Costs associated with conditions may be the responsibility of the student. Some examples of conditions include, but are not limited to:

1. Personal and/or academic counseling intake session;
2. Discretionary educational conditions and/or programs of educational service to the University and/or community;
3. Residence hall relocation and/or contract review/cancellation of residence hall contract and/or use of dining facilities;
4. Restitution or compensation for loss, damage or injury, which may take the form of appropriate service and/or monetary or material replacement;
5. Monetary assessment owed to the university;
6. Completion of an alcohol or drug education program;
7. Completion of a sexual misconduct education program;
8. Referral to Raider Restart;
9. Referral to the BASICS Program for assessment.

v. 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:

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

#### **10. Non-Title IX Sexual Misconduct Grievance Process**

This section applies exclusively to Non-Title IX Sexual Misconduct. Any other form of Sexual Misconduct is governed by section 8 above. *Please note- all Discriminatory Harassment incidents are resolved utilizing the Non-Title IX Sexual Misconduct Grievance Process described below.*

##### a. Notices

University will provide notices as required, including but not limited to:

- i. Notice of Formal Complaint: The University shall provide written notice to Complainant and Respondent upon receipt of a Formal Complaint with sufficient details known at the time and with sufficient time to prepare a response before an initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Non-Title IX Sexual Misconduct, and the date and location of the alleged incident, if known. Such notice shall also include notice of the following: (1) this Grievance Process, including the University's Informal Resolution process; (2) that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Grievance Process; (3) that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney; (4) that the parties may inspect and review evidence; and (5) any applicable provision in the University's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the Grievance Process.
- ii. Non-response to Formal Complaint: 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.
- iii. Notice of Additional Allegations: If additional allegations are later included within the scope of the investigation under this Grievance Process, supplemental notice of such allegations shall be provided at that time.
- iv. Notice to All Parties of Hearings, Interviews, or Meetings. The University shall provide, to a party whose participation is invited or expected, written notice of

the date, time, location, participants, and purpose of all Hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

- v. Written Notice Via University Email. Any person entitled to written notice under this regulation will receive such notice to their University email address. In the event a person is entitled to notice who does not have a University email address, written notice will instead be provided to an email address provided by such person.

**b. Investigation of Formal Complaint**

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 may not have access to evidence provided to or in possession of the Texas Tech Police Department. Students involved in the Grievance Process should provide to the Investigator any evidence they wish to be included in the Investigative report.

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 inculpatory and exculpatory evidence that they believe should be considered. The University cannot compel witnesses to cooperate with the Investigation process and does not have subpoena powers which could be used to collect evidence. 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 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 in electronic format or hard copy, for their review 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 may 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.

c. **Referral Meeting**

A University official may request a meeting with a student in order to discuss a referral made to SCRS 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.

d. **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. 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. The Informal Resolution will be binding and final with no opportunity to appeal

i. 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 Informal Conference.

e. Hearings

If the Formal Complaint is not dismissed or resolved by Informal Resolution, then the Formal Complaint will proceed to a live Hearing. Complainants and Respondents will first complete the Pre-Hearing Process.

i. 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:

1. Prepare Hearing materials;
2. Record the Hearing proceedings;
3. Escort participants into the Hearing room, grant breaks for participants, and distribute materials;
4. Ensure proper decorum throughout the Hearing;

5. Ensure the procedural soundness of the Hearing;
6. Provide the conduct history of the Respondent during the sanctioning phase, if necessary;
7. Transcribe the findings of the Hearing Panel;
8. Compile the Post-Hearing documentation;
9. Deliver notification to the parties.

In preparation for the Pre-Hearing Meeting, students 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. Complainants and Respondents will meet with their Resource Person to complete the Pre- Hearing Meeting. 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 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 may result in a 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 Hearing, the student should inform the Resource Person and the Resource Person will inform the Investigator immediately. If the new information is relevant 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.

ii. Hearings

Upon completion of the Pre-Hearing, the University may proceed to a Hearing and issue a finding and accompanying Sanctions, if applicable. 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. 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. 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.

The University will adopt rules of order and decorum provided for and enforced by the Resource Person. 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 Resource Person and/or Hearing Panel Chairperson 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.

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. Students will be permitted to question the statements and evidence presented by the other involved parties, including the Investigator, who may supplement the Investigation Report. Upon request students may have the Resource Person or Panel Chairperson read their questions for other parties. Impact statements will 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.

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

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 section 10.

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. Simultaneous written notification of the

outcome 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.

iii. Sanctions

A Hearing Panel may impose sanctions as a result of a Title IX Sexual

Misconduct PanelHearing when a student is found responsible.

An Administrative Hearing Officer or Hearing Panel may impose sanctions as a result of a Non-Title IX Sexual Misconduct Panel Hearing when a student is found responsible. The potential sanctions are listed in the Sanctioning Grid on the Title IX website at <http://www.depts.ttu.edu/titleix/>. The grid is provided only as a guideline for administering sanctions by the Administrative Hearing Officer or Hearing Panel. The Administrative Hearing Officer or 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.

All records related to the disciplinary process will remain on file in SCRSM for a minimum of seven (7) years from the date of report. 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:

1. 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.
2. 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. The status of Disciplinary Probation will be shown on the student's academic record, including the transcript through the duration of the probationary period. Further instances of Misconduct under the *Code of Student Conduct* during this period may result in additional sanctions.
3. 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 <http://www.depts.ttu.edu/opmanual/OP34.21.pdf>*

4. 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.

iv. 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:

1. Personal and/or academic counseling intake session;
2. Discretionary educational conditions and/or programs of educational service to the University and/or community;
3. Residence hall relocation and/or contract review/cancellation of residence hall contract and/or use of dining facilities;
4. Restitution or compensation for loss, damage or injury, which may take



the form of appropriate service and/or monetary or material replacement;

5. Monetary assessment owed to the university;
6. Completion of an alcohol or drug education program;
7. Completion of a sexual misconduct education program;
8. Referral to Raider Restart;
9. Referral to the BASICS Program for assessment.

v. 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:

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

## **11. Appeal Procedures**

In Sexual Misconduct cases, either the Complainant or Respondent may appeal the determination of responsibility or the Sanction(s) imposed in an 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, including an advisor.

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 irregularity occurred that significantly impacted the outcome of the Hearing (e.g. material deviation from established procedures.);
- b. 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;
- c. 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
- d. 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 Appeal Officer shall not be the same person as any of the Administrative or Hearing Panel members that reached the determination of responsibility or dismissal, the Investigator(s), 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 (1) the Sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions, or (2) the Appeal identifies a procedural/substantive error or new evidence that was unavailable at the original Hearing, and the error or new evidence would have substantially impacted the decision of the Administrative Hearing Officer or Hearing Panel, they may:

- a. Modify the finding and/or increase, decrease, or otherwise modify the sanctions;
- b. Remand the case to the original Hearing Body;
- c. Remand the case to a new Hearing Body; or
- d. Remand the case to SCRSM for additional review.

SCRSM shall make all reasonable efforts to simultaneously notify the parties of the status of the Appeal throughout the appellate process and 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 parties 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 by the original appealing party. If a party did not appeal the original decision and believes criteria for an Appeal is met, they may appeal this decision following the procedures described above. When sanctions are final, appropriate University Administrators may be notified of the student's sanctions.

## **12. 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.

## **13. 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 SCRSM using the same procedure outlined in Section D. 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.

## **14. 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:

- 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 Responding Party, 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.

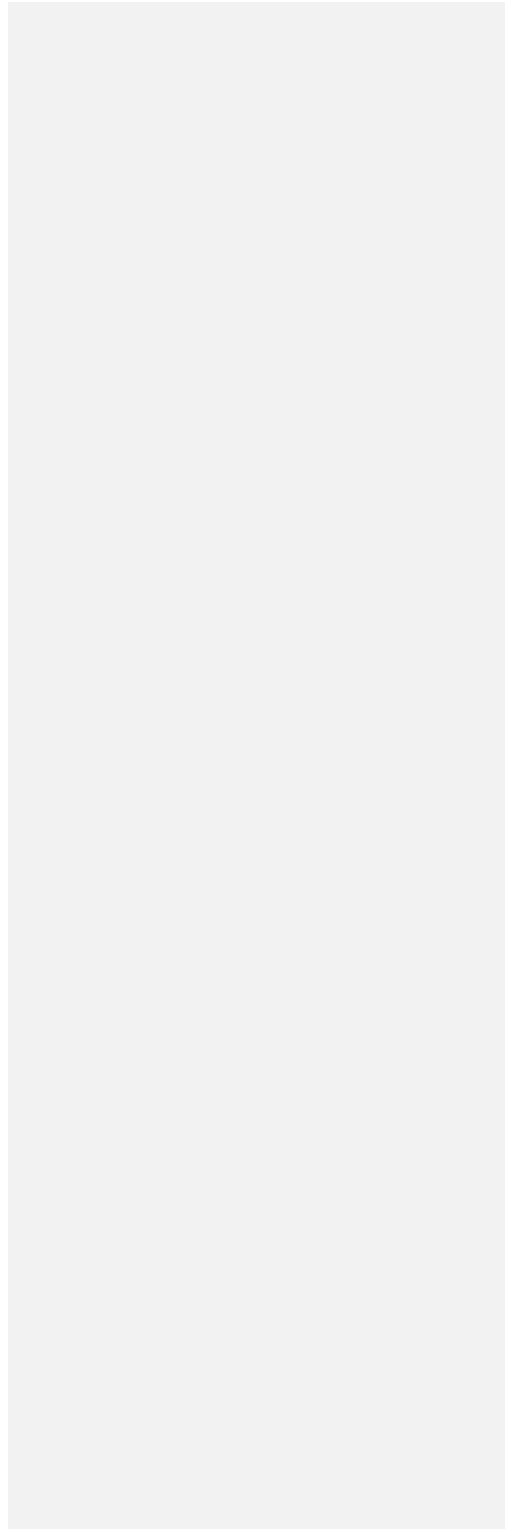
In some exceptional circumstances, where the incident in question presents a continuing threat to the University Community, the University may be required to investigate irrespective of the Complainant's desire to pursue allegations of Sexual Misconduct, and may be required to issue a "timely warning" 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, or their advisor, 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.



The following Confidential Resources are available to Texas Tech Students:

<b>CONTACT</b>	<b>PHONE</b>	<b>WEBSITE</b>
Student Counseling Center	806-742-3674	<a href="http://www.depts.ttu.edu/scc//">http://www.depts.ttu.edu/scc//</a>
Family Therapy Clinic	806-742-3074	<a href="http://www.depts.ttu.edu/hs/mft/clinical_services.php">www.depts.ttu.edu/hs/mft/clinical_services.php</a>
Psychology Clinic	806-742-3737	<a href="http://www.depts.ttu.edu/psy/clinic/">www.depts.ttu.edu/psy/clinic/</a>
Employee Assistance Program	806-743-1327	<a href="https://www.ttuhs.edu/centers-institutes/counseling/default.aspx">https://www.ttuhs.edu/centers-institutes/counseling/default.aspx</a>
Student Health Services	806-743-2848	<a href="https://www.depts.ttu.edu/studenthealth/">https://www.depts.ttu.edu/studenthealth/</a>
Crisis HelpLine	806-742-5555	<a href="https://www.depts.ttu.edu/scc/For_Students/crisis.php">https://www.depts.ttu.edu/scc/For_Students/crisis.php</a>
Voice of Hope-Rape Crisis Center	806-763-7273	<a href="https://www.voiceofhopelubbock.org/">https://www.voiceofhopelubbock.org/</a>

### **15. 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:

- a. Attempting to coerce, compel, influence, or prevent an individual from providing testimony or relevant information;
- b. Divulging confidential information;
- c. Removing, destroying, or altering documentation relevant to the investigation;
- d. Providing false or misleading information to the investigator, or encouraging others to do so; or
- e. Making a report under this policy that, after investigation is found not to have been made in good faith.

### **16. 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 [Title IX & Sexual Misconduct website](#).

## 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~~ ADOS/SD 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~~ ADOS/SD 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~~ ADOS/SD 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~~ ADOS/SD, or designee this restriction may include University activities or privileges for which the student organization might otherwise be eligible. Student organizations are informed of interim actions or of an interim suspension by the official notice procedures outlined in Part I, section A.3 of the *Code of Student Conduct*. Interim action(s) or an Interim Suspension of Student Organization Activities are not sanctions. Interim actions are taken in an effort to protect the safety and well-being of the Complainant, Respondent, and/or other members of the University Community. Interim action(s) is/are preliminary in nature; and are in effect only until the conduct process has been completed. However, violations of interim action may result in additional allegations of the *Code of Student Conduct*.

c. No Contact Order

When initial inquiry indicates persistent and potentially escalating conflict between members of the University community, a No Contact Order may be issued as a remedial, non-punitive deterrent to further conflict or situational complication. A No Contact Order will be issued by the Office of Student Conduct or designee via the student's official Texas Tech email. The notice serves as an official directive that the student(s) have no contact with the other listed parties. Contact cannot occur in person, by telephone, email, text message or other electronic means of communication, or through a third party (other than an attorney). Should contact need to occur, the student should coordinate with the Office of Student Conduct. This notice may also come with other information related to changes in class schedule or other restrictions to facilitate the no contact order. Failure to comply with the no contact order is considered retaliation and will result in disciplinary action, including possible suspension or expulsion. Violations of no contact orders may also result in an Interim Suspension of Student Organization Activities during the completion of the conduct process. The term of a No Contact Order

is one year from the date of issuance, or the graduation of one or both parties, whichever comes first.

d. **Interim Suspension of Student Organization Activities**

Under the *Code of Student Conduct*, the ~~Managing Director~~ [ADOS/SD](#) 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~~ [ADOS/SD](#) or designee to discuss the rationale for the action. During an Interim Suspension of Student Organization Activities, the student organization is limited to minimal functions in order to conduct the Investigation only. Failure or refusal to follow the Interim Suspension of Student Organization Activities may result in additional charges of misconduct. Student organizations will be informed of interim actions pursuant to the official notice procedures outlined in Part I, section A.3. of the *Code of Student Conduct*. An interim action is not considered a sanction.

In the event an Immediate Suspension of Student Organization Activities is issued, a student organization may request a review of the Immediate Suspension of Student Organization Activities by the ~~Managing Director~~ [ADOS/SD](#) or designee.

**2. Referral Meeting**

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

**3. Voluntary Resolution**

In any matter governed by the *Code of Student Conduct*, the parties (usually the Complainant and Respondent) may mutually agree to attempt to resolve the matter prior to

conclusion of the conduct process through a Voluntary Resolution process. The procedures utilized in the Voluntary Resolution process must be agreed upon by the parties with concurrence from the ~~Managing Director~~ADOS/SD. 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~~ADOS/SD, 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~~ADOS/SD 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~~ADOS/SD 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~~ADOS/SD 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.

- i. 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~~ ADOS/SD 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.

ii. It is the Student Organization's Responsibility to:

1. Appoint one organizational spokesperson. In most cases, the organization's spokesperson is the President of the organization. However, organizations may appoint an alternate spokesperson to formally represent the organization. A student organization spokesperson must be a currently Texas Tech University student who is a member of the responding organization. The spokesperson may not be an alumni advisor, chapter advisor, faculty/staff advisor, national or international Headquarters volunteer or staff member, or coach. Student organizations may only appoint one spokesperson for each case and must inform the University in the event that the appointed spokesperson is not the President of the organization. The student organization spokesperson is responsible for making all official responses on behalf of the organization during any student organization conduct proceeding. In the event that the student organization spokesperson is not 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~~ [ADOS/SD](#) 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.

i. Partnership Process

At all times, the ~~Managing Director~~ [ADOS/SD](#) 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, [Office of Fraternity & Sorority Life](#), and/or [the Student Involvement Office](#). ~~Center for Campus Life~~

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Student organizations participating in a Partnership Process must commit to the deadlines and formatting requirements provided by the ~~Managing Director~~ [ADOS/SD](#) 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~~ [ADOS/SD](#) or designee If the ~~Managing Director~~ [ADOS/SD](#) 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~~ [ADOS/SD](#) 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:

1. The student organization obstructed the process, or provided false, incomplete, or inaccurate information;
2. The student organization did not conduct its Investigation or provide a report in a timely manner;
3. The student organization violated Interim Actions imposed by the ~~Managing Director~~ [ADOS/SD](#) or designee; or
4. 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~~ [ADOS/SD](#) 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~~ [ADOS/SD](#) 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~~ [ADOS/SD](#) or designee.

ii. University Investigation Process

Should a student organization not complete the Partnership Process, the ~~Managing Director~~ [ADOS/SD](#) 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~~ [ADOS/SD](#) 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~~ADOS/SD" 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 [Fraternity & Sorority Life and/or the Student Involvement Office](#), ~~Center for Campus Life~~, the Office of Student Conduct, the appointed Investigator, the Office of Student Conduct sanction grid, the student organization's officers, advisor, Headquarters, sponsoring department or organization, and/or governing council representative to develop an Informal 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~~ADOS/SD 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.

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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~~ [ADOS/SD](#) 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.

f. 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.

i. 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~~ [ADOS/SD](#) 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.

ii. Panel Hearing

For each Panel Hearing, a Panel of three (3) members will be chosen from the available pool by the ~~Managing Director~~ [ADOS/SD](#) 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~~ [ADOS/SD](#) 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:

1. Prepare the Administrative Panel Hearing materials;
2. Record the Administrative Panel Hearing proceedings;
3. Escort participants into the Hearing room, grant breaks for participants, and distribute evidentiary materials;
4. Ensure proper decorum throughout the Administrative Panel Hearing;
5. Ensure the procedural soundness of the Administrative Panel Hearing;
6. Provide student conduct history of the Respondent, during the

- sanctioning phase, if necessary;
7. Transcribe the findings of the Administrative Panel Hearing;
  8. Compile the post-Hearing documentation,
  9. 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.

iii. 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

g. 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~~ [ADOS/SD](#) 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:

i. 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.
- ii. **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.
  - iii. **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~~ [ADOS/SD](#) or designee may deny an application for registration if the organization's misconduct during suspension would have warranted additional disciplinary action. If the student organization has failed to satisfy any sanction that was imposed prior to application for registration, the ~~Managing Director~~ [ADOS/SD](#) or designee may deny registration to the student organization. On a denial of student organization registration, the Investigator or ~~Managing Director~~ [ADOS/SD](#) or designee will set a date when another application for registration may again be made.
  - iv. **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.
- h. **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
- i. Hosting educational programs or initiatives for the organization or community related to the misconduct

- ii. Requirements for additional training or advisement from TTU staff, advisory boards, or other appropriate parties
- iii. Requirements for membership to complete online education programs or other activities
- iv. Requirements for community service or other activities beneficial to the membership and associated with remedying the impact of behavior on the community
- v. Restitution or compensation for loss, damage or injury, which may take the form of appropriate service and/or monetary or material replacement
- vi. Requirements for completion of membership reviews and providing updated rosters
- vii. Requirements to submit information about updated and improved organizational processes such as new member education plans, or social event plans

i. 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

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

j. 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:

- 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:
  - 1. The name of the organization disciplined or found responsible;
  - 2. The date on which the incident occurred or the citation was issued, if applicable;
  - 3. The date on which the institution's investigation into the incident, if

- any, was initiated;
4. A general description of:
    - a. The incident;
    - b. The violations of the institution's *Code of Student Conduct*;
    - c. The findings of the institution;
    - d. Any sanctions imposed by the institution on the organization;
  5. The date on which the institution's disciplinary process was resolved;
  6. 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
  7. 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~~ ADOS/SD or designee.

k. Conduct Appeal Procedures

- i. 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~~ ADOS/SD or designee within three (3) University working days of receiving the written decision.
- ii. The ~~Managing Director~~ ADOS/SD, 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.
- iii. 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.
- iv. The only proper grounds for appeal are as follows
  1. Procedural or substantive error that significantly impacted the outcome of the Hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
  2. 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
  3. The sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions.
- v. 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.
- vi. 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
  - vii. 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:
    - 1. Modify the finding and/or increase, decrease, or otherwise modify the sanctions;
    - 2. Remand the case to the original Hearing Body;
    - 3. Remand the case to a new Hearing Body.
  - viii. 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.
  - ix. 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.
1. Student Organization Records
- i. 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.
  - ii. 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.

- iii. 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**

**1. Alcoholic Beverage Provisions in the *Code of Student Conduct***

**SECTION B. ACADEMIC INTEGRITY**

**1. Texas Tech University Statement of Academic Integrity**

Academic integrity is taking responsibility for one's own class and/or course work, being individually accountable, and demonstrating intellectual honesty and ethical behavior. Academic integrity is a personal choice to abide by the standards of intellectual honesty and responsibility. Because education is a shared effort to achieve learning through the exchange of ideas, students, faculty, and staff have the collective responsibility to build mutual trust and respect. Ethical behavior and independent thought are essential for the highest level of academic achievement, which then must be measured. Academic achievement includes scholarship, teaching, and learning, all of which are shared endeavors. Grades are a device used to quantify the successful accumulation of knowledge through learning. Adhering to the standards of academic integrity ensures grades are earned honestly. Academic integrity is the foundation upon which students, faculty, and staff build their educational and professional careers. [Texas Tech University ("University") Quality Enhancement Plan, Academic Integrity Task Force, 2010]

**2. 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 in 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.

**3. Instructor Responsibilities**

Any person becoming aware of alleged violations of academic integrity should report the allegation to the instructor of record in the course. The instructor in a course is responsible for initiating action in each case of dishonesty or plagiarism that occurs in that class. The instructor should contact the 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.

**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 Vice Provost for [Student Life](#) 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.
- 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 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).

**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 Office of Student Conduct**

In addition to the assignment of academic sanctions by the instructor of record, a referral of the academic integrity violation should also be made to the Office of Student Conduct for the assignment of disciplinary sanctions. Instructions for reporting academic dishonesty violations are available in the *Code of Student Conduct*. A student referred to the Office of Student Conduct for alleged violations of academic misconduct is entitled to all substantive and procedural guarantees provided in the *Code of Student Conduct*.

Law students are subject to discipline procedures as described in the [Honor Code of the School of Law](#). Instructors of record of the course where the violation occurred and the associate academic dean of the college where the student is enrolled or of the college housing the course where the violation occurred may participate in the adjudication of the violation and

assignment of additional sanctions with the Office of Student Conduct as outlined in the *Code of Student Conduct*.

**NOTE:** Additional Academic Integrity information is available from the [Office of Student Conduct](#)

### SECTION C. ANTI-DISCRIMINATION POLICY

The University does not tolerate discrimination or harassment based on or related to sex (including pregnancy), race, color, national origin, religion, age, disability, protected veteran status, genetic information, sexual orientation, gender identity, gender expression, or other protected categories, classes, or characteristics, per TTU System Regulation 07.10.

#### 1. **Harassment**

Harassment based on a person's protected class under TTU System Regulation 07.10 -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.

In the context of student-on-student conduct, "harassment" is verbal or physical conduct that is directed toward a student 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 subjects a student to sufficiently severe, pervasive, and objectively offensive treatment, effectively denying the student equal access to educational opportunities.

#### 2. **Please see TTU System Regulation 07.10 for examples of behavior that may constitute unlawful Harassment. Sexual Harassment**

- a. Unwelcome sex-based verbal or physical conduct that: 1) In the employment context, unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment. To constitute an intimidating, hostile, or offensive working environment, the complained of conduct must be either severe, persistent, or pervasive; or 2) In the educational context, is sufficiently severe, persistent, ~~or pervasive~~ and objectively offensive 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 conduct constitute misconduct, 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 [titleix.ttu.edu/](http://titleix.ttu.edu/), <https://www.depts.ttu.edu/dos/>, or <http://www.texastech.edu/offices/equal-employment/>.

Students reporting discrimination or harassment in their employment capacity should contact the Office of Equal Opportunity. Information on reporting may be found here: <http://www.texastech.edu/offices/equal-employment/>.

*Note: The State of Texas requires Texas Tech University employees, including student employees, to report an incident of sexual harassment, sexual assault, dating violence, or stalking that is alleged to involve a student enrolled at or an employee of the University at the time of the incident. For more information, please see: TTU System Regulations 07.10, 07.06A, 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, <http://www.ed.gov/ocr>.

**5. Retaliation**

Retaliation against a person who reports a potential violation, 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 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 will be subject to disciplinary action, up to and including termination of employment, expulsion from the university, or being barred from University premises and events.

**6. Confidentiality**

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 the faculty member's 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 TTU 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 40.02 and 40.03, and TTU System Regulations. 07.06 and Reg. 07.10.

## **9. Student Initiated Grievances or Complaints and Investigations – Involving Employees, Whether Faculty, Staff, or Students**

- a. This grievance or complaint process is applicable to all students who choose to complain about discrimination, harassment, or other violations of the law that adversely affect their educational environment and the responding party is acting in his/her capacity as an employee, whether faculty, staff, or student.
- b. All grievance or complaint investigations and procedures will be non-adversarial in nature. These procedures are entirely administrative in nature and are not considered legal proceedings.
- c. The filing of a grievance or complaint shall not affect the ability of TTU to pursue academic and disciplinary procedures for reasons other than the student's filing of a grievance or complaint.
- d. A student may consult with the Office of the Dean of Students to determine if they wish to file a formal grievance or complaint. Students wishing to file a -complaint of discrimination or harassment based on a protected category against an employee should complete the complaint form located at: <https://www.texastech.edu/offices/equal-employment/forms/php>. 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~~ [DOS/VPSL](#), 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~~ [DOS/VPSL](#) or Title IX Administrator and the Office of Equal Opportunity. Any findings in the investigation will be based upon a preponderance of the evidence.

- h. After the investigation is complete, the Office of the Dean of Students or the Title IX Administrator and the Office of Equal Opportunity or designee will provide a written determination to the student who has filed the grievance or complaint, the responding party and the appropriate administrators.
- i. The finding of the Office of the Dean of Students or the Title IX Administrator and the Office of Equal Opportunity is final and not appealable.
- j. In the event a finding of a violation of this policy, TTU OP 40.02 or 40.03, or TTU System Regulation 07.06A, 07.06B, or 07.10 is made, appropriate disciplinary action will be taken as determined by the appropriate administrator.
- k. If there is a finding of a violation of gender discrimination under TTU OP 40.02 or TTU System Regulation 07.10 or any violation under TTU OP 40.03, TTU System Regulation 07.06A, or System Regulation 07.06B, either party may appeal the imposed disciplinary action or lack thereof as provided under as provided under the TTU OP or TTU System Regulation. 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.

- 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](http://www.depts.ttu.edu/titleix/students/Report_an_Incident.php)

2. **Religious Holy Day Absences**

A student who intends to observe a religious holy day should make that intention known in writing to the instructor prior to the absence. More information is available in Texas Tech University Operating Policy 34.19.

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

- a. According to the Undergraduate and Graduate Catalog, faculty, department chairpersons, directors, or others responsible for a student representing the University on officially approved trips should notify the student's instructors of the departure and return schedules in advance of the trip. The instructor so notified must not penalize the student, although the student is responsible for material missed. Students absent because of University business must be given the same privileges as other students (e.g., if other students are given the choice of dropping one of four tests, then students with excused absences must be given the same privilege).
- b. According to Texas Tech University Operating Policy 34.06, students will be responsible for making their own individual arrangements with instructors for class work missed while participating in an off-campus trip.

**SECTION E: COMPLAINT PROCESSES**

1. **Complaints/Grievances**

Texas Tech University has various procedures for addressing written student complaints/grievances. Students may seek assistance from the Office of the Dean of Students as they go through a written complaint/grievance process. The Office of the Dean of Students helps students understand all of the steps of the process as well as what information they may want to include in their written complaint/grievance.

2. **Academic Status Complaints**

Policies and processes related to academic status are found in the Undergraduate/Graduate Academic Catalog as well as in Operating Policy 34.07 Undergraduate Academic Status, Operating Policy 34.15 Grade Replacement Policy, and Operating Policy 64.04 Academic Probation and Suspension of Graduate Students.

3. **Complaints against Faculty (Non-Grading and Non-Discrimination)**

Conduct of University Faculty is outlined in Operating Policy 32.04 Conduct of University Faculty. The processes for complaints against faculty are outlined in the policy and in the Undergraduate/Graduate Academic Catalog. Students should direct complaints to the supervisor of the department or organization housing the faculty member, typically the department chair.

4. **Conduct Complaints against Other Students and Student Organizations**

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

5. **Disability-Related Complaints**

- a. Complaints related to disabilities are guided by Operating Policy 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, and [TTU System Regulation 07.11 - Access for Individuals 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, 130 Weeks, (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 Life](#). The Vice Provost for [Student Life](#) will be the final decision.

**6. Student Record Complaints & FERPA**

Guidelines governing student access to personal records and the procedures for challenging information in these records are contained in the student records policy that is detailed in the [Student Handbook](#) Part II, section P. The Registrar's Office provides oversight for student records and student record complaints.

**7. Disciplinary Action**

The University disciplinary appeals process is outlined in the [Student Handbook](#) Part I, section C. Conduct Procedures relating to the School of Law Honor Code violations are contained in the [Honor Code of the School of Law](#). School of Law Students are also subject to the *Code of Student Conduct*. Procedures relating to the School of Medicine, School of Nursing and the School of Health Professions are contained in the [School of Medicine Student Handbooks](#), [School of Nursing Student Handbook](#), and the School of Health Professions [Student Handbooks](#).

**8. Employment**

A student wishing to pursue a grievance concerning employment with the University and who has not found satisfaction or resolution with their immediate supervisor or the person in charge of that department may contact Human Resources or the Office of Equal Employment Opportunity in accordance with the grievance procedures outlined in the University Operating Policy 70.10 Non-Faculty Employee Complaint Procedures, TTU 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 Operating Policy Grades

The instructor assigned to a course has the responsibility for determining a grade and for judging the quality of academic performance. A grade can be formally appealed only when there is demonstrable evidence that prejudice, arbitrary or capricious action on the part of the instructor has influenced the grade. The burden of proof that such an unfair influence has affected a grade rests with the student who appeals the grade. The complete student grade appeal policy and procedure is listed in Operating Policy 34.03 Student Grade Appeal. A copy of the grade appeal procedures may be obtained from any academic college dean's office or from the Office of the Provost. Also, refer to the [Student Handbook](#) Part I, section B.1 (Academic Misconduct).

**9. Parking Citations**

Students may appeal a campus parking citation online at [www.parking.ttu.edu](http://www.parking.ttu.edu). Transportation & Parking Services rules and a description of the three-tiered appeals process is described in the *Traffic and Parking Regulations* available online at <http://www.depts.ttu.edu/parking/PDFsandDocuments/rulesandregs.pdf>.

**10. 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 [the processes](#) in Operating Policy 34.03 Student Grade Appeal.

**11. 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.

**12. 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/>.

**13. 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 by emailing the appropriate department at [SBS@TTU.edu](mailto:SBS@TTU.edu) or [FinAidAdvisor@TTU.edu](mailto:FinAidAdvisor@TTU.edu).

**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.

**1. 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.

~~2. 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>~~

**3.2 Student Threat Assessment Team (STAT)**

Under the direction of the ~~Dean of Students~~ [DOS/VPSL](#), 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.

#### **4.3. Support Services Liaison**

Please contact the Assistant Dean of Students in the Office of the Dean of Students to access support resources available to students: (806) 742-2984; deanofstudents@ttu.edu

### **SECTION G. FINANCIAL RESPONSIBILITY**

#### **1. Financial Responsibility of Students**

- a. Students must meet all financial responsibilities due to the University. The writing of checks on accounts with insufficient funds, issuance of stop pays, disputed credit card chargebacks, or the nonpayment or delinquent payment of outstanding loans and failure to meet any other financial obligations to the University are considered a lack of financial responsibility. Financial irresponsibility may subject the student to additional fees, fines, suspension of check writing and cashing privileges, denial of registration, withholding of grades and transcripts and adjudication under the *Code of Student Conduct*. A student who fails to make full payment of tuition and mandatory fees, including any incidental fees, by the due date may be prohibited from registering for classes until full payment is made. Students should understand that consequences may result from not resolving one's financial obligations to the University.
- b. Generally, failure to meet financial obligations to the University may result in:
  - i. Cancellation of the student's registration.
  - ii. Possible criminal prosecution for writing insufficient fund checks.
  - iii. 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.
  - iv. A hold preventing future registration placed on a student's academic records
- ~~v.~~v. A hold on receiving official University transcripts until the obligation is paid.
- ~~vi.~~vi. The University may report individual student financial problems to a credit agency or a collection agent. Before registering or requesting a transcript, students may check on the presence of holds by accessing their records at [www.raiderlink.ttu.edu](http://www.raiderlink.ttu.edu) under the TTU MyTech (for Students) tab.
- c. For more information, please visit the Student Business Services website at [www.sbs.ttu.edu](http://www.sbs.ttu.edu).

### **SECTION H. FREEDOM OF EXPRESSION**

#### **1. Freedom of Expression Activities**

Texas Tech University recognizes freedom of speech and expression as a fundamental right and seeks to ensure free, robust, and uninhibited debate and deliberation by students enrolled at TTU as well as other persons. Expressive activities on the TTU campus are governed by Texas Tech University System Regulation 07.04. The terms of such Regulation shall control in the event of any conflict between the provisions set forth in this Handbook and the terms of such Regulation. Additional information regarding events on University property is available

in Part II, Section Q - Use of University Space.

## **SECTION I. GENDER-BASED HARASSMENT, SEXUAL MISCONDUCT, DISCRIMINATION, AND TITLE IX**

Texas Tech University (TTU) has established policies and grievance procedures providing for prompt and equitable resolution of student complaints of discrimination and harassment, including sexual harassment, sexual violence, and other forms of sexual misconduct. In the event a student believes their rights under Title IX or other laws have been violated, TTU Operating Policies 40.02 and 40.03 (<https://www.depts.ttu.edu/opmanual/OP40.02.pdf>), ~~TTU System Regulation 07.10, 07.06A, and 07.06B~~ (<http://www.depts.ttu.edu/opmanual/OP40.03.pdf>), ~~TTU System Regulation 07.10, 07.06A, and 07.06B~~ set forth procedures for filing, investigating, and resolving complaints of harassment and discrimination. Additional information regarding gender-based harassment, sexual misconduct, discrimination, and retaliation can be found at [titleix.ttu.edu](http://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. forth procedures for filing, investigating, and resolving complaints of harassment and discrimination. Additional information regarding gender-based harassment, sexual misconduct, discrimination, and retaliation, ~~and Title IX~~ can be found at [titleix.ttu.edu](http://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](mailto:housing@ttu.edu), Website: [housing.ttu.edu](http://housing.ttu.edu).
- c. Hospitality Service contact information: Phone: (806) 742- 1360, Email: [hospitality@ttu.edu](mailto:hospitality@ttu.edu), Website: [hospitality.ttu.edu](http://hospitality.ttu.edu).

### **2. First Year On-Campus Requirement**

- a. In support of the Strategic Plan of Texas Tech University, the university requires enrolled first-year students to live in the university residence halls. Institutional research suggests that students who live on campus are significantly more inclined to remain in college and achieve higher GPAs in comparison to students living off campus.
- 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.
- c. 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.
- 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. On-Campus Residence Exemption Process.**

- 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.
  - x. 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 [program](#) 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.
- f. 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**

- 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 one-time 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 style space. The \$250 Additional Deposit is non-refundable 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 times 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 Student Business Services. 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.

**SECTION K. 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, 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**

The use by any person or organization of the University's name in connection with any program or

activity, without the prior written permission of the Office of the Vice Chancellor for Institutional Advancement, or any unauthorized use of University documents, records or seal is prohibited. Information is also available in Operating Policy 01.06 Use of Texas Tech University Name or Logo for Private Business Purposes, Operating Policy 72.23 Licensing and Use of TTU Registered Names, Logos, and Trademarks, and Operating Policy 68.03 Visual Identity Guidelines.

#### 4. **Jurisdiction**

- a. All solicitation requests should be directed to the Outdoor Events Coordinating Committee for review. Complete and submit the Grounds Use/Solicitation Request form at [www.depts.ttu.edu/centerforcampuslife/](http://www.depts.ttu.edu/centerforcampuslife/) Requests must be submitted at least ten (10) University working days before intended use.
- b. All regulations pertaining to on-campus solicitations by students and registered organizations shall be administered by the Director of the [Student Involvement Office](#).
- 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:
  - i. Activities supporting the educational mission of the institution;
  - ii. Promotion of organizational activities consistent with organization mission;
  - iii. Recruitment of members or membership drives;
  - iv. Accepting donations on behalf of altruistic or charitable projects;
  - v. Scholarship and/or fundraising projects in support of organization mission;
  - vi. 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, or insinuates 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.

~~4-~~ [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. 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.

d.

e.—

~~f. University registered names, logos and trademarks, refer to OP 54.03 or contact the Office of Intercollegiate Athletics External Operations.~~

~~g.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.

~~h.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 [Assistant Vice Provost for Student Campus Life](#) ~~Director of the Center for Campus Life~~.

~~i.g.~~ A written appeal describing the objections to the denial to the [Assistant Vice Provost for Student Campus Life](#) ~~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.

~~j.h.~~ The [Assistant Vice Provost for Student Campus Life](#) ~~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.

~~k.i.~~ The student or registered student organization may not appeal beyond the [Assistant Vice Provost for Student Campus Life](#) ~~Director of the Center for Campus Life~~.

## **6. Advertisements**

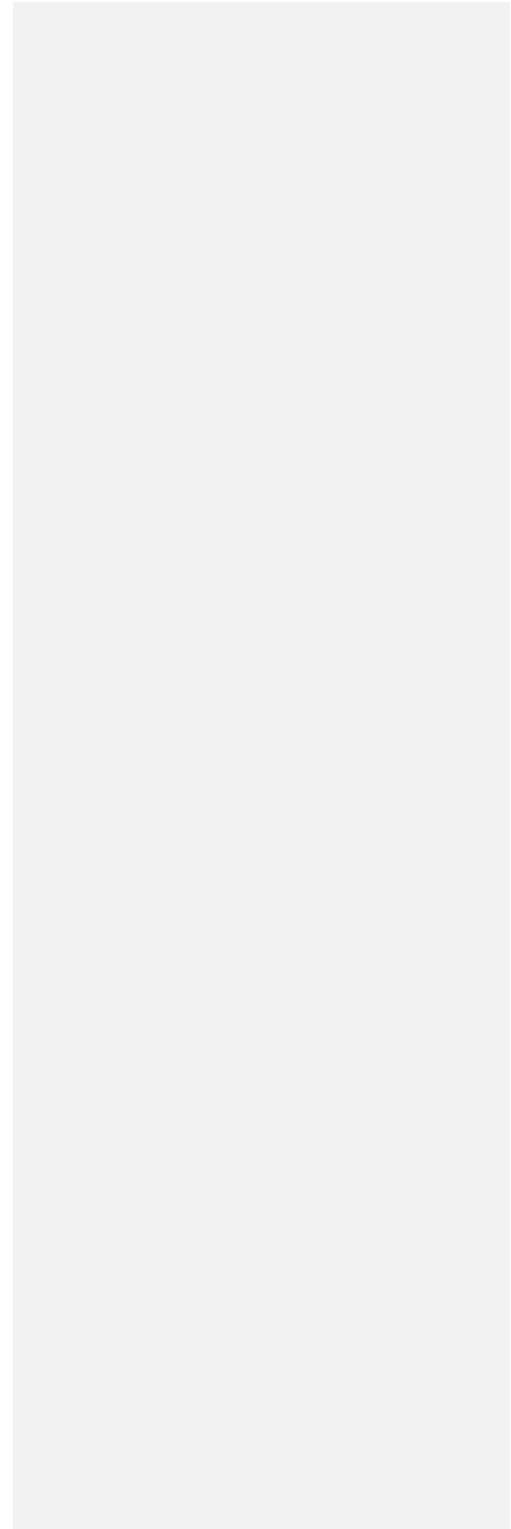
- a. Advertisements by commercial organizations, either as groups or through student representatives, are not allowed on the campus unless they advertise specific registered student organization functions. This implies sponsorship and/or co-sponsorship, which minimally includes, but is not limited to, 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” [all](#) as defined by [applicable](#) 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 [Student Involvement Office-Center for Campus Life](#). A list of requirements regarding the banners is available in the [Student Involvement Office-Center for Campus Life](#).

**8. Use of Bulletin Boards & Digital Signage**

- a. Posters, signs, and announcements may be displayed only on University announcement bulletin boards and approved digital signage designated specifically for use by students and registered student organizations. The University announcement bulletin boards and approved digital signs may be used only by students, registered student organizations, and University departments. Bulletin boards will be cleared periodically.
- 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;
- ~~e.~~ Posters, signs, and announcements shall not promote the use of alcoholic beverages, tobacco, or illegal drugs;
- ~~d.~~ Posters, signs, and announcements shall not promote unauthorized sponsorship by Texas Tech University;
- ~~e.~~ Posters, signs, and announcements shall not violate any local, state or federal law;
- ~~f.~~ Bulletin boards belonging to academic and administrative Departments are for official University use only. Posters, signs, and announcements may not be displayed without consent of the appropriate department; and
- ~~g.~~ Posters, announcements, banners, cards or other campaign material for any individuals seeking student government office may be posted in accordance with the rules and regulations of the Student Government Association.

## 9. **Violations**

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

## **SECTION L. STUDENT IDENTIFICATION**

### 1. **Student Identification**

- a. The student identification card is the property of the University.
- b. Students shall not allow their student identification to be used by other persons.
- c. Students shall not alter their student identification in any way.
- d. 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.
- e. The first ID card a student receives will incur a one-time charge that will be billed to the student's tuition. This charge is to cover both the cost of ID production and the use of the ID in conjunction with campus services and activities. Students are responsible for monitoring their tuition statements regularly.
- f. A student must pay a replacement charge for lost, stolen, or damaged student identification cards. Upon issuance of a replacement student identification card, previous cards cannot be reactivated.
- g. Student identification cards are only valid when the bearer is a registered student of the University. RaiderCards shall not be used to prove affiliation with the University after an individual is no longer a student. The individual's ID account will be automatically disabled once the individual is no longer affiliated with Texas Tech University.
- h. For further information, please view the RaiderCard user agreement at [www.raidercard.ttu.edu](http://www.raidercard.ttu.edu) and [University Operating Policy 61.47](#).

## **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~~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](http://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](http://www.dailytoreador.com). See TTU Operating Policy 30.27.

**3. Military & Veterans Programs**

Military & Veterans Programs (MVP) is here to support veterans and their families in achieving academic and personal success. The department serves as a resource to connect veterans and their family members to the University and surrounding community. MVP oversees the certification of Veterans Educational Benefits such as:

- a. The exemption for Texas Veterans under the Hazlewood Act which provides an education benefit to honorably discharged or separated Texas veterans and to eligible dependent children and spouses of Texas veterans.
- b. The educational programs such as the various educational benefits offered through the Department of Veteran Affairs. Connect with Military & Veterans Programs by visiting [www.mvp.ttu.edu](http://www.mvp.ttu.edu)

**SECTION N. STUDENT ORGANIZATIONS**

Student Organizations at Texas Tech University are an integral component of the student involvement experience. Students are encouraged to be involved on campus and joining a student organization is one option.

Texas Tech University defines a student organization as a group consisting of five (5) or more students (president, treasurer, and a minimum of three members) joining together for a common mission, purpose, cause, and/or any other association. Only currently enrolled TTU students are eligible to be a member of student organizations at TTU.

As a representative of the university, student organizations and members of those organizations should, at all times, exhibit behaviors that epitomize the Texas Tech University [Statement of Ethical Principles](#). Those values include mutual respect, cooperation in communication, creativity and innovation, community service and leadership, pursuit of excellence, public accountability, and diversity. Additionally, student organizations and members are responsible for adhering to university policies and procedures.

**1. Registered Student Organizations**

- a. To be considered a registered student organization, student organizations must meet the guidelines and expectations for a registered student organization and complete the annual registration process through the [Student Involvement Office](#) ~~Center for Campus Life~~. Registered student organizations are bound by the expectations set forth by the [Student Involvement Office](#) ~~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

- i. 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.
- ii. 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 [Student Involvement Office Center for Campus Life](#) for at least a full academic year before full consideration for Sport Club status.
- iii. Following the annual student organization registration process via the [Student Involvement Office 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

- i. The [Student Involvement Office Center for Campus Life](#) is responsible for the oversight of ~~S~~social ~~F~~fraternities and ~~S~~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 ([IFC](#)), Multicultural Greek Council ([MGC](#)), National Pan-Hellenic Council ([NPHC](#)), and College Panhellenic Council ([CPH](#)).
- ii. 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**

Student organizations that are unregistered with the [Student Involvement Office 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 [Student Involvement Office 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 [Student Involvement Office](#)~~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 [Student Involvement Office](#) ~~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 [Student Involvement Office](#)~~Center for Campus Life~~. Any student organization wishing to solicit on campus must follow the policies and procedures listed in the current

TTU Solicitation Policy.

- k. All registered student organization resources must be used to advance and support the organization's purpose, identified goals, and/or mission.
- l. All registered student organizations must comply with University rules, standards, and policies.
- m. Student organization registration does not imply University approval of either the organization or its functions or activities.

**4. Registration Process - Currently Registered Student Organizations**

The registration process must be completed annually for student organizations, fraternities and sororities, and sport clubs to maintain registration status. Student Organizations must be registered to participate in summer organization fairs and the first day of the fall semester to avoid being Frozen. Organizations that are Frozen will still be able to access and register their organization but will not be listed as an organization to the public and do not have the benefits of a registered student organization. Once the organization has submitted their registration and has been approved, they will be removed from Frozen status.

- a. Registration occurs by going to the TechConnect website at <https://ttu.campuslabs.com/engage/> and follow the process established by the [Student Involvement Office](#) ~~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:
    - 1. 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 an "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 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. After submitting an “Intent to Form” request, the student will be contacted by the Student Involvement Office Center for Campus Life staff to schedule a meeting to discuss the new organization Intent to Form process, during which the student can be given approval to attend a required training. After submitting a “Reinstatement Request” form, the student will be contacted by the Student Involvement Office Center for Campus Life staff to attend a required training. - 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.

- a. Extensions of the “intent” status are possible under extenuating circumstances and requests should be addressed to the Student Involvement Staff.
- b. 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 Student Involvement Office Center for Campus Life and have completed the annual risk management requirement prior to the application deadline. Registered student organizations that are not funded by SGA may apply for funding from the Core Values Fund each year.
- c. Sport clubs are entitled to all of the benefits of a registered student organization. In addition, each club receives administrative and financial support from Recreational Sports. Organizations that affiliate with Recreational Sports are not eligible for SGA funding but may receive funding from Recreational Sports.

#### **7. Requirements to Maintain Registration Status**

- a. To maintain its active registration status throughout the academic year, a registered student organization must meet the following criteria:
  - i. Organizations must update the “Roster” on TechConnect at <https://ttu.campuslabs.com/engage/> within ten (10) University working days of any of the following:
    1. Election of or change in officers outside of a registration period;

- 2. 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. [Student Involvement Office and/or Office of Student Conduct may suspend the registration of an organization for noncompliance with the regulations and/or standards as set forth in the Student Handbook, Part I, Section D](#)
- ~~d. Center for Campus Life Student Involvement Office and/or Office of Student Conduct may suspend the registration of noncompliance with the regulations and/or standards as set forth in the Student Handbook, Part I, Section D~~

**8. Training Opportunities and Requirements**

The [Student Involvement Office](#) ~~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 ethics](#) ~~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.
  - ii. Leading a Successful Organization workshops – These workshops are hosted 2-3 times a semester on topics that help students lead their organizations successfully throughout the academic year. Topics can include but are not limited to: constitutions and bylaws, parliamentary procedure, elections and officer transition, being an inclusive leader, and conflict management.
  - iii. President Mixer – This event is hosted once every semester as an opportunity for presidents of student organizations to come together and network with their peers and to make sure their organization is meeting the deadlines throughout the academic year.
  - iv. Student Org Academy (REQUIRED) – This program is hosted once every academic year in the spring to open the registration for the new year, provide resources for operational success, and to facilitate the annual risk management training for student organizations. It is required that student organizations have one officer (preferably the president) in attendance for the

entire program.

- v. Student Org Risk Management Training (REQUIRED) – In accordance with Texas Education Code, Section 51.9361, all registered student organizations are required to attend training sessions on the topic of risk management as it relates to individuals, organization functions, and/or activities and complete the required assessment. Social fraternities and sororities are required to

~~vii~~ attend additional Clay R. Warren Risk Education Programming annually.

~~viii-vi~~ Additional student organization trainings may be deemed necessary and required by the [Student Involvement Office](#) ~~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 and required by the university and/or [Student Involvement Office](#) ~~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 decision-making. The advisor is recommended to certify the organization's expenditures by co-signing all checks or vouchers. The advisor must oversee adherence to University standards, rules and/or policies as well as the organization's constitution and bylaws.
- b. Registered student organizations may have additional advisors, i.e., coaches (typical of sport clubs) or alumni advisors, to the extent permitted by their constitution and/or bylaws; however, one advisor must be a full-time Texas Tech University faculty or staff member as required and identified in the registration process.
- c. Any individual who is a secondary advisor or coach who is not affiliated with the University or is not a full-time Texas Tech employee should also be included when filling out the registration application, complete with names, addresses, telephone numbers and emails.



- d. Certain student organizations do not choose their advisor(s); rather, they are assigned a full-time faculty or staff person by the department to oversee the administration of those areas, groups and resources.
- e. Established full-time TTU University faculty or staff members, who reduce employment hours below full-time status and maintain an office on-campus, may continue to function as the “Primary” advisor of a student organization with the approval of the [Student Involvement Office](#) ~~Center for Campus Life~~.

**10. Conduct Procedures for Student Organizations**

All student organizations, registered and operating as a registered organization are held accountable for the *Code of Student Conduct* to include but not limited to academic integrity, sexual misconduct, hazing, and federal/state/local laws (a lack of conviction in any criminal proceeding of members of the organization or the student organization does not preclude the University from proceeding with TTU conduct processes). The student organization conduct process is outlined in Part I *Code of Student Conduct*, Section D, including processes for the interim suspension and denial of registration for student organizations.

**SECTION O. STUDENT RIGHT TO KNOW**

In compliance with federal guidelines, Texas Tech University provides all students, employees, and prospective students up-to-date information about campus crime statistics, six-year graduation rates of students and student athletes, and campus services such as tuition and fee rates, housing options, withdrawal procedures, study abroad programs and disability services. Links to current information are available at <http://www.depts.ttu.edu/studentconduct/right-to-know.php>.

**SECTION P. STUDENT RECORDS**

**1. General Policy**

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

**2. Address of Record**

Students must maintain an accurate permanent address with the Office of the Registrar. The address is used for official notifications including billing and notification of official University requirements. Students should maintain a current local address and telephone number that is used by University officials, and/or student organizations and the campus community. Students may update their contact information at [www.raiderlink.ttu.edu](http://www.raiderlink.ttu.edu) via the MyTech (for Students) tab.

**3. Student Access to Educational Records**

- a. All current and former students of the University have the right to access their educational records as provided by law.

- b. Upon written requests, students may obtain copies of their educational records at their expense and pending resolution of administrative holds. Depending upon the scope of information requested, the Office of the Registrar has up to 45 days to respond to written requests. Requests for transcripts are generally completed in less than 3 business days.
- 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 [http://www.depts.ttu.edu/registrar/Academic\\_Information.php](http://www.depts.ttu.edu/registrar/Academic_Information.php) 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. Records Not Accessible to Students**

The following are records not accessible to students:

- a. Instructional, supervisory and administrative personnel records and the student's educational personnel records in the sole possession of the author and not revealed to any person other than a substitute (i.e. grade books, notes of observation and notes for recollection purposes).
- b. Employment records of a University employee who is not a student.
- c. Medical records are maintained for students visiting Student Health Services. Information contained in the medical record is privileged and will not be released to another person or institution without written permission of the student, unless otherwise authorized by law. Medical records are kept on file indefinitely. Students needing a copy of their medical records may contact the Medical Records Office at (806) 743-2608. While not considered "education" records under the Family Educational Rights and Privacy Act of 1974, as amended, the mentioned statute still allows the patient, in most instances, access to his/her records. The general rule of confidentiality contains an exception when the patient or someone authorized to act on his/her behalf submits a written consent. Consent must be in writing and signed by the patient (or a parent or legal guardian if the patient is a minor). A physician shall furnish copies of medical records requested in accordance with the consent provided, except if the physician determines that access to the information would be harmful to the physical, mental or emotional health of the patient.
- d. Medical and/or psychological information submitted to Student Disability Services for the purpose of determining eligibility and services are not releasable. Students may obtain the original information from the sources.

**5. Authorized Non-Student Access to Student Records**

Educational records, including non-directory information and personally identifiable information within a record, may be released without the written consent of the student to:

- a. Officials, faculty and staff employed by the University if they have a legitimate educational interest.
- b. Officials of other educational institutions in which the student intends to enroll or seeks to enroll so long as the disclosure is for purposes related to the student's enrollment or transfer.
- c. Authorized representatives of federal, state or local educational authorities.
- d. Individuals needing this information in connection with a student application for, or receipt of, financial aid.
- e. Organizations or third-party contractors such as Educational Testing Service, which may assist the institution with administering predictive tests, student aid programs and improving instruction or related work processes. The organizations must not show the personally identifiable information to outsiders and the information must be destroyed when no longer needed for audit, evaluation or compliance with federal requirements.
- f. Accrediting organizations.
- g. Parents who certify a student is carried as a dependent for federal income tax purposes. This certification must be reviewed and documented by the Office of the Registrar.
- h. Appropriate persons, if necessary, to protect the health or safety of the student or other persons.
- i. Individuals requiring such information by means of a judicial order or any lawfully issued subpoena.

**6. Challenge of Record Information**

Students have the right to challenge records and information directly relating to them. This section does not include procedures for students challenging individual grades. Grade appeal procedures are described in the Student Handbook, Part VI, section A.7. The challenge is limited to inaccurate, misleading or otherwise inappropriate records and information. The procedures set forth below shall be followed for an appropriate challenge.

- a. Any student wishing to challenge records or information directly relating to him or her must notify the individual responsible for maintaining the records. The notice must be in writing and specifically identify the item challenged and the basis for the custodian of the challenged records.
- b. All initial meetings will be informal and participants will include: the custodian of the challenged records or information, the student and the author (if appropriate) of the material.
- c. If any of the participants (record custodian, student or author) are not satisfied with the results of the informal meeting, a formal Hearing will be conducted under the following procedures:
  - i. The Hearing will be conducted within seven University working days following the request for the Hearing.

- ii. 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 Life](#).
- iii. 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.
- iv. A written decision must be delivered in writing to all interested parties within seven University working days after the conclusion of the Hearing.

**7. Release of Student Directory Information**

- a. Directory information of students who have not elected to restrict their directory information may be released to third parties upon request.
  - i. Student Name
  - ii. Permanent and Local Addresses
  - iii. Place of Birth
  - iv. Classification
  - v. Major Field of Study
  - vi. Dates of Attendance
  - vii. Degrees, Awards, and Honors Received
  - viii. Specific Enrollment Status
  - ix. Full-time, Part-time, Half-time
  - x. Undergraduate, Graduate, Law
  - xi. Participation in Officially Recognized Sports and Activities
  - xii. Height/weight of members of Athletic Teams
  - xiii. Previous Institution(s) Attended
- b. This information will be released by various campus offices periodically, or on request, unless the student stipulates that directory information (as defined above) be withheld. Students may request that directory information be withheld in writing in West Hall, room 103, or by restricting personal directory information at [www.raiderlink.ttu.edu](http://www.raiderlink.ttu.edu) under the MyTech (for Students) tab. Students should select the Directory Profile link located under Personal Information and uncheck the box next to their name.
- c. The personal identifying information obtained from an individual for the purpose of the emergency alert system of an institution of higher education, including an e-mail address or telephone number, is confidential and not subject to disclosure under Section 552.021, Government Code.

**8. Destruction of Records**

The University constantly reviews the “educational records” it maintains and periodically destroys

certain records. The University will not destroy records if prohibited by state or federal law. The student's basic scholastic record is kept and maintained permanently in the Office of the Registrar. Disciplinary records are maintained for at least seven years in the Office of Student Conduct. In cases resulting in Time-Limited Disciplinary Suspension or Expulsion, records will be kept indefinitely. Student Disability Services records are maintained for three years after the last date of enrollment.

**9. Letters of Recommendation**

- a. Students may review recommendations used in application for employment or for admission to any educational agency or institution, or information concerning honors awarded, except when the student waives, in writing, the privilege of examination.
- b. Appropriate forms are available in the University Career Center for students using the credentialing service to store letters of recommendation for future employment purposes. These forms provide the student with several options concerning the use and confidentiality of letters of reference and recommendation. Under the Family Educational Rights and Privacy Act 1974, as amended, the student does not have access to confidential letters and statements of recommendation which were placed in the educational records before January 1, 1975, if the letters or statements are used for purposes for which they were specifically intended.

**SECTION Q. USE OF UNIVERSITY SPACE**

**1. General Policy**

Freedom of expression is critical and fosters free, robust, and uninhibited debate and deliberations by students enrolled at TTU as well as other persons. The purpose of this section is to establish the approval process for the use of University grounds, facilities, and amplification equipment for faculty, staff, academic, and administrative departments. With the exception of expressive activities outlined under Texas Tech University System Regulation 07.04, the space and facilities of the University are available according to the following priorities: the support of the instructional programs of the institution; the programs sponsored and conducted by University academic and administrative departments or organizations affiliated with those departments; the use of campus space and facilities for activities that have as their purpose, service or benefit to the Texas Tech University community, and that are sponsored by registered student organizations, students, faculty, and employees. Notwithstanding any other provision set forth in this section or elsewhere in this Handbook, in the event of any conflict between the terms of TTUS Regulation 07.04 and the provisions of this Handbook, the terms of TTUS Regulation 07.04 shall control.

Except as specifically provided in TTUS Regulation 07.04 or elsewhere in this section, University facilities may not be used by individuals or organizations not connected with the University. An individual who is not a student, faculty, or staff member may attend public functions or activities held on University property, but to be eligible for the use of campus facilities, the function or activity must be sponsored by and affiliated with a University department or registered student organization. There may be a charge for attendance at some events. Sponsorship and/or co-sponsorship minimally include, but are not limited to, direct participation in planning, coordination and implementation by members of the sponsoring organizations. A department, student or registered student organization may not reserve space or facilities on campus and permit it to be used by a non-registered organization or off-campus group or person. Except as otherwise permitted under Texas Tech University or Texas Tech University System policies, non-registered organizations or off-campus groups or persons not

sponsored by a department or registered organization will not be permitted to reserve facility spaces on campus. State law requires that University facilities and property not be used for private gain.

**2. Reservation Requirements**

- a. Reservations must be made for the use of facilities under the control of the University. Requests for reservations will be granted according to the priorities of the designated area. Requests must be made to the appropriate office. Requests from registered student organizations must be signed by the organization's president and full-time faculty/staff advisor. Requests from individuals must be signed by the person applying for the use of the space or facilities.
- b. If the use of facilities is for programs or activities involving minor children, the sponsoring group must comply with Texas Education Code § 51.976, which requires sexual abuse and child molestation training, certification, and reporting for program employees. Documentation of timely reporting to the Texas Department of State Health Services of such training should be received before reservation of space or facility will be confirmed.

**3. Use of Facilities by Student Organizations**

- a. Student organizations must be registered to use University facilities or grounds.
- b. These meetings must be held within a 30 calendar-day time period from the date the ~~Student Involvement Office Center for Campus Life S~~ staff notifies **campus partners that provide resources to student organizations** 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. 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 or by calling 806-742-3636.
- b. Academic Buildings  
Any registered student organization may request the use of space in academic buildings for specific purposes. These purposes may include, but are not limited to, regular meetings of honorary or professional organizations, lectures, seminars or workshops and special programs and functions. The space must be reserved through the Operations Division Planning and Administration. All requests must be submitted by an active member of the student organization using the online request form in Ad Astra Schedule at <https://www.aaiscloud.com/TXTechU> 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:

- i. The intended use is in keeping with the educational purposes of the University.
- ii. The intended use does not conflict with the use by academic programs or academic organizations.
- iii. The intended use does not conflict with normal security and maintenance schedules.

c. Residence Halls

Enrolled students who live in the residence halls and participate in the residence hall governments have first priority for use of all residence hall facilities. Facilities may also be provided for individuals or groups whose activities are sponsored by, or affiliated with, University Student Housing. University departments or registered student organizations may use residence hall facilities during the summer, or at times when space is available, for workshops, institutes, short courses and conferences. However, space availability is limited, and requests for the use of residence hall space must be made to the Managing Director of University Student Housing.

d. Intercollegiate Athletic Facilities

Texas Tech University complies with ADA standards and ensures access and accommodations for guests to all facilities listed. The Jones/AT&T Stadium Athletic Complex, Fuller Track and Field, Rip Griffin Park, McLeod Tennis Center, Rocky Johnson Field, John Walker Soccer and other athletic fields are owned and maintained by the University for the primary use and benefit of the intercollegiate athletic programs of the University, of allied non-University athletic activities consistent with such programs and of official academic events of the University. The use of these facilities shall be limited to these purposes unless otherwise authorized by the Intercollegiate Athletics Office. Requests for use of all intercollegiate athletic facilities must be made to the Intercollegiate Athletics Office. Texas Tech University complies with ADA standards and ensures access and reasonable accommodations for guests to all facilities listed in items e-i below.

e. Recreational Facilities

The Robert H. Ewalt Recreational Center, Aquatic Center, Leisure Pool, recreation fields, gazebos, tennis courts, racquetball courts and basketball courts are intended primarily for student recreational and instructional use on an organized group and individual basis. Recreational Sports is responsible for scheduling the use of these facilities.

f. McKenzie-Merket Alumni Center

The McKenzie-Merket Alumni Center, located on the southeastern corner of the Texas Tech campus, directly west of the Kent R. Hance Chapel, is the home for all Texas Tech Alumni and friends. This facility boasts a ballroom that can seat 300-plus for a banquet and more than 500 in a theatre setting. Two separate courtyards provide space for outdoor events. Booking of this facility is coordinated by the Texas Tech Alumni Association at (806) 742-0400.

g. Frazier Alumni Pavilion

The Frazier Alumni Pavilion, situated just southwest of Jones AT&T Stadium is a 6,000-square foot facility designed to host large banquets but can be configured for weddings, press conferences, and other events. It also has a 10,000-square foot outdoor porch area that can be used to increase the size of your event. To book this venue, contact the Texas Tech Alumni Association at (806) 742-0400.

h. Kent R. Hance Chapel

A 6,879-square foot, 250-seat, non-denominational Spanish Renaissance chapel is capable of supporting a broad range of services and events. To book this venue, contact the Texas Tech Alumni Association at (806) 742-0400.

i. United Supermarkets Arena

The United Supermarkets Arena is a 15,000-seat multi-purpose facility and is host to a variety of entertainment and athletic events, including Texas Tech University basketball and volleyball, commencement ceremonies, concerts and numerous meeting room events. Facilities available for lease within the United Supermarkets Arena include the four meeting rooms in the City Bank Conference Center, Club Red, the arena concourse, the arena floor and the arena bowl area.

Registered student organizations receive rental discount for the City Bank Conference Center meeting rooms. Texas Tech University Commencement, Texas Tech University Health Sciences Center Commencement, Texas Tech basketball and volleyball games and major arena events, such as concerts, have priority in booking the United Supermarkets Arena. Space in the United Supermarkets Arena is reserved through the Arena Management Office.

**5. Use of Campus Grounds**

With the exception of expressive activities under TTUS Regulation 07.04, or as otherwise outlined in this section, university grounds are available for use only in accordance with the following policies and procedures:

- a. Selected grounds area (other than those described above) are available for activities that are sponsored and approved by University departments, registered student organizations or individual faculty, students and employees. Academic use by departments and colleges has priority and assignments may be changed or canceled if conflicts with regular academic programs develop.
- b. Students or registered student organizations desiring to use campus grounds must



- e. 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.
- d. 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.
- c. Students or registered organizations using a designated area are subject to the following requirements:
- iv. Use of amplification equipment must comply with the guidelines below.
  - v. 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.
  - vi. If any expenses will be incurred in the course of an event, the sponsor or co-sponsor will be required to supply a University account number before the activity can be approved by the Outdoor Events Coordinating Committee.
  - vii. Violations of these campus grounds use regulations are subject to the disciplinary sanctions and procedures outlined in the *Code of Student Conduct*.
  - viii. 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.
  - ix. Participants in, and/or sponsors for, events may be required to sign a "Hold Harmless" release.
  - x. 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.
  - xi. The sponsor should contact Transportation & Parking Services to make necessary

parking arrangements for the event.

- xii. If the use of University grounds is for programs or activities involving minor children, the sponsoring group must comply with Texas Education Code § 51.976, which requires sexual abuse and child molestation training, certification, and reporting for program employees. Documentation of timely reporting to the Texas Department of State Health Services of such training should be received before reservation of space or facility will be confirmed.

#### 6. Expressive Activities

Expressive activities on the TTU campus are governed by Texas Tech University System Regulation 07.04. Notwithstanding any other provision set forth in this section or elsewhere in this Handbook, in the event of any conflict between the terms of TTUS Regulation 07.04 and the provisions of this Handbook, the terms of TTUS Regulation 07.04 shall control.

- a. Students or other persons engaged in freedom of expression activities may be subject to discipline under the *Code of Student Conduct* for the following actions related to time, place and manner restrictions applicable to expressive activities in the University outdoor common areas:

- 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
- x. 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. 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. Restrictions Are Viewpoint-Neutral. The University's decisions will not be based on political, religious, philosophical, ideological, or academic viewpoints.

**7. Relocation, Limitation, and Prohibition.**

The University reserves the right to relocate, limit, or prohibit individuals or groups engaged in expressive activities in University outdoor common areas based on reasonable time, place, and manner restrictions.

a. 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 [Assistant Vice Provost for Student Campus Life Director of the Center for Campus Life](#) as follows:

- i. A written appeal describing the objections to the denial presented to the [Assistant Vice Provost for Student Campus Life 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.
- ii. The Director of the [Assistant Vice Provost for Student Campus Life 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

- i. 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.
- ii. 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.
- iii. 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 between 12pm-1pm, after 5:00 pm Monday through Friday and weekends.
- iv. Use of amplification equipment is subject to all rules concerning the time, place, and manner of expressive activities outlined in TTUS [Regulation 07.04](#).
- v. No amplification of sound is permitted during the final exam period.
- vi. 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.

- vii. 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

- i. 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.
- ii. 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.
- iii. Applications must be submitted at least two weeks before the intended use.
- iv. 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.
- v. 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.
- vi. 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.
- vii. 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.
- viii. 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).
- ix. 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

- i. 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.

- ii. 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 processed for the date submitted within three business days. A student wishing to drop to zero hours must withdraw from the institution. ~~If a student withdraws~~ A student may not withdraw from a term when any course for that term has been completed. Intercession courses are a part of the subsequent term (e.g. August intercession is a part of the Fall term) and factor into enrolled hours, GPA, academic standing and other calculations. If a student withdraws on the 13th class day or after, a W will be recorded for all classes that semester or term, and these W's will not be counted toward the six state-defined permitted drops. International students must receive clearance from the Office of International Affairs as a part of the withdrawal procedure. Student athletes must receive clearance from their Athletic Academic Advisor. Withdrawal and re-enrollment procedures vary for School of Law students. Students enrolled in the School of Law and seeking withdrawal information should contact the Associate Dean for Academic Affairs at the School of Law for assistance.
- b. Students considering withdrawal for medical reasons may contact the Office of the Dean of Students to discuss additional University resources and services. Law students considering withdrawal for medical reasons may contact the Associate Dean for Academic Affairs at the School of Law.
- c. There may be financial implications to withdrawal. If a student receives financial aid or is living in TTU student housing, he/she should first contact those offices before applying for the withdrawal. If a registration hold exists on the student's record, it must be cleared before the withdrawal can be processed. To check your student record for registration holds, log on at [www.raiderlink.ttu.edu](http://www.raiderlink.ttu.edu) and select the MyTech (for Students) tab. Law students considering withdrawal must contact the Senior Financial Aid Advisor at the School of Law.
- d. Refunds  
The Undergraduate and Graduate Catalog indicate that students withdrawing to zero hours at their request or those who have been withdrawn due to University action may be eligible to receive a refund of paid tuition and fees. A tuition and fee refund schedule is listed in the Undergraduate and Graduate Catalog and at <http://www.depts.ttu.edu/registrar/>.

School of Law students must contact the School of Law's Senior Financial Aid Advisor to discuss eligibility for refunds.

e. Returning to the University after a Voluntary Withdrawal

Application materials and deadlines for former Texas Tech students are available at [www.gototexastech.com](http://www.gototexastech.com). Official transcripts from all institutions attended subsequent to [the last term of enrollment at](#) Texas Tech ~~re-enrollment~~ must be submitted by the application deadline. All returning students must have a minimum of a 2.0 GPA on work taken since leaving Texas Tech. Please visit the following for more information:

<http://www.depts.ttu.edu/formertech/> School of Law students must contact the Associate Dean of Academic Affairs to discuss the process of returning to school.

**2. Involuntary Withdrawals**

a. When a student poses a direct threat to the health or safety of others [and/or poses a risk of self-harm](#), and the direct threat [or risk](#) 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

- i. There is a high probability (not just a slightly increased, speculative, or remote risk) of substantial harm
- ii. Based on observation of a student's conduct, actions, and statements.

d. The ~~Dean of Students~~[DOS/VPSL](#) 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.

e. The ~~Dean of Students~~[DOS/VPSL](#) or designee will notify the student of the concern.

f. The ~~Dean of Students~~[DOS/VPSL](#) 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:

- i. Involvement of parents or significant others;
- ii. Academic progress;
- iii. Living arrangements;
- iv. Previously granted accommodations;
- v. Confidentiality waivers;
- vi. Other possible accommodations, care and support resources including medical or counseling assistance; and
- vii. 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 Life](#) or designee determines that an immediate direct threat exists against others [or if the student poses a risk of self-harm that cannot be reasonably accommodated](#) 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 [and respond](#) the concern, and the student is afforded ~~a Hearing and the~~ 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 Life](#) or designee), and may not [physically](#) 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 Life](#) or designee and the Texas Tech Police Department.

g. 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 [is](#) 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:

- i. The nature, duration, and severity of the risk;
  - ii. The probability that the potentially threatening injury or self-harm will actually occur; and
  - iii. Whether reasonable modifications of policies, practices, or procedures will sufficiently mitigate the risk.
- h. Involuntary Withdrawal Committee

The assessment report will be forwarded to the Involuntary Withdrawal Decision maker/Committee for review. The Involuntary Withdrawal Decision maker/Committee composition, including number of member(s), shall be within the University's discretion based upon the nature of the situation and may be comprised of ~~the following voting~~ members from the following departments: 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~~ DOS/VPSL. If the student resides in campus housing, the Director of Student Housing will may also serve as a ~~voting~~ member of the committee. ~~The Dean of Students~~ DOS/VPSL or designee will chair the ~~committee~~. If the student is a law student, the Associate Dean for Student Life will may also serve as a ~~voting~~ member of the Committee. A ~~non-voting~~ resource person may be assigned from the Vice Provost for Student Life to present information and assist the ~~committee~~ Decision maker/Committee. The Involuntary University Withdrawal Decision maker/Committee will meet and/or correspond with the student in an informal, non-adversarial setting Hearing to review the information collected throughout the process, and discuss the assessment with the student. As reasonably possible, ~~t~~ The student will be permitted an opportunity to address the evidence being considered by the Involuntary Withdrawal Decision maker/Committee.

~~The Hearing will be scheduled by the Office of the Dean of Students within five University working days of the completion of the individualized assessment. As reasonably possible, t~~ The student will be provided ~~the~~ information to be considered by at the Hearing by the ~~Dean of Students~~ DOS/VPSL Decision maker/Committee, 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 opportunity for the student to meet and/or discuss with the Decision maker/Committee](#), the Involuntary Withdrawal [Decision maker/Committee](#) will recommend one of the following:

- i. the student may remain enrolled at the University with no restrictions;
  - ii. the student may remain enrolled at the University subject to specific conditions and/or restrictions as defined by the Involuntary Withdrawal [Decision maker/Committee](#); or
  - iii. The student should be involuntarily withdrawn from the University upon a specific date.
- i. Review of Committee Recommendation
- The ~~Dean of Students~~[DOS/VPSL](#) or designee will notify the student in writing of the [Decision maker/Committee](#) decision within five University working days.
- j. Appeals Process
- The student may appeal the decision of the ~~Dean of Students~~[DOS/VPSL](#) or designee by submitting a written appeal to the Vice Provost for [Student Life](#) within five (5) University working days [of receiving notification of decision](#). The student will be notified in writing of the final decision within five (5) University working days of receipt of the appeal.
- k. 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 Life](#). Referrals ~~will~~ [may](#) 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~~[DOS/VPSL](#) or designee, limiting any subsequent registration until approval is given by the ~~Dean of Students~~[DOS/VPSL](#) or designee.
- l. Eligibility for Readmission
- Students are eligible for consideration of readmission following an involuntary withdrawal [based on an individualized assessment of the student's situation after one calendar year](#). At ~~that~~ [such](#) 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~~[DOS/VPSL](#) 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 [or no longer poses a risk of self-harm that cannot be reasonably accommodated](#), and upon meeting admission deadlines and requirements.

## APPENDIX A DEFINITIONS

### **Academic Work, Test, Quiz, or Other Assignment**

The terms “academic work, test, quiz, or other assignment” includes any required or optional academic work that is assigned. Examples include, but are not limited to, exams, quizzes, tests, homework, case studies, essays, research papers, group work, extra credit assignments, class attendance, experiential learning activities, internship or externship components, resumes, comprehensive exams, and thesis and dissertation drafts and submissions.

### **Administrative Hold**

The term “administrative hold” refers to the indicator placed on a student’s record preventing access to such University procedures as registration, release of transcripts, and course add/drops until the student meets the requirements of the University office placing the indicator as described in the Undergraduate/Graduate Catalogs.

### **Behavioral Intervention Team (BIT)**

Under the auspices of the Office of the Dean of Students, BIT is a team of professionals uniquely situated to address elevated student behavior concerns and serves as a central repository for the Texas Tech University community to report student behaviors of concern. As warranted, BIT facilitates early intervention, risk assessment and referrals to help promote student success while paying special attention to the safety and security needs of members of the University Community.

### **Complainant**

Also known as the “Complaining Party”, the “Complainant” refers to a person who is the subject of an alleged violation of misconduct.

### **Conduct History**

The term “conduct history” is a compilation of records related to any student or student organization’s behavior that resulted in a finding of Responsible through the University conduct process outlined in the *Code of Student Conduct*.

### **Consent**

Mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly conveys permission for a specific activity. *For the full definition of Consent, see Section D: Title IX Procedures for Students.*

### **Coercion**

Sexual coercion is defined as the use of violence or threats of violence against a person or the person’s family or property; depriving or hindering a person by any means, substance, object or clothing;

attempting to intimidate a person by threats or force; or when committed with the intent to compel a person to do or abstain from doing an act that the person has the right to do or abstain from doing. Coercion is more than an effort to persuade, entice, or attract another person to have sex. In evaluating whether coercion was used, the University will consider: (i) the frequency of the application of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the duration of the pressure.

### **Dating Violence**

Abuse or violence, or a threat of abuse or violence, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complaining Party. The existence of such a relationship will be determined based on the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. A casual acquaintanceship or ordinary socializing between two individuals does not constitute a romantic or intimate relationship. This definition does not include acts covered under Domestic or Family Violence.

### **Designee**

The term “designee” refers to the ~~Managing Director~~ [ADOS/SD](#) 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**

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 ~~ADOS/SD Director~~ of the Office of Student Conduct, ~~Dean of Students~~ [DOS/VPSL](#) 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~~ Assistant Dean of Students/Senior Director**

The term ~~Managing Director~~ [ADOS/SD](#) refers to the ~~“Managing Director of the Office of Student Conduct~~ [Assistant Dean of Students/Senior Director](#)” or designee who has oversight of implementation of the *Code of Student Conduct* to include but is not limited to determination of Investigation of incidents, all notification procedures, interim actions/suspensions, Investigation procedures, adjudication procedures and appellate procedures.

**Member of the University Community**

The term “member of the University community” includes any person who is a student, faculty or staff member, University official or any person employed by the University or campus visitors.

**Official Academic Record**

The term “official academic record” includes, but is not limited to applications for admission, the awarding of a degree, grade reports, test papers, registration materials, grade change forms, and reporting forms used by the Office of the Registrar.

**Organization**

The term “organization” means a fraternity, sorority, association, corporation, order, society, corps, club, or student government, a band or musical group or an academic club, athletic, cheerleading, or dance team, including any group or team that participates in National Collegiate Athletic Association

competition, or a service, social, or similar group, whose members are primarily students.

**Policy**

The term “policy” is defined as the written regulations, standards and/or rules of the University.

**Policy Clarification**

The term “policy clarification” refers to written notice to a student when it is determined that the information reported does not warrant an allegation, but may warrant notice to the involved parties to clarify the policy in question.

**Preponderance of Evidence**

The term “preponderance of evidence” is the standard of proof used by Student Conduct Hearing Officers, Office of Student Conduct and University Student Housing. It is defined as a circumstance in which the evidence as a whole shows that the fact(s) for which proof is being sought are more likely than not.

**Religious Holy Day**

The term “religious holy day” means a holy day observed by a religion whose places of worship are exempt from property taxation under Texas Tax Code § 11.20.

**Respondent**

The term “Respondent” refers to the party responding to the complaint or concern reported regarding their behavior or actions.

**Retaliation**

The term “Retaliation” is defined as any intentional, adverse action taken by any party to the matter, absent legitimate nondiscriminatory purposes, against a participant [or supporter of a participant] in an investigation and/or conduct process, civil rights grievance proceeding, or other protected activity. Retaliation is strictly prohibited against a person who files a report through appropriate university reporting mechanisms made in good faith, who assists someone in filing a report, or participated in any manner in the investigation and/or conduct process.

**Simultaneous(ly)**

The term “simultaneous” or “simultaneously” is defined as soon as feasibly possible and does not necessarily mean instantaneous.

**Sponsorship and/or co-sponsorship**

The term “sponsorship and/or co-sponsorship” is defined as minimally including, but not limited to,

direct participation in planning, coordination and implementation by members of the sponsoring organizations.

**Student**

The term “student” includes all persons admitted to or enrolled in courses at the University, either full time or part time, pursuing undergraduate, graduate or professional studies, and/or those who attend postsecondary educational institutions other than Texas Tech University and who reside in University residence halls. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered “students”.

**Student/Student Organization Conduct History**

The term “student/student organization conduct history” includes, but is not limited to any responsible finding in a conduct proceeding.

**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 [Student Involvement Office](#) ~~Center for Campus Life~~. Registered student organizations are bound by the expectations set forth by the [Student Involvement Office](#) ~~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~~[DOS/VPSL](#), The STAT is a subsidiary of the Behavioral Intervention Team that responds to reports of imminent threat(s) involving a student.

**University**

The term “University” means Texas Tech University and Texas Tech University Health Sciences Center.

**University Official**

The term “University official” includes any person employed by Texas Tech University or Texas Tech University Health Sciences Center while performing assigned administrative or professional Responsibilities.

**University Premises**

The term “University premises” includes all land, buildings, facilities and other property in the possession of or owned, used or controlled by the University (including adjacent streets and sidewalks)

| [This need to say Student Life](#)



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