

TABLE OF CONTENTS

1. CONDUCT AND DISCIPLINE.....	4
1.1 INTRODUCTION.....	4
1.2 DEFINITIONS.....	5
1.3 SPECIFIC CONDUCT PROSCRIBED.....	5
1.31 Scholastic Dishonesty.....	5
1.31.1 Definitions.....	7
1.32 Alcohol.....	7
1.33 Drugs.....	7
1.34 Health or Safety.....	7
1.35 Disruption.....	7
1.36 Inciting Lawless Action.....	8
1.37 Unauthorized Use of Property.....	8
1.38 Hazing.....	8
1.39 Altering of Official Documents.....	8
1.310 Vandalism.....	8
1.311 Time, Place, and Manner.....	8
1.312 Harrassment.....	8
1.313 Use of Explosives, Weapons or Hazardous Chemicals.....	8
1.314 Smoking.....	8
1.315 Bodies of Water.....	9
1.316 Physical Structures.....	9
1.317 Identification.....	9
1.318 Solicitation.....	9
1.319 Inappropriate Conduct.....	9
1.320 Children.....	9
1.321 Pets.....	9
1.322 Failure to Notify.....	9
1.323 False Accusation.....	9
1.324 Unauthorized Presence.....	9
1.325 Prohibited Conduct.....	9
1.326 Prohibited Conduct During Suspension.....	10
1.327 Student Disciplinary Process.....	10
1.328 Attempt to Commit or Assist.....	10
1.4 BAR FROM CAMPUS.....	10
1.5 DISCIPLINARY PROCESS.....	10
1.51 Investigation.....	10
1.52 Student Summon.....	10
1.53 Interim Disciplinary Action.....	11
1.54 Timeliness of Hearing.....	11
1.55 Withholding Transcripts, Grades, Degrees.....	11
1.56 Administrative Disposition.....	11
1.57 Hearing Process.....	11
1.58 Notice of Hearing.....	11
1.59 Impartiality of the Hearing Officer.....	11
1.510 Burden of Proof.....	12
1.511 Duties of Hearing Officer.....	12

1.512 Minimal Rights	12
1.6 SANCTIONS	12
1.7 SCHOLASTIC DISHONESTY VIOLATION PROCEDURES	13
1.71 The Responsibility of the Faculty	13
1.711 Guidelines	13
1.72 Scholastic Dishonesty Sanctions	14
1.73 Appeal.....	15
1.732 Appeal Procedures.....	15
1.733 President's Authority.....	15
1.734 Communication of Decision	15
1.74 Disciplinary Record	16
1.75 Nature of Disciplinary Sanctions.....	16
1.76 Official Version of Student Conduct Code.....	17
2. Student Due Process Procedure	18
2.1 INTRODUCTION.....	18
2.2 DEFINITIONS.....	18
2.3 TYPES OF GRIEVANCES/APEAL	18
2.31 GRADE APPEAL	18
2.32 ACADEMIC GRIEVANCE.....	18
2.33 NON-ACADEMIC GRIEVANCE	18
2.4 INTRODUCTION TO FILING A GRIEVANCE/APEAL.....	19
2.41 GRADE APPEAL	19
2.42 ACADEMIC GRIEVANCE	19
2.43 NONACADEMIC GRIEVANCE.....	20
2.5 OTHER GRIEVANCES.....	21
3. STUDENT RIGHT-TO-KNOW AND CAMPUS SECURITY ACT	22
4. POLICY REGARDING SEX-RELATED OFFENSES	23
4.1 RIGHTS OF THE ACCUSED STUDENT.....	24
4.11 COMPLAINANT RIGHTS	24
4.2 EDUCATIONAL AND PREVENTION PROGRAMS AND SUPPORT SERVICES	25
4.21 UNIVERSITY COUNSELING CENTER (552-2365).....	25
4.22 ORIENTATION PROGRAMS (552-2782).....	25
4.23 UTPB POLICE DEPARTMENT (552-2782)	25
4.24 STUDENT LIFE OFFICE (552-2650)	25
4.25 CONTENTS OF EDUCATIONAL PROGRAMS.....	25
4.26 RAPE CRISIS CENTERS (ODESSA 333-2527 AND MIDLAND 682-7273).....	26
5. STUDENT PROPERTY DEPOSIT ENDOWMENT FUND POLICY	27
6. TEXAS - MEXICO RECIPROCAL EXCHANGE AND PILOT ENROLLMENTS PROGRAMS	28
6.1 ELIGIBLE STUDENTS	28
6.11 ELIGIBLE STUDENTS MUST:.....	28
6.2 BORDER COUNTY PROGRAMS.....	28
7. REQUESTS FOR ACCESS TO RECORDS.....	29
8. ATTENDANCE POLICY FOR STUDENTS ENGAGED IN UNIVERSITY SPONSORED ACTIVITIES	30
9. TAX-FREE SALES BY REGISTERED STUDENT ORGANIZATIONS	31
10. GRADUATE STUDENT ADVISORY BOARD.....	32

10.1 PURPOSE	32
10.2 MEMBERSHIP.....	32
10.22 Officer and Committees.....	33
10.23 Representation of Graduate Student Interests.....	34
10.24 Meetings and Procedures.....	34
11. STUDENT PUBLICATION POLICY.....	37
11.1 PURPOSE OF CURRENT PUBLICATIONS	37
11.2 APPROVAL FOR NEW PUBLICATIONS	37
11.3 PROTECTION OF EDITORIAL EXPRESSION	37
11.4 CODE OF ETHICS	38
11.5 ADVISORS	38
11.6 BUDGET	38
11.7 RESPONSIBILITIES OF EDITORS	38
11.8 STIPENDS	39
11.9 DISPUTES	39
12. GRADUATE TEACHING AND RESEARCH ASSISTANT.....	40
12.1 PURPOSE	40
12.2 EMPLOYMENT POLICIES.....	40
12.3 RIGHTS AND RESPONSIBILITIES.....	41
12.4 EVALUATION AND REAPPOINTMENT	41
13. OUTSIDE EMPLOYMENT BY GRADUATE ASSISTANTS.....	41
14. STUDENT-ATHLETE DRUG TESTING POLICY.....	42

Student Life and Activities

1. Student Conduct and Discipline

1.1 Introduction

Students at The University of Texas of the Permian Basin maintain the rights and responsibilities of citizenship. All students are expected and required to obey federal, State, and local laws, to comply with the Regents' *Rules and Regulations*, with The University of Texas System and university rules and regulations, with directives issued by an administrative official of the U. T. System or the university in the course of his or her authorized duties, and to observe standards of conduct appropriate for an academic institution (Regents' *Rules and Regulations*, Rule 50101, Section 2).

Any student who engages in conduct that violates the afore mentioned is subject to discipline whether such conduct takes place on or off campus or whether civil or criminal sanctions are also imposed for such conduct. (Regents' *Rules and Regulations*, Rule 50101, Section 2).

1.2 Definitions

Unless the context requires a different meaning, the following definitions apply to the conduct and procedures discussed:

- 1.21.1 "Chief Student Affairs Officer" means the Vice President for Student Affairs or his or her delegate or representative.
- 1.21.2 "Dean" means the Dean of Students or his or her delegate or representative;
- 1.21.3 "Academic Dean" means the Dean of the College of Arts and Sciences, the Dean of the School of Business or the Dean of the School of Education, as appropriate to the situation;
- 1.21.4 "Department Chair" means the Chair of an Academic Department;
- 1.21.5 "Faculty member" means a person who is employed by the University for the purpose of teaching a class and who has authority to assign grades for the class;
- 1.21.6 "Hearing Officer" means an individual or individuals selected in accordance with the procedures adopted by the university pursuant to the recommendation of the Chief Student Affairs Officer to hear disciplinary charges, make findings of fact, and upon a finding of responsibility, impose appropriate sanction(s);
- 1.21.7 "President" means president of The University of Texas of the Permian Basin;

- 1.21.8 "Student" means a person who:
- a. is currently enrolled at the University,
 - b. is accepted for admission or re-admission to the University,
 - c. has been enrolled at the University in the prior semester or summer session, and is eligible to continue enrollment in the semester or summer session that immediately follows, or
 - d. has engaged in prohibited conduct at a time when he or she met the above criteria;
- 1.21.9 "Campus" consists of all real property, buildings, or facilities owned or controlled by the University;
- 1.21.10 "Weekday" means Monday through Friday, excluding any day that is an official holiday of the University or when regularly scheduled classes are suspended due to emergent situations;
- 1.21.11 "Day" means a calendar day except for the days on which the University is officially closed or when regularly scheduled classes are suspended due to emergent situations;
- 1.21.12 "Good standing" means not on academic or disciplinary probation of any kind;
- 1.21.13 "University" means The University of Texas of the Permian Basin;
- 1.21.14 "Complaint" is a written statement of the essential facts constituting a violation of Regents' *Rules and Regulations*, University or U.T. System rules or regulations, or Federal, State, or local law.

1.3 Specific Conduct Proscribed

A student is obligated to conduct him or herself in a manner appropriate for an institution of higher education. Actions which may result in disciplinary action include, but are not limited to the following:

1.31 Scholastic dishonesty includes but is not limited to cheating, plagiarism, collusion, falsifying academic records, misrepresenting facts, the submission for credit of any work or materials that are attributable in whole or in part to another person, taking an examination for another person, any act designed to give unfair advantage to a student such as, but not limited to, submission of essentially the same written assignment for two courses (without the prior permission of the instructor) or the attempt to commit such acts.

1.31.1 Definitions

- 1.31.12 "Cheating" on a test includes;
- 1.31.13 Copying from another student's test or paper;
- 1.31.14 Using during a test, materials not authorized by the person giving the test;
- 1.31.15 Failing to comply with instruction given by the person administering the test which would include, but not be limited to, time restrictions, use of blue book, and seating arrangements;

1.31.16 Possession during a test of materials which are not authorized by the person giving the test, such as class notes or specifically designed "crib notes." The presence of textbooks constitutes a violation only if they have been specifically prohibited by the person administering the test;

1.31.17 Using, buying, stealing, transporting, or soliciting in whole or part the contents of an unadministered test, test key, homework solution, or computer program;

1.31.18 Collaborating with or seeking aid or receiving assistance from another student or individual during a test or in conjunction with another assignment without authority;

1.31.19 Discussing the contents of an examination with another student who will take the examination or soliciting another student who has taken the test to obtain information regarding contents of the test;

1.31.20 Retaining the contents of an examination, for the purpose of preserving questions for use by another, when the instructor has designated that the examination is not to be removed from the examination room or not to be returned to or kept by the student;

1.31.21 Substituting for another student or permitting another student to substitute for one's self to take a test, a course, or any course-related assignment;

1.31.22 Paying or offering money or other valuable thing to, or coercing another person to obtain a test, test key, homework solution, or computer program, or information about an unadministered test, test key, homework solution, or computer program;

1.31.23 Falsifying research data, laboratory reports, and/or other academic work offered for credit;

1.31.24 Taking, keeping, misplacing, or damaging the property of the University, or of another, if the student knows or reasonably should know that an unfair advantage would be gained by such conduct.

1.31.25 "Plagiarism" includes, but is not limited to, the appropriation of, buying, receiving as a gift, or obtaining by any means material that is attributable in whole or in part to another source, including words, ideas, illustrations, structure, computer code, other expression and media, and presenting that material as one's own academic work being offered for credit.

1.31.26 "Collusion" includes, but is not limited to, the unauthorized collaboration with another person in preparing academic assignments offered for credit or collaboration with another person to commit a violation of any section of the rules of scholastic dishonesty.

1.31.27 "Falsifying academic records" includes, but is not limited to, altering or assisting in the altering of any official record of the University or the University of Texas System, and/or submitting false information or omitting requested information that is required for or related to any

academic record of the University or University of Texas System. Academic records include, but are not limited to, applications for admission, the awarding of a degree, grade reports, test papers, registration materials, grade change forms, and reporting forms used by the Office of the Registrar. A former student who engages in such conduct is subject to a bar against admission, revocation of a degree, and withdrawal of a diploma.

1.31.28 "Misrepresenting facts" to the University or an agent of the University or the University of Texas System includes, but is not limited to, providing false grades or resumes; providing false or misleading information in an effort to receive postponement or an extension on a test quiz, or other assignment for the purpose of obtaining an academic or financial benefit for oneself or another individual; or providing false or misleading information in an effort to injure another student academically or financially.

1.32 Alcohol. Use or possession of alcoholic beverages without proper authorization in a University campus classroom building, laboratory, auditorium, library building, museum, faculty or administrative office, intercollegiate and intramural athletic facility, student housing residence or any campus area. (More information is available in the Alcohol and Drug Policy in the policy section of the *Falcon Guide*.)

1.33 Drugs. Any student found responsible for the illegal use, manufacture, possession, distribution and/or sale of a drug or narcotic on the campus is subject to discipline. If a student is found responsible for the illegal use, manufacture, possession, and/or sale of a drug or narcotic on campus, the sanction assessed shall be suspension from the university for a specified period of time and/or suspension of rights and privileges. (More information is available in the Alcohol and Drug Policy in the policy section of the *Falcon Guide*.)

1.34 Health or Safety. Conduct that endangers the health or safety of any person on the campus or on any property, or in any building or facility owned or controlled by the U. T. System or the university. This includes, but is not limited to, physical abuse, verbal abuse, threats, intimidation, and coercion. (More information is available in the Campus Violence Policy in the policy section of the *Falcon Guide*.)

1.35 Disruption. Any action that singly or in concert with others, impedes, disrupts, or interferes with any teaching, educational, research, administrative, disciplinary, public service, or other activity or public performance authorized to be held or conducted on campus or on property or in a building or facility owned or controlled by the U. T. System or the university.

1.351 In the case of disruptive activity on the campus of the University, neither the dean nor the president, or any representative of them, shall negotiate with any person or persons so engaged. When such a situation arises, the dean or president, or their representative, shall take immediate action to utilize all lawful measures to halt and eliminate any and all such disruptive activities that come to their attention, and may initiate immediate interim disciplinary action: provided, however, the Chief of Police of the U. T. System or of the university and those people designated by any such Chief of Police are authorized to use their sound discretion under the attendant circumstances in addressing any such disruptive behavior. (Regents Rule 40502).

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1.36 Inciting Lawless Action. Speech, either orally or in writing, which is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.

1.37 Unauthorized Use of Property. The unauthorized use of property, equipment, supplies, buildings, or facilities owned or controlled by the U. T. System or the university. This includes the possession and/or use of University keys for unauthorized purposes.

1.38 Hazing. Action that singly or in concert with others, engages in hazing. Hazing in State educational institutions is prohibited by State law (*Texas Education Code* Section 51.936). Hazing with or without the consent of a student whether on or off campus is prohibited, and a violation of that prohibition renders both the person inflicting the hazing and the person submitting to the hazing subject to discipline. Initiations or activities of organizations may include no feature that is dangerous, harmful, or degrading to the student. A violation of this prohibition renders both the organization and participating individuals subject to discipline. (More information is available in the Hazing Policy in the policy section of the *Falcon Guide*.)

1.39 Altering of Official Documents. Forging, altering, mutilating or destroying or assisting in these actions of any official record of the U. T. System or the university or submitting false information or omits requested information that is required for or related to an application for admission, the award of a degree, or any official record of the U. T. System or the university. A former student who engages in such conduct is subject to bar against readmission, revocation of degree, and withdrawal of diploma.

1.310 Vandalism. Any action which defaces, mutilates, tampers with, destroys, or takes unauthorized possession of any property, equipment, supplies, buildings, or facilities of the University or property located on the campus and belonging to any student or employee of the University or visitor on campus.

1.311 Time, Place, and Manner. The freedoms of speech and assembly are basic and essential to intellectual development. However, these activities are subject to the well-established right of colleges and universities to regulate time, place, and manner so that the activities do not intrude upon or interfere with the academic programs, research, or administrative processes.

1.312 Harassment. Involvement in harassing another individual. Harassment is defined as conduct that is sufficiently severe, pervasive, or persistent to create an objectively hostile environment that interferes with or diminishes the ability of an individual to participate in or benefit from services, activities, or privileges provided by the University. (See Policy Statements for more specific information on all harassment policies).

1.313 Use of Explosives, Weapons or Hazardous Chemicals. Unless authorized by federal, State, or local laws, possession, display or use any type of explosive, firearm, imitation firearm, ammunition, hazardous chemical, or weapon as defined by State or federal law, while on campus or on any property or in any building or facility owned or controlled by the U. T. System or the university, is subject to discipline.

1.314 Smoking. All University facilities are declared to be smoke free. Appropriate medical exceptions, particularly in clinical treatment situations will be considered. (More information is available in the Smoking Policy in the policy section of the *Falcon Guide*.)

1.315 Bodies of Water. Entering, walking, running, lying, playing, or remaining, or being in the water of a any fountain or other artificial body of water, which is not designed and maintained for recreational or therapeutic purposes, located on the University campus unless such person has the prior written permission of the President to enter, remain, or be in such water. Additionally, it is not permitted for any person to dump, throw, place, or cause any material, object, person, animal, trash, waste or debris to be placed in such fountain or other artificial body of water.

1.316 Physical Structures. Damaging, defacing, or removing any portion of any fountain, monument, building, statue, structure, facility, tree, shrub, or memorial located on the University campus is subject to discipline.

1.317 Identification. Refusal to identify himself or herself to a University official, faculty member, or staff member acting in the course of his or her duties. A person identifies himself or herself by giving his or her name and complete address substantiated by a current driver's license, voter registration card, or other official documentation, and by stating truthfully whether or not he or she is a student or employee of the University. An institutional representative includes any member of the Board of Regents or the executive secretary to the board; any executive officer and administrative officer of the System; any administrative officer or the University; and any attorney, peace officer of the System or University acting pursuant to the authority of Texas law.

1.318 Solicitation. No solicitation shall be conducted on any property, street, or sidewalk, or in any building, structure, or facility owned or controlled by the U. T. System or any of its institutions unless permitted by the Regents' *Rules and Regulations*.

1.319 Inappropriate Conduct. Conduct that is inappropriate for members of the university community . Such conduct includes but is not limited to pranks, public nudity, harassing phone calls or e-mails, and berating or otherwise abusive behavior.

1.320 Children. Children should not be left unattended. Such behavior may result in disciplinary action.

1.321 Pets. It is prohibited to have pets in or around buildings on the campus except bona fide service animals.

1.322 Failure to Notify. Failure to notify appropriate authorities when a student has personal knowledge of any violation of the code of Student Conduct and Discipline.

1.323 False Accusation. Knowingly making a false charge of a violation of the code of Student Conduct against a member of the University community.

1.324 Unauthorized Presence. A student who has been criminal trespassed must be authorized by the University Police Department or the Dean of Students in order to appear on campus.

1.325 Prohibited Conduct. Prohibited conduct that occurs while participating in off-campus activities sponsored by any component institution or the U. T. System including field trips, internships, rotations, or clinical assignments.

1.53 Interim Disciplinary Action. Pending a hearing or other disposition of the allegations against a student, the Dean may take such immediate interim disciplinary action as is appropriate to the circumstances when such action is in the best interest of the university. This includes but is not limited to suspension and bar from the campus when it reasonably appears to the Dean from the circumstances that the continuing presence of the student poses a potential danger to persons or property or a potential threat for disrupting any activity authorized by the university.

1.54 Timeliness of Hearing. When interim disciplinary action has been taken by the Dean under section 201.3 immediately above, a hearing of the charges against the student will generally be held under the procedures specified below, beginning with Section 1.58. A hearing following the interim disciplinary action will generally be held within 10 days after the interim disciplinary action was taken; however, at the discretion of the Dean of Students the 10 day period may be extended for a period not to exceed an additional 10 days.

1.55 Withholding Transcripts, Grades, Degrees. Notwithstanding the above, the Dean may withhold the issuance of an official transcript, grade, diploma, certificate, or degree to a student alleged to have violated a rule or regulation of the University which would reasonably allow the imposition of such penalty. The Dean may take such action pending a hearing, resolution by administrative disposition, and/or exhaustion of appellate rights if the Dean has provided the student an opportunity to provide a preliminary response to the allegations and in the opinion of the Dean, the best interests of the University of Texas System or the university would be served by this action.

1.56 Administrative Disposition. In any case where the accused student elects not to dispute the facts upon which the charges are based and agrees to the sanctions the Dean assesses, the student may execute a written waiver of the hearing procedures specified below. This administrative disposition shall be final and there shall be no subsequent proceeding regarding the charges.

In any case where the accused student elects not to dispute the facts upon which the charges are based, but does not agree with the sanctions assessed by the Dean, the student may execute a written waiver of the hearing procedures below yet retain the right to appeal the decision of the Dean only on the issue of the sanction. The appeal regarding the sanction will be to the president of the University.

1.57 Hearing Process. In those cases in which the accused student disputes the facts upon which the charges are based, such charges shall be heard and determined by a fair and impartial Hearing Officer.

1.58 Notice of Hearing. Except in those cases where immediate interim disciplinary action has been taken, the accused student shall be given at least 10 days written notice of the date, time, and place for such hearing and the name of the Hearing Officer. The notice, sent by the Dean of Students, shall include a statement of the charge(s) and a summary statement of the evidence supporting such charge(s). The notice shall be delivered in person to the student or mailed to the student at the address appearing in the registrar's records. A notice sent by mail will be considered to have been received on the third day after the date of mailing, excluding any intervening Sunday. The date for a hearing may be postponed by the Hearing Officer for good cause or by agreement of the student and Dean.

1.59 Impartiality of the Hearing Officer. The accused student may challenge the impartiality of the Hearing Officer. The challenge must be in writing, state the reasons for the challenge, and be submitted to the Hearing Officer through the Office of the Dean at least three days prior to the hearing. The Hearing Officer shall be the sole judge of whether he or she can serve with fairness and objectivity. In the event

should be handled as a confidential matter. If the incident occurs during an exam, the faculty member may ask a student suspected of cheating to move to another desk, but the student should be allowed to complete the exam in question. After conferring with the student, the faculty member may dismiss the allegation or proceed with disciplinary action.

The faculty member shall meet with the student to discuss the allegations and the evidence that supports the charge. At this meeting the student should be informed that he/she has a right to a hearing. In this meeting every effort should be made to preserve the basic teacher/student relationship. The student should be given the opportunity to respond to the allegations but may not be forced to comment. As a result of this meeting, the faculty member may dismiss the charges or, proceed under subsection (a) or (b) below:

(a) In any case in which the student accused of scholastic dishonesty does not dispute the facts upon which the charges are based and executes a written waiver of hearing, the faculty member may recommend an academic penalty as specified below, shall inform the student of such action in writing and must report the disposition of the incident to the Dean of Students. A Faculty Disposition form will be provided for that purpose by the Dean of Students. The Dean of Students will review each form and, if circumstances warrant, may impose additional penalties. Certain types of scholastic dishonesty, such as substituting for someone on an exam or having someone substitute for the student, or altering academic records, may involve a penalty other than those specified below. In cases such as these, or if the faculty member wishes to recommend a penalty other than those penalties outlined in Section 1.6., above, the faculty member must contact the Dean of Students immediately. After the Dean of Student's review, if the Dean of Students approves the disposition, the Dean of Students will inform the student of the final decision via US mail.

(b) In a case in which the student accused of scholastic dishonesty disputes the facts upon which the charges are based, or chooses not to waive the right to a hearing, the faculty member shall refer the matter to the Dean of Students who shall proceed under **Section 1.5**. Relevant documents (or copies) should be forwarded with the referral. If the student is in possession of any relevant documents, the faculty member may request those documents. If the student refuses to relinquish these documents, the faculty member should note the request and the student's refusal on the referral form. During the disposition of the case, the student must be allowed to attend all classes and complete all assignments until the procedures are complete unless the Dean of Students has taken interim disciplinary action under **Section 1.53**.

A student may appeal the penalty recommendation of a faculty member by giving written notice to the Dean of Students within fourteen days from the date on which the decision was announced. The appeal is conducted in accordance with **Section 1.56**. If the student disagrees with the decision of the Dean of Students, the student may request a hearing as described in **Section 1.57**.

1.72 Scholastic Dishonesty Sanctions

A student who is in violation of a University regulation concerning scholastic dishonesty may be subject to one or more of the sanctions in **Section 1.6**, above. Sanctions specific to scholastic dishonesty, recommended by the faculty member and imposed by the Dean of Students include:

1.721 Written warning that further scholastic violations may result in more severe sanction.

- 1.722 Educational program to enhance the student's understanding of scholastic dishonesty.
- 1.723 Resubmit assignment, paper or program. (Specify requirements and due date).
- 1.724 Retake exam.
- 1.725 Reduced credit or zero on assignment, paper or program.
- 1.726 Reduced credit or zero on exam. (Specify grade.)
- 1.727 Reduced final grade for the course.
- 1.728 Failing grade for the course. (Specify grade.)
- 1.729 Denial of degree.
- 1.730 Revocation of degree and withdrawal of diploma.

1.73 Appeal

1.731 A student may appeal a disciplinary sanction assessed by the Dean in accordance with Section 1.711 immediately above. Either the Dean or the student may appeal the decision of the Hearing Officer. An appeal shall be in accordance with the following procedures:

1.732 Appeal Procedures. The appealing party must submit a written appeal stating the specific reasons for the appeal and any argument to the president with a copy to the other party. The appeal must be stamped as received by the President's office no later than 14 days after the appealing party has been notified of the sanction assessed by the Dean or the decision of the Hearing Officer. If the notice of sanction assessed by the Dean or the decision of the Hearing Officer is sent by mail, the date the notice or decision is mailed initiates the 14 day period for the appeal. The non-appealing party may submit a response to the appeal which must be received by the President's Office no later than 5 days after receipt of the appeal with a copy to the other party. An appeal of the sanction assessed by the Dean in accordance with **Section 1.56** immediately above will be reviewed solely on the basis of the written argument of the student and the Dean. The appeal of the decision of the Hearing Officer will be reviewed solely on the basis of the record from the hearing. The Dean will submit the record from the hearing to the president as soon as it is available to the Dean. At the discretion of the president, both parties may present oral argument in an appeal from the decision of the Hearing Officer.

1.733 President's Authority. The president may approve, reject, or modify the decision in question or may require that the original hearing be reopened for the presentation of additional evidence and reconsideration of the decision. It is provided, however, upon a finding of responsibility in a case involving the illegal use, possession, and/or sale of a drug or narcotic on campus, the sanction may not be reduced below the recommended sanction prescribed by **Section 1.33**.

1.734 Communication of Decision. The action of the president shall be communicated in writing to the student and the Dean within 30 days after the appeal and related documents have been received. The decision of the president is the final appellate review.

Student Life and Activities
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activities prohibits, during the period of suspension, the student on whom it is imposed from joining a registered student organization; from taking part in a registered student organization's activities, or attending its meetings or functions; and from participating in an official athletic or non-athletic activity.

1.758 A failing grade or other academic sanction may be assigned to a student for a course in which he or she was found responsible for scholastic dishonesty.

1.759 A student found responsible for scholastic dishonesty may be denied his or her degree.

1.7510 Suspension from the University prohibits, during the period of suspension, the student on whom it is imposed from entering the University campus without prior written approval from the Vice President for Student Services; from being initiated into an honorary or service organization; and from receiving credit for scholastic work completed during the period of suspension. The dean or hearing officer may, however, permit the receipt of credit for scholastic work completed at another institution during the period of suspension, except when suspension is imposed for scholastic dishonesty. The dean or hearing officer may impose conditions related to the offense, and failure to meet such conditions or terms of the sanction shall be considered an additional violation.

1.7510 Suspension from the University and or suspension of rights and privileges is the recommended sanction that shall be assessed for violation of the rules against illegal use, possession, and/or sale of a drug or narcotic on campus.

1.7511 Expulsion, permanent dismissal, from the University includes the same prohibitions as those for suspension.

1.7512 Revocation of the degree and withdrawal of the diploma may be imposed when the violation involves scholastic dishonesty or otherwise calls into question the integrity of the work required for the degree.

1.7513 Other sanctions may be imposed when, in the opinion of the dean or hearing officer, the best interests of the University of Texas System or the University would be served.

1.76 Official Version of Student Conduct Code

The official version of the student conduct code may be found at <http://ss.utpb.edu/dean-of->

3. Student Right-to-Know and Campus Security Act

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 student disciplinary proceedings concerning the alleged perpetrators.

The University of Texas of the Permian Basin will make timely 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.

Every September, The University of Texas of the Permian Basin will publish and distribute an annual report of campus security policies and crime statistics to all current students and employees; provide copies of the report to applicants for enrollment or employment upon request; and submit a copy of the report to the Secretary of Education upon request. The annual campus crime statistics report will reference crimes which occur on property owned or controlled by The University of Texas of the Permian Basin 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 university when such statistics are available from local police departments.

The University of Texas of the Permian Basin will annually calculate and disclose institutional completion or graduation rates to all prospective and current students. (The federal requirement for calculation of a completion or 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 University of Texas of the Permian Basin will publish 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.

4. Policy Regarding Sex-Related Offenses

It is the policy of The University of Texas of the Permian Basin to strive to maintain an environment that is free from intimidation and one in which students may be educated to their fullest potential. The University should foster an understanding of difference and cultivate the ethical and moral issues that are the basis of a humane social order.

Therefore, The University will not tolerate physical abuse, threats of violence, physical assault, or any forms of sexual assault, including but not limited to “acquaintance” or “date” rape.

A student who individually, or in concert with others, participates or attempts to participate in a sexual offense, including but not limited to sexual assault or abuse of, threats against, or the unwanted touching of an intimate area of any other student, is subject to disciplinary action by The University, notwithstanding any action that may or may not be taken by the civil authorities. In addition to incidents that occur on The University campus, The University may take disciplinary action in response to incidents that take place during official functions of The University or those sponsored by registered student organizations or incidents that have a substantial connection to the interests of The University of Texas of the Permian Basin regardless of the location in which they occur.

NOTE: The fact that the student accused of sexual assault was under the influence of drugs or alcohol at the time of the assault will not diminish the student's responsibility for a violation of The U. T. System Board of Regents' *Rules and Regulations* as cited in the *Student Guide* nor shall being under the influence of alcohol or drugs be construed as an invitation to or as implied consent for unwanted sexual advances. A brochure regarding alcohol and drug usage is available in the Office of Student Life.

The University police, the Office of The Vice President for Student Services and The Office of Human Resources are available to provide assistance to victims. Anyone who is a victim of any form of sexual assault should immediately call The University police at 2911 or if off campus, the local police department at 911. Reporting an assault does not mean that the victim must press charges or take the case to criminal trial or a University disciplinary hearing. The police will provide transportation to the closest emergency room for medical treatment and evidence collection. Even if a victim has not decided whether to press charges, calling the police and going to the hospital will allow for his or her emotional and medical needs to be cared for and will preserve the option of the victim to press charges.

A student may file a complaint against another student, staff, or faculty member by directly contacting the Vice President for Student Services at 552-2600. Students may choose to file a complaint with the Vice President for Student Services whether or not they choose to press criminal charges.

The UTPB University Counseling Center (552-2365) and the Odessa Rape Crisis Center (366-7273) are available to provide support services for anyone affected by any form of sexual assault. Students who may have been assaulted by someone who is not affiliated with The University may contact any of the available University support services, the Office of the Vice President for Student Services, the University Counseling Center or the University Police Department (552-2787 for Police Dispatch, or 552-2786 for the Police Information Center).

When a student reports that the campus regulations prohibiting sexual assault have been violated, informal procedures, which provide for the protection of the emotional health and physical safety of the complainant may be invoked. For example, a student who lives on campus may be moved to another campus living environment if he/she chooses or may be allowed to drop a class. Such arrangements will be facilitated through the office of the Vice President for Student Services. If the complainant provides credible evidence that the accused student presents a continuing danger to person or property or poses an ongoing threat of disrupting the academic process, the Vice President for Student Services may take interim action against the accused student as appropriate.

Students who wish to file a complaint that will be addressed by The University disciplinary system will file the complaint directly with the Vice President for Student Services. The details of The University conduct rules as well as possible sanctions may be found in the *Student Guide* under Student Conduct.

4.1 Rights of the Accused Student

Notwithstanding the rights of the accused student a complainant under this policy is entitled to the following rights:

4.11 Complainant Rights

- 4.111 The right to be present during the entire hearing, notwithstanding the fact that the complainant is to be called as a witness. (The accused student has the same right.)
- 4.112 The right to have a support person present during the entire hearing. This person is not entitled to represent the complainant nor to assist him/her with his/her testimony. If the support person is to act as a witness, the hearing officer may require him/her to testify prior to the complainant.
- 4.113 The right not to have evidence of his/her past sexual history with third parties admitted as evidence.
- 4.114 The right to have the hearing closed to spectators unless both the accused and the complainant consent in writing to having the hearing open to the public.

4.115 The right to know the outcome of the hearing as defined by the Federal Family Educational Rights and Privacy Act.

4.2 Educational and Prevention Programs and Support Services

The following is a list of educational and prevention programs and support services addressing the issue of sexual assault.

University Counseling Center (552-2365)

- support groups
- counseling services

Orientation Programs (552-2786)

- programs providing awareness of sexual assault on campus and resources for prevention and support

UTPB Police Department (552-2787)

- crime prevention presentations which include issues related to assault
- escort service
- crime statistics information
- articles in *Mesa Journal*
- programs at student housing
- uniformed officer on campus 24 hours a day

Student Life Office (552-2650)

- publications available regarding prevention
- policy and procedures printed in *Student Guide*
- distribution of information to faculty and staff - how to assist victims
- posters on Bulletin Boards
- brochures on Sex Offenses
- educational programs each Fall and Spring semester

Contents of Educational Programs

- definitions of sex offenses
- campus security procedures

Student Life and Activities
Policy Regarding Sex-Related Offenses
Approved September 27, 1995

- rape
- acquaintance rape
- other offenses
- sexual harassment
- sex and alcohol
- sexual assertiveness training
- self-defense
- e-mail message each semester regarding policy and procedures

Rape Crisis Centers (Odessa 366-7273 and Midland 682-7273)

- support groups
- counseling services
- advocacy

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7. Requests for Access to Records

See Administrative Policies, Part VI, Section 13 of the *Handbook of Operating Procedures*.

8. Attendance Policy for Students Engaged in University Sponsored Activities

See *Handbook of Operating Procedures*, Part II, (General Academic Policies), Section 9.

9. TAX-FREE SALES BY REGISTERED STUDENT ORGANIZATIONS

Approved July 8, 1996

9. TAX-FREE SALES BY REGISTERED STUDENT ORGANIZATIONS

Texas law allows a registered student organization to be relieved from state sales tax liability for fund-raising sales occurring on one day per month. All proposed sales events are subject to the Regents' *Rules and Regulations* and to other university policies concerning the time, place, and manner of solicitation. The sales must be for the benefit of the registered organization and may not involve another entity not authorized to solicit under the Regents' *Rules and Regulations*.

10. Graduate Student Advisory Board

The Graduate Student Advisory Board is the principal body for the representation of the interest of graduate students throughout The University.

10.1 Purpose

10.11 To represent the views and concerns of the graduate students to The University community;

10.111 To facilitate graduate student communication and interaction;

10.112 To gather and disseminate information pertinent to graduate students and their respective departments;

10.113 To promote the general welfare of graduate students; and

10.114 To ensure representation of graduate student members on departmental, college, and University bodies.

10.2 Membership

10.211 Membership in the Graduate Student Advisory Board shall consist of representatives from graduate degree programs and specialization options. Each of these is hereinafter referred to as a “program”.

10.212 Members of the Advisory Board shall be graduate students in good standing at The University of Texas of the Permian Basin who have completed a minimum of six (6) credit hours. To be in good standing, a student must hold a regular status classification and must be making satisfactory progress in a program leading to a graduate degree, in accordance with the catalog requirements. Each program is entitled to representation on the Advisory Board by a minimum of one student and one additional representative if the program exceeds 30 currently registered students.

10.213 Election of members shall take place during the month of April, and the term of office shall begin on May 1, for a period of one calendar year. Any eligible student within a program may be nominated for membership on the Advisory Board. Each respective program shall then be responsible for conducting the democratic election of members from such nominees, by the graduate students within the program.

10.214 One alternate member may be elected from each program. Alternate members must meet the same qualifications as regular members and their terms shall be the same. The alternate member shall attend meetings of the Advisory Board whenever a member cannot attend, although no alternate may serve as an officer or committee chair. In the event of the resignation,

expulsion, or continuing incapacity of a member, the alternate member shall assume the full powers and responsibilities of that member.

10.22 Officers and Committees

- 10.221 The elected officers of the Advisory Board shall include a President, a Vice President, and a Secretary Treasurer. To be eligible for election as an officer, the member must have served as an Advisory Board representative during the preceding year. However, during the year of service as an officer, the member may not serve as a representative of his/her graduate program. Therefore, a new representative shall be elected to represent the program from which the officer was elected. Officers are not voting members of the Advisory Board.
- 10.222 Election of officers shall take place during the first week in March. Officers shall be elected for a term of one year beginning April 1. The Executive Committee shall nominate a slate of one or two candidates for each office, and additional nominations will be taken from the floor during the last regular meeting prior to the election. Each member shall have one vote in the election and the results shall be determined by a majority of those present and voting.
- 10.223 There shall be two standing committees of the Advisory Board, the academic affairs committee, and the graduate student affairs committee. The duties and responsibilities of the standing committees shall be as follows:
- 10.231 Academic Affairs: This committee will be responsible for investigating and making recommendations for improving the general welfare of the students in the academic sphere.
- 10.232 Graduate Student Affairs: This committee will be responsible for investigating and making recommendations for improving the general welfare of the graduate students in the non-academic sphere.
- The Executive Committee may appoint other committees on an ad hoc basis, on its own initiative, or by a majority vote of the Advisory Board.
- 10.224 The officers and the chairs of the two standing committees shall constitute the Executive Committee of the Advisory Board. The Executive Committee shall meet in advance of the regular meetings of the Advisory Board to set the agenda. The Executive Committee will make decisions on Advisory Board policy and shall also attend to the internal management of the Advisory Board such that the normal course of business will flow in an orderly manner.

Student Life and Activities
10. Graduate Student Advisory Board
Approved September 9, 1996

- 10.225 The President shall preside at all meetings, call special meetings, be chairperson of the Executive Committee, appoint Chairpersons of all standing and ad hoc committees, and be responsible for performing duties necessary to direct the Advisory Board.
- 10.226 The Vice President shall, in the absence of the President, assume all the responsibilities of the President's office. The Vice President shall serve on the Executive Committee and shall appoint members to the standing committees, and will be responsible for the progress of all committees. In the case that the President resigns or is incapacitated the Vice President shall become President of the Advisory Board. A special election shall take place no later than the second regular meeting of the Advisory Board after the office of President becomes vacant for the purpose of electing a new Vice President. The term of this election shall be the remainder of the regular term of the vacating Vice President.
- 10.227 The Secretary Treasurer shall record and preserve the minutes and correspondence of the Advisory Board and its subcommittees and be responsible for the maintenance of all Advisory Board records. It shall be the Secretary's responsibility to distribute the minutes from the general meeting to all members within two weeks of the meetings.
- 10.228 The Director of Graduate Studies shall be an ex-officio member of the Advisory Board and of the Executive Committee.

10.23 Representation of Graduate Student Interests

- 10.231 The Graduate Student Advisory Board shall stand ready to recommend graduate students for representation to such bodies as The U. T. System Student Advisory Group (UTSSAG), and other University committees that concern graduate student affairs.
- 10.232 The president of the Advisory Board will make recommendations concerning representatives of the Graduate Student Advisory Board on any University committee.

10.24 Meetings and Procedures

- 10.241 Regular meetings of the Advisory Board will be held each month during the academic year. The Executive Committee will conduct the routine management of Advisory Board affairs during the summer. Special meetings may be called by the President and one other officer, by petition to an officer from twenty of the current Advisory Board members, or by ten graduate students in good standing. The Director of Graduate Studies may also call a special meeting through the President or Secretary.

Student Life and Activities
10. Graduate Student Advisory Board
Approved September 9, 1996

- 10.242 *Robert's Rules of Order* (revised) will be accepted as the parliamentary procedure during regular meetings.
- 10.243 The work of the Advisory Board will be carried out through standing committees whose responsibility will be to examine issues affecting graduate students and to bring any other matters to the Advisory Board for discussion and disposition. Proposals for action by the Advisory Board may be originated by any member of the Advisory Board, by any committee of the Advisory Board, or by petition of ten or more graduate students in good standing. All proposals must be filed with the Secretary and reviewed by the Executive Committee; the Executive Committee will decide to present the proposal to the Advisory Board or to delegate the proposal to the appropriate committee for further action or recommendation. If a proposal is delegated to a committee, the committee must report on progress or make recommendations at the next general meeting of the Advisory Board.
- 10.244 The Executive Committee is charged with coordinating the work of the standing committees and with setting the agenda for Advisory Board meetings. These and other preparatory tasks of the Executive Committee will be conducted prior to each regular meeting of the Advisory Board.
- 10.245 The quorum for the conduct of ordinary business will be a majority of the members of the Advisory Board. Members and alternates for absent members will be counted in the quorum. When an action is put to a vote, each eligible member will have one vote. Votes will ordinarily be made by a show of hands, but a roll call or a secret ballot will be taken at the request of any three members of the Advisory Board. A secret ballot will consist of a written yes or nay inscribed on ballot papers distributed by the Secretary. The result will be reported by the Secretary and verified by another officer. The Secretary will take appropriate steps to preserve the anonymity of the voters when a secret ballot is conducted.
- 10.246 All resolutions approved by the Advisory Board will be copied to the Student Senate to prevent duplication of efforts. Resolutions will be sent to the Director of Graduate Studies who will direct them to the Vice President for Academic Affairs. In unusual circumstances, the Advisory Board may vote to send resolutions to other appropriate bodies within The University.
- 10.247 Members of the Advisory Board may be removed by a two-thirds vote of the Executive Committee if they fail to attend a combination of three regular and standing committee meetings of the Advisory Board in one semester. In the event of removal, the elected alternate will assume the duties of the removed member for the remainder of the term. The Advisory Board will notify the

Student Life and Activities
10. Graduate Student Advisory Board
Approved September 9, 1996

removed member's department of this action and request that a new alternate be chosen.

11. Student Publication Policy

11.1 Purpose of Current Publications

11.11 The purpose of the student newspaper, The Mesa Journal, is to publish news and comments of interest and importance to the university community with emphasis on the news that most directly and immediately concerns students.

11.12 The purpose of the student literary publication, The Sandstorm, is to provide an outlet for creative expression (short stories, poems, articles, art, photography, essays, humor).

11.2 Approval for New Publications

11.21 The petitioner must file, with the Student Senate, a prospectus of the new publication.

11.22 Subject to approval by the Student Senate, the petitioner must submit a budget request to the Student Fee Advisory Committee should Student Service Fees funding be desired.

11.23 New publications approved by the Student Senate will be reviewed by the Vice President for Student Services and be forwarded to the President of The University. The President has final approval authority.

11.3 Protection of Editorial Expression

11.31 The student press shall be free of censorship and its editors and writers shall be free to develop their own editorial policies and news coverage subject to the purpose of the publication listed in section 11.1. under the guidance of the advisors

11.32 All student publications shall avoid libel, the use of obscene material, undocumented allegations, attacks on personal integrity and the techniques of harassment and innuendo. The advisor may delay the printing of a publication, article, photograph or other contents of a publication if there is such a violation.

11.33 All recognized student publications shall explicitly state on the editorial page or other appropriate place that opinions expressed in the publication are not necessarily those of the University or the student body. The University assumes no liability for the content of any student publication.

11.4 Code of Ethics

11.41 Student editors and writers are governed by the code of ethics most recently adopted by The Society of Professional Journalists.

11.5 Advisors

11.51 The Department of Humanities and Fine Arts shall appoint the advisor for The Sandstorm

11.52 The advisors shall recommend the editors for the respective publications subject to approval by the president and may suspend the editors for violations listed in Section 11.3.

11.53 The advisors shall provide professional guidance, training and support to the editors and student staff of the publications under their supervision.

11.54 The advisors will advise and assist the editors of the student publications in the establishment of deadlines, the supervision of student staff members, and the coordination between a student publication and academic classes.

11.55 In the interest of maintaining the highest standards of journalism, the advisor shall receive and review all copy submitted for publication and then provide the editor with such suggestions as are deemed appropriate.

11.6 Budget

11.61 The editors of the publications shall prepare budget requests for funding to the Student Fee Advisory Committee should student fees be utilized for the publication.

11.62 The advisors of the publications shall approve or disapprove all expenditures for the publications.

11.63 The Office of Student Life shall provide advice regarding the funding of the publications if the funding support comes from Student Service Fees. This advice shall include budgeting and oversight of expenditures.

11.7 Responsibilities of Editors

11.71 The editors-in-chief of student publications have final authority over what is published in their respective publications as long as the provisions of this policy are followed.

11.72 The editors-in-chief are expected to insure that copy be available for review by the advisor on a timely basis before submitting to the printer.

**Student Life and Activities
Graduate Student Assistants (Academic)
Approved**

in

leadership, mentoring, and coordination of efforts, but responsibility for duties, compensation, and compliance with policy will remain with the administrator who has fiscal responsibility for the position.

- 12.26 Compensation will be consistent with the guidelines currently applicable through the Office of Human Resources and equitable with other similar positions in the University. Differences in compensation must be based on the job description and qualifications required.

12.3 Definitions; Rights and Responsibilities

Graduate Assistantship (GA)

- 12.31 A Graduate Assistant (GA) serves as an assistant to one or two assigned faculty. Duties typically consist of assistance with grading, research, and sometimes assistance with teaching, such as running a study session or holding office hours for the benefit of students. A Graduate Assistant may assist a faculty member in grading undergraduate homework, quizzes, and examinations, preparing apparatus or material for demonstrations and labs, leading discussion or tutoring sessions, and posting web-based materials for faculty, but will not be the teacher of record. A Graduate Assistant is classified as exempt from the Fair Labor Standards Act (FLSA) and works a maximum of 19.5 hours per week, not including time spent on coursework or personal research.

Graduate Research Assistantship (GRA)

A Graduate Research Assistant (GRA) serves as an assistant to one or two assigned faculty members. A Graduate Research Assistant will typically receive funding from grants and contracts held by the faculty member. Duties typically consist of assistance with research projects attributed to the grants or contracts from where funding is received. A Graduate Research Assistant may also assist with other departmental or interdepartmental research. A Graduate Research Assistant is classified as exempt from the Fair Labor Standards Act (FLSA) and works a maximum of 19.5 hours per week, not including time spent on coursework or personal research.

Graduate Teaching Assistant (GTA)

A Graduate Teaching Assistant (GTA) instructs one section of an introductory-level course. As the teacher of record, Graduate Teaching Assistants must have 18 or more graduate credit hours in the teaching discipline and work under the direct supervision of a full-time faculty member. A Graduate Teaching Assistant is classified as exempt from the Fair Labor Standards Act (FLSA) and works a maximum of 19.5 hours per week, not including time spent on coursework or personal research.

- 12.32 Graduate Assistants, Graduate Research Assistants and Graduate Teaching

Student Life and Activities
Graduate Student Assistants (Academic)
Approved

Assistants will receive orientation through the Office of Graduate Studies/Office of Human Resources each semester, which includes the new employee orientation and training regarding relevant University Policies and procedures.

- 12.33 Duties assigned to the GA/GRA/GTA will make allowance for the primary responsibility of the student and the faculty to encourage full time graduate study.
- 12.34 Duties assigned will have educational objectives and supervision consistent with the expected educational benefit to the student.
- 12.35 Duties must be reasonable based upon time estimates and the maximum half-time nature of the appointment.

12.4 Evaluation and Reappointment

- 12.41 The graduate student assistant is expected to be professional in execution of duties.
- 12.42 The graduate student assistant is entitled to receive a written review of performance each semester from the designated supervisor. The evaluation must be consistent with the duties prescribed and with the educational/training nature of the position.
- 12.43 Reappointment will be based on departmental or school needs, available funding, performance of duties, and progress toward the degree.

13. Outside Employment by Graduate Assistants

See Handbook of Operating Procedures, Part III (Personnel), Section 10

14. STUDENT-ATHLETE DRUG TESTING POLICY

14.1 *Mission*

The Intercollegiate Athletics Department at The University of Texas of the Permian Basin (UTPB) is concerned with the health and safety of the student-athletes who participate in its programs. In addition, UTPB wants to provide a deterrent to drug use for students who participate in extracurricular sports activities. UTPB believes that random drug testing and testing based on reasonable suspicion are appropriate to these goals. UTPB reserves the right to amend this policy from time to time as needed. Amendments to the policy may be issued with or without notice as the Department of Athletics and UTPB deems appropriate. Furthermore, this policy is not to be construed as a contract between UTPB and the student-athlete.

14.2 *Education and Consent*

14.2.1 As a condition of athletics eligibility, student-athletes must sign the UTPB and NCAA drug testing consent and authorization forms. No student-athlete will be able to practice or compete until the consent forms are signed.

14.2.2 Each student-athlete shall be provided with a list of banned substances, along with copies of the rules and drug testing policies prior to the start of the playing and practice season.

14.2.3 All student-athletes listed on the UTPB institutional squad list will be subject to drug testing under the terms of the UTPB Drug Testing Policy at any time during the calendar year, including summer. Student-athletes will be subject to testing from the first day they report to campus for summer or fall classes or practice until such time as they have exhausted their eligibility.

14.3 *Use of Dietary Supplements*

UTPB Department of Athletics personnel will not distribute or encourage the use of any impermissible dietary supplements or ergogenic aids by student-athletes. Many dietary supplements or ergogenic aids contain banned substances. Often the labeling of dietary supplements is not accurate and is misleading. Terms such as “healthy” or “all natural” do not mean dietary supplements are safe to take and using these may cause positive drug tests. Student-athletes who are currently taking, or intend to take, dietary supplements are required to review the product with the Head Athletics Trainer or Team Physician.

14.4 *Testing of Entire Teams*

Coaches may request to have all athletes on their team tested for banned substances. If such a request is made, all athletes on the team’s squad list will be tested. The date for testing must be

Student Life and Activities
Student-Athlete Drug Testing Policy
Approved August 11, 2008

14.8.1 Any student-athlete who tests positive for a banned substance, who refuses to provide an adequate urine or saliva sample, or attempts to manipulate, substitute or intentionally dilute a urine or saliva sample shall be subject to the sanctions listed below. Positive drug test results are cumulative throughout a student-athlete's career at UTPB. Any offenses committed prior to the student-athlete's entrance to The University of Texas of the Permian Basin will not subject the student-athlete to penalties under this policy. However, a positive NCAA drug test following enrollment at The University of Texas of the Permian Basin will be considered a positive UTPB drug test result.

14.8.2 First Offense

The Director of Athletics or his/her designee will schedule a confidential meeting with the student-athlete and the head coach to review the positive drug test results and refer the student-athlete to the University Counseling Center for counseling. The student-athlete will be required to attend a drug counseling assessment, and the counselor shall determine the appropriate form(s) of intervention and rehabilitation needed by the student-athlete. Failing to meet with a counselor within one week and fully complying with the counselor's directions for treatment will be classified as a second offense.

14.8.3 Second Offense

The Director of Athletics or his/her designee will schedule a confidential meeting with the student-athlete and the head coach to review the positive drug test results and refer the student-athlete to the university counseling center. The student-athlete will be required to attend drug counseling, and the counselor shall determine the appropriate form(s) of intervention and rehabilitation needed by the student-athlete. The student-athlete will be immediately suspended from participation in athletics activity for the remainder of the year. Failing to comply with the mandatory counseling (or with the counselor's directions for treatment) will be classified as a third offense. Consistent with all university, Heartland Conference and NCAA regulations, the student-athlete will be subject to cancellation of athletics financial aid for the subsequent semester in the current academic year and non-renewal of athletics financial aid for the ensuing academic year. If athletics financial aid is to be cancelled, the UTPB Procedures for Reduction, Cancellation, or Non-Renewal of Athletic Scholarships must be used.

14.8.4 Third Offense

The Director of Athletics or his or her designee will schedule a confidential meeting with the student-athlete and the head coach to review the positive drug test results. The student athlete will be referred to the University Counseling Center for assessment and treatment. The student-athlete shall be permanently suspended from participating in any sports at UTPB. Consistent with all university, Heartland Conference and NCAA regulations, the student-athlete will be subject to cancellation of athletics financial aid for the subsequent semester in the current academic year and non-renewal of athletics financial aid for the ensuing academic year. If

athletics financial aid is to be cancelled, the UTPB Procedures for Reduction, Cancellation, or Non-Renewal of Athletic Scholarships must be used.

14.9 Right to Appeal

14.9.1 Student-athletes who test positive may contest the finding of the positive results. Upon request for additional testing of the sample, the Director of Athletics will formally request the laboratory retained by the University to perform testing on specimen B. The student-athlete may choose to be present at the opening of specimen B at the laboratory. If the student-athlete does not wish to be present at the opening of specimen B, but desires to be represented, arrangements must be made by the student athlete for a surrogate to attend the opening of specimen B. The student-athlete or surrogate will attest to the sample number and the integrity of the security seal prior to the laboratory opening of specimen B. Specimen B findings will be final. If specimen B results are negative, the drug test will be considered negative.

14.9.2 Student-athletes who test positive, or dispute that they have refused or failed to take a required test, may appeal to the Director of Athletics. Only the student-athlete may file an appeal. An appeal must be submitted in writing to the Director of Athletics and must contain a statement of all reasons for the appeal and the remedy requested. An Appeal must be received by the Director of Athletics within five business days after notification to the student-athlete of the sanction imposed. The student-athlete may request an extension of time from the Director of Athletics, who will consider whether to grant the extension. Upon receipt of an appeal, the appeal process outlined in the UTPB Student Conduct and Discipline Policy shall be followed. If the student-athlete requests a quick resolution, the Director of Athletics shall make a reasonable effort to arrange for the appeal to be heard before the next competition.

14.10 Medical Exception Process

UTPB recognizes that some banned substances are used for legitimate medical purposes. The use of any banned substance must be authorized through the procedures outlined by the Drug Free Sport organization. The Athletic Trainer will assist student-athletes with their appeal to the Drug Free Sport organization for the use of medically-necessary drugs.

14.11 Note Concerning Positive NCAA Drug Tests

If the result of the NCAA drug test is positive, you will lose all remaining eligibility during the season in which you tested positive and an additional season of competition.

14.12 Resources

Student-athletes are encouraged to speak with the athletics training staff, UTPB student counseling services, UTPB Police Chief , or consult the National Center for Drug Free Sport's Dietary Supplement Resource Exchange Center (REC) at www.drugfreesport.com/rec and the

**Student Life and Activities
Student-Athlete Drug Testing Policy
Approved August 11, 2008**

NCAA website at www.ncaa.org/health-safety for information on dietary supplements and the dangers associated with the use of banned substances. UTPB intends this policy to be an educational tool to counsel student-athletes in the dangers of banned drug use.