

Regulations Governing Student Conduct

The University reserves the right to restrict the enrollment of any student for disciplinary or academic reasons.

Disciplinary Procedures: All students at The University of Texas of the Permian Basin are subject to all the *Rules and Regulations* of the Board of Regents of The University of Texas System and all institutional rules and regulations. *Rules* regarding students conduct and discipline are included in Series 50101 of the Regents' *Rules and Regulations*, The University of Texas of the Permian Basin [Handbook of Operating Procedures](http://www.utpb.edu/media/pdf/hop/Part_V.pdf), http://www.utpb.edu/media/pdf/hop/Part_V.pdf, and the [Falcon Guide](http://ss.utpb.edu/dean-of-students/student-conduct/), <http://ss.utpb.edu/dean-of-students/student-conduct/>.

According to the Regents' [Rules](#), the Dean of Students has the authority to take interim disciplinary action when the continuing presence of the student poses a potential danger to persons or property or a potential threat of disrupting any authorized university activity.

Disciplinary action could include:

- Disciplinary probation.
- Withholding of grades, official transcript and/or degree.
- Bar against readmission.
- Restitution or reimbursement for damage to or misappropriation of institutional or System property.
- Suspension of rights and privileges, including participation in athletic or extracurricular activities.
- Failing grade for an examination or assignment or for a course and/ or cancellation of all or any portion of prior course credit.
- Denial of degree.
- Suspension from the institution for a specified period of time.
- Expulsion (permanent separation from the institution)
- Revocation of degree and withdrawal of diploma.
- Other penalty as deemed appropriate under the circumstances.

Drugs/Narcotics: Any student who is guilty of the illegal use, possession and/or sale of a drug or narcotic on the campus of U.T. Permian Basin or any other U.T. System component institution is subject to discipline. If a student is found guilty of the illegal use, possession, and/or sale of a drug or narcotic on campus, the minimum penalty shall be suspension from the institution for a specified period of time and/or suspension of rights and privileges.

Intoxicating Beverages: The use of intoxicating beverages is prohibited in classroom buildings, laboratories, auditoriums, library buildings, museums, faculty and administrative offices, intercollegiate and intramural athletic facilities, and all other public campus areas. State law will be strictly enforced at all times on all property controlled by the System and its component institutions.

Solicitation: No individual, organization, group, association, or corporation may use the grounds, buildings, or facilities owned or controlled by any component institution or by the System except as permitted by the provisions of the Regents' [Rules and Regulations](#) and approved institutional rules and regulations. Campus facilities are not otherwise open to the public. Exceptions include collection of memberships dues by faculty, staff and student organizations and approved fund-raising performed by registered student organizations.

The term "solicitation" means the sale, lease, rental or offer for sale, lease, rental of any property, product, merchandise, publication, or service, whether for immediate or future delivery; an oral statement or the distribution or display of printed material, merchandise, or products that is designed to encourage the purchase, use, or rental of any property, product, merchandise, publication, or service; the receipt of or request for any gift or contribution; or the request to support or oppose a vote for or against a candidate, issue, or proposition appearing on the ballot at any election held pursuant to State or federal law or local ordinance.

Hazing: The 70th Texas Legislature enacted a law concerning hazing which became effective on September 1, 1987. Under the law, individuals or organizations engaging in hazing could be subject to fines and charged with a criminal offense.

According to the law, a person can commit a hazing offense not only by engaging in a hazing activity, but also by soliciting, directing, encouraging, aiding or attempting to aid another in hazing; by intentionally, knowingly or recklessly allowing hazing to occur; or by failing to report in writing to the Vice President for Student Services firsthand knowledge that a hazing incident is planned or has occurred. The fact that a person consented to or acquiesced in a hazing activity is not a defense to prosecution for hazing under this law. In an effort to encourage reporting of hazing incidents, the law grants immunity from civil or criminal liability to any persons who report a specific hazing event to the Vice President for Student Services; and immunizes that person from participation in any judicial proceeding resulting from that report. The penalty for failure to report is a fine of up to \$1,000.00, up to 180 days in jail, or both. Penalties for other hazing offenses vary according to the severity of the injury which results and range from \$500.00 to \$10,000.00 in fines and up to two years confinement.

The law does not affect or in any way restrict the right of the University to enforce its own rules against hazing. Hazing with or without the consent of the student is prohibited by The University of Texas System, and a violation of that prohibition renders both the person inflicting the hazing and the person submitting to the hazing subject to discipline.

The law defines hazing as 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, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization whose members are or include students at an educational institution.

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, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
- C. Any activity involving consumption of food, liquid, alcoholic beverage, liquor, drug, or other substance which subjects the student to an unreasonable risk of harm or which adversely affects the mental or physical health of the student;
- D. Any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, or that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described in this subsection; and
- E. Any activity that induces, causes, or requires the student to perform a duty or task which involves a violation of the Penal Code.

Student due process procedure covers discrimination, sexual and racial harassment and gives procedures for filing grievance and grounds for non-academic appeals. Please see the Student Guide for procedures about filing of a grievance for non-academic issues.

Use of Copyrighted Materials: It is the policy of The University of Texas of the Permian Basin to follow the United States Copyright Law of 1976, as amended, (Title 17, United States Code, hereinafter, the "Copyright Act"). Accordingly, all faculty, staff and students of The University of Texas System and its component institutions should follow these policy guidelines: Only copyrighted materials are subject to the restrictions in this Policy Statement. Uncopyrighted materials may be copied freely and without restriction. Because a copyright notice is not required for copyright protection of works published on or after March 1, 1989, most works (except those authored by the United States Government) should be presumed to be copyright protected, unless further information from the copyright holder or express notice reveals that the copyright holder intends the work to be in the public domain. Works published prior to March 1, 1989, generally require a copyright notice to be protected. The Copyright Office Circular 22 explains how to determine the copyright status of a work.

Copyrighted software may be copied without the copyright owner's permission only in accordance with the Copyright Act. Section 117 of the Act permits making an archival back-up copy. Most software, however, is licensed to the user and the terms of the license agreement may give the user permission to make copies of the software in excess of the archival copy permitted by the Copyright Act. Each software license agreement is unique. As a result, the user's rights to copy licensed software beyond that permitted under the Copyright Act may only be determined by reading the user's license agreement. Any copying or reproduction of copyrighted software on System or component institution computing equipment must be in accordance with the Copyright Act and the pertinent software license agreement. Further, faculty, staff and students may not use unauthorized copies of software on System or component institution owned computers or networks or computers housed in System or component institution facilities. Copyrighted materials may be copied or otherwise used without the copyright owner's permission where such copying constitutes "fair use" under the Copyright Act. In order to copy or otherwise use materials, including software, where (a) the materials are copyrighted, (b) use exceeds what is permitted by license or the Rules of Thumb, and (c) the four factor fair use test indicates that the use is likely not fair; permission should be obtained from the copyright owner. (The University of Texas System Policies)

Copyright Issues:

File-sharing applications make it easy for you to share music, videos, movies, software, text and other files. However, unless you have the explicit permission of the copyright owner to possess or distribute the material, you may be in violation of federal copyright law. It is best to assume that all material is copyrighted. The University cannot protect you from a copyright complaint. You are not insulated from legal action because of your status as a student or because you use University network resources. In fact, we may be legally required to assist a complainant in pursuing action against you. The penalties can range from University sanctions to civil and criminal prosecution. Individual copyright owners and the entertainment industry are quite active in pursuing legal actions. You are not protected just because you received material at no cost or are distributing material with no charge. Your only protection is to not possess or distribute any unlicensed copyrighted material.

Gang-Free Zones: Premises owned, rented or leased by the University of Texas of the Permian Basin, and areas within 1,000 feet of the premises are "gang-free" zones. Certain criminal offenses, including those involving gang-related crimes, will be enhanced to the next highest category of offense if committed in a gang-free zone by an individual 17 years or older. See Texas Penal Code, Section 71.028.

Student Appeals/Grievances

Any student who believes that his or her rights have been abridged for any reason should seek redress abiding by the procedures set forth herein. A student grievance may involve faculty, staff or other students of the University. A grievance must be initiated within 30 calendar days from the date of the alleged infraction. Appeals regarding assigned grades must be addressed with the instructor within 30 days of the issuance of the grade. The time for filing a grievance can be waived for good cause as determined by the Dean of Students. Procedures for student appeals and grievances may be found in the Falcon Guide, <http://ss.utpb.edu/dean-of-students/student-grievances/>.

A grievance which has been brought forth and ruled on under other procedures may not be brought forth under these procedures and vice versa. A person who retaliates in any way against an individual who has filed a grievance is subject to disciplinary action up to and including expulsion. Any person who knowingly and intentionally files a false grievance under this policy is subject to disciplinary action up to and including expulsion.

A grievance shall be defined as a complaint which deals with an allegation regarding any abrogation of a student's.

Types of Grievances/Appeal

- Grade Appeal – student wishes to appeal a grade.
- Academic Grievance - student wishes to contest the course requirements, examinations, course content, admission to a program, instructor behavior, or similar issue.
- Non-Academic Grievance – student wishes to address a situation that occurred outside of the classroom. A grievance based appeal on such an issue is relevant if the grievance is between a student and one or more other students; a faculty or staff member; a student organization; or any other office or agency of the University.

Introduction to Filing a Grievance/Appeal

At each stage of the appeal/grievance process, it is understood that the accused will be afforded the opportunity to present separately their perspective of the nature and relative facts pertaining to the issue in question. The following steps should be followed with respect to seeking redress of grievances:

Grade Appeal

A student who wishes to dispute an assigned grade should first seek resolution via a meeting with the instructor. A written appeal should be presented to the instructor. The student should consult with the Student Rights Advocate and may consult with the advocate throughout the duration of the appeal process. The Student Rights Advocate is appointed by the Dean of Students. If, within five (5) working days of the meeting with the instructor, the student believes that the issue has not been addressed or disagrees with the outcome of the meeting with the instructor, the student should file a written appeal with the appropriate Department Chair and seek resolution through an appointment with the relevant Department Chair.

If, within ten (10) working days after the meeting with the Department Chair, the student believes the grade appeal has not been addressed or disagrees with the outcome of the meeting with the Department Chair, or if the accused does not have a Chair or the accused is the Chair, the student should file a written appeal with the appropriate academic Dean and seek an appointment with him or her. Upon receipt of the written appeal, the Dean will schedule a meeting with the student. Following the appointment with the student, the Dean will investigate the matter. The Dean shall respond to the appeal within (10) working days of the meeting with the student unless an investigation requires additional time in which case the circumstances should be documented. The decision of the Dean shall be FINAL.

Academic Grievance

A student who has an academic grievance should first seek resolution of the grievance via a meeting with the instructor. A written appeal should be presented to the instructor. The student has the option of consulting with the Student Rights Advocate and may consult with the advocate throughout the duration of the appeal process. The Student Rights Advocate is appointed by the Dean of Students.

If, within (10) working days of the meeting with the instructor, the student believes that the academic grievance has not been addressed or disagrees with the outcome of the meeting with the instructor, the student should file a written complaint with the appropriate Department Chair and seek resolution through an appointment with the Department Chair.

If within ten (10) working days of meeting with the Department Chair the student believes that the academic grievance has not been addressed or disagrees with the outcome of the meeting with the Department Chair, or if the accused does not have a Chair or the accused is the Chair, the student should file a written complaint with the appropriate academic Dean and seek an appointment with the him or her.

Upon receipt of the written complaint, the Dean will schedule a meeting with the student. Following the appointment with the student, the Dean will investigate the matter. If within ten (10) working days after meeting with the Dean, a student believes the academic grievance has not been addressed or disagrees with the outcome of the meeting with the Dean, or if the accused is the Dean, the student should file a written complaint with the Provost and Vice President for Academic Affairs and seek an appointment with him or her.

If within (10) working days after the meeting with the Provost and Vice President for Academic Affairs, the student believes the academic grievance has not been addressed or disagrees with the outcome of the meeting, the Student Rights Advocate will then inform and advise the President, who shall render a FINAL decision within (10) working days. The president should be provided with a timeline of the grievance and proposed resolutions at each step of the process.

Non-Academic Grievance

In order to reconcile grievances that are not academically related, students should:

First attempt to resolve the grievance with the person with whom they have a grievance. In instances where the student has good reason not to attempt a resolution with this person, the student should make an appointment and discuss the issue with the supervisor of the person with whom they have a grievance. If the grievance involves students only and the student has good reason not to attempt a resolution with this person, the grievance may be made directly to the Dean of Students.

If the grievance involves a University employee and within five (5) working days of meeting with the employee, the student believes the grievance has not been addressed or disagrees with the outcome of the meeting with the employee, the student should file a written complaint with the employee's supervisor and seek an appointment with him or her.

If the grievance involves a student and within five (5) working days of meeting with the accused student, the student believes the grievance has not been addressed or disagrees with the outcome of the meeting with the accused student, the student should file a written complaint with the Dean of Students and seek an appointment with him or her. A grievance filed against a student will be handled through the student conduct procedures as prescribed in Student Conduct and Discipline.

If within ten (10) working days after meeting with the employee's supervisor or Dean of Students, as appropriate, the student believes the grievance has not been addressed or disagrees with the outcome of the meeting, the student should file a written complaint with the Vice President for Student Services and seek an appointment with him or her.

If within ten (10) working days after meeting with the Vice President for Student Services the student believes the grievance has not been addressed or disagrees with the outcome of the meeting, the student should file a written complaint with the President, who shall render a FINAL decision within ten (10) working days. The president should be provided with a timeline of the grievance and proposed resolutions at each step of the process.

Grievances regarding disability, discrimination, sexual harassment sexual misconduct should be addressed in accordance with the appropriate policy of the University and may be found in the [Falcon Guide](#). (Reference ADA Grievance Policy; Non-Discrimination, Sexual Harassment and Sexual Assault Policy), <http://ss.utpb.edu/dean-of-students/student-grievances/>.

Health and Wellness

AIDS, HIV, and Hepatitis B Infection: The University of Texas Permian Basin recognizes its responsibility to protect the rights and privileges of students, employees, patients, and the general public against the contact with the spread of infectious diseases. In recognition of Human Immunodeficiency Virus (HIV) and Hepatitis B (HBV) as serious health threats, U.T. Permian Basin has adopted a policy and procedural steps to protect both the rights and well-being of those students who may be infected with HIV or HBV as well as to prevent the spread of infection. No individual with HIV or HBV infection will be discriminated against in employment, admission to academic programs, health benefits, or access to facilities. Students with HIV or HBV infection may attend all classes without restriction, as long as they are physically and mentally able to participate and perform assigned work and pose no health risks to others. All information regarding the medical status of U.T. Permian Basin faculty, staff, and students is confidential.

A complete copy of the "AIDS, HIV and Hepatitis B Infection" policy can be found in the institutional [Handbook of Operating Procedures](#) available in the Office of each school or college, the Library, most U.T. Permian Basin departments and on the internet at <http://www.utpb.edu>. This policy is applicable to all students of U.T. Permian Basin as they pursue their academic (and clinical) endeavors. Brochures with information about AIDS/HIV will be made available to all students on request to the U.T. Permian Basin Student Life Office.

Bacterial Meningitis Information: Bacterial Meningitis is a serious, potentially deadly disease that can progress extremely fast, so utmost caution is required. It is an inflammation of the membranes that surround the brain and spinal cord. The bacteria that causes meningitis can also infect the blood. This disease strikes about 3,000 Americans each year, including 100-125 on college campuses, leading to 5-15 deaths among colleges students every year. Bacterial Meningitis is transmitted when people exchange saliva (such as by kissing, or by sharing drinking containers, utensils, cigarettes, toothbrushes, etc.) or come in contact with

respiratory or throat secretions. Symptoms include high fever, rash or purple patches on the skin, light sensitivity, confusion and sleepiness, lethargy, severe headache, vomiting, stiff neck, nausea, and seizures. The more symptoms present, the higher the risk. When these symptoms appear seek immediate medical attention. There is treatment, but those who survive may develop severe health problems or disabilities. Early diagnosis and treatment can greatly improve the likelihood of recovery.

Information regarding bacterial meningitis is sent to students annually to the address of record with the Registrar's Office. For more information, contact your own health care provider or local Texas Department of Health. Information web sites: www.cdc.gov/ncidod/dbmd/diseaseinfo and www.acha.org.

Immunizations: Institutions of higher education may require persons applying for admission to be immunized against diphtheria, rubella, mumps, tetanus, and poliomyelitis. The Texas Board of Health may require immunizations against these and additional diseases for registrants at any institution of higher education who are pursuing a course of study in any of the human or animal health professions, and the board may require such immunizations for any registrants in times of an emergency or epidemic in a county where such an emergency or epidemic has been declared by the Commissioner of Health.

Student Insurance: Students needing health insurance may obtain information from the Office of the Vice President for Student Services located in Mesa Building 4274.

Student Right to Know: In compliance with the Student Right-to-Know and Campus Security Act (the Act) 20 U.S.C. Sections 1092 (a), (e) and (f), as amended, The University of Texas of the Permian Basin collects specified information on campus crime statistics, campus security policies, and institutional completion or graduation rates.

Pursuant to the federal law, alleged victims of violent crime are entitled to know the results of campus disciplinary proceedings concerning alleged perpetrators.

U.T. Permian Basin reports to the campus community on crimes considered to be a threat to students and employees and reported to campus police or local police agencies.

U.T. Permian Basin publishes and distributes an annual report of campus security policies and crime statistics to all current students and employees; provides copies of the report to applicants for enrollment or employment upon request; and submits a copy of the report to the Secretary of Education upon request. The annual campus crime statistics report references crimes which occur on property owned or controlled by the University and may be supplemented by listing crimes which occur off the campus in buildings or on property owned or controlled by student organizations that are registered by the institution when such statistics are available from local police departments.

The U.T. Permian Basin annually calculates and discloses institutional completion or graduation rates for undergraduate students to all prospective and current students. (The federal requirement for calculation of a completion of graduation rate applies only to institutions of higher education that admit undergraduate students who are enrolling for the first time at an institution of higher education and have not enrolled previously at any other institution of higher education.)

The U.T. Permian Basin publishes in the annual security report, its policy regarding sex-related offenses, including sexual assault prevention programs, education programs to promote awareness of sex offenses, administrative disciplinary procedures and sanctions for offenders, and counseling and student services for victims.

The UTPB Emergency Alert System: a multimodal emergency communication system.

What is Falcon Alert?

Falcon Alert is an emergency notification service that gives UTPB administration the ability to communicate health, safety, or other emergency information quickly- by text messaging to your cell phone. If you enroll in Falcon Alert, university officials can quickly pass on safety-related information to you regardless of your location.

What Type Of Information Will Be Sent Using Falcon Alert?

The Falcon Alert system will be used ONLY to send emergency information and information related to abnormal situations. For example, subscribers will be notified by the Falcon Alert system if a decision is made to close the university due to weather or some other event. Subscribers will be notified by the Falcon Alert system if an emergency situation on campus requires students to shelter in place. The Falcon Alert system will NOT be used for routine communications about university events or for any form of advertising. Falcon Alert is a NO SPAM zone.

What Is UTPB-STATUS?

UTPB-STATUS is a campus-based emergency e-mail notification system that gives the university the ability to communicate emergency health, safety and status information quickly to parents and affiliates. Subscribe to UTPB-STATUS today so you can quick receive safety-related information about university operations.

What Type Of Information Will Be Sent Using UTPB-STATUS?

The UTPB-STATUS system will be used to send health, safety and situation updates related to abnormal situations at the university. This system is intended to provide a communications channel for status updates and situation briefings related to emergency or other abnormal situations on campus. The UTPB-STATUS system will NOT be used for routine communications about university events or any form of advertising.

Mass Notification System

Along the exterior of the building is a siren system that when activated will emit an alternating wail sound. If someone is outside and hears this siren, they need to move indoors and seek information via radio, TV, or the UTPB website. Testing of this system is done on the first Wednesday of the month at noon unless poor weather is or will occur very soon and the test typically lasts for less than a minute. Inside all academic buildings of the campus, there is a mass notification system that is linked with the fire alarm speakers. When the alarm goes off a verbal message will give you instructions on what to do for the trouble at hand. You could be asked to evacuate the building, move to a safe location inside the building or to lock down the room that you occupy.

Fire Safety Policies and Procedures

The Environmental Health & Safety at UTPB is responsible for overseeing the university fire-safety program. UTPB fire safety policies and procedures can be found at the Environmental Health & Safety webpage. Any questions regarding fire safety policies, the UTPB Annual Fire Safety Report or UTPB Fire Logs should be directed to the Environmental Health & Safety at 432-552-2778.

Criminal Background Checks

Certain programs require students to submit to and satisfactorily complete a criminal background check review as a condition of admission and/or participation in education experiences. Students who refuse to submit to a background check or who do not pass the background check may be dismissed from the program. The student is responsible for the costs of the criminal background check.

University-Related Student Travel

A. Use of Non-employee Students as Drivers is Prohibited

Student motor vehicle use and travel while engaged in University-related activities present special risk issues. Because students are not employees, motor vehicles cannot be rented for their use pursuant to the State rental car contracts; and, no coverage for personal injuries is available to them if they drive University-owned or their personal vehicles. Therefore, it is required that students who are also not employees of the University not be used as drivers; nor should they be asked or required to use their personal vehicles to engage in University-related activities.

Guidelines for Using Students as Driver

1. Students who drive on behalf of the university must be on the Payroll.
 - a. Students who are regularly or frequently being called upon to drive on behalf of the university should be appointed as employees by the requesting department or unit.
 - b. Student-employees who frequently drive university vehicles while on university-related activities should be "authorized" in the same manner as any other employee who regularly drives for the university, i.e. they should have a current Motor Vehicle Record on file with the Physical Plant Department.
 - c. The hiring department should also verify that the student/employees who drive have health insurance coverage of some kind.

B. Guidelines for Occasions When Students are Passengers in Motor Vehicles Involved in University-related Activities

1. Verify health insurance coverage for all students who are to be passengers in vehicles driven on University-related activities.
2. If verification of coverage is not provided Special Events medical insurance should be purchased by each passenger prior to the trip (see the Office of Student Activities).
3. Purchase of Personal Injury and Personal Effects Insurance.
When rental vehicles are used to transport students, the personal injury and personal effects insurance should be purchased as a part of the vehicle rental agreement. This is particularly important where vans are rented to transport large numbers of students in a single vehicle.

C. Guideline Concerning Student releases and Medical Authorizations

Each student who travels by motor vehicle (or any other form of transportation) to participate in a university-related activity, including but not limited to academically related field trips or courses, competitions or contests; or non-academic activities such as those sponsored by Recreational Sports, must execute a copy of the Release and Indemnification Agreement and The Authorization for Emergency Medical Treatment that are attached to these guidelines prior to such activities.

D. Guidelines Concerning Use of Personal Vehicles by Students

1. Use of personal vehicles by students to drive to university-related activities is discouraged.
2. If students use their own vehicles, and/or transport other students as passengers, they should be informed, in advance, that their personal insurance would be primarily responsible for any liability that may arise from such use.
3. The enforcement of Texas vehicle inspection laws may occur for vehicles parking or driving on the campus.

E. Guidelines Concerning Safe Travel Practices

Each administrative unit approving university-related travel, especially that involves students, is encouraged to promulgate Guidelines that encourage safe driving and minimize risks of injury during that travel (**Texas Education Code, Section 51.950**)