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1. Code of Student Conduct and Discipline

1.1 Purpose

The purpose of this policy is to provide students fair notice of conduct considered unacceptable at The University of Texas Permian Basin (UT Permian Basin) and which may be the basis for disciplinary action. The conduct listed is not intended to be a complete list of conduct that is subject to disciplinary action.

This policy provides the procedures to be following when student disciplinary action may need to be implemented and outlines the appeals process.

1.2 Persons Affected

All students at UT Permian Basin.

1.3 Definitions

All references to the dean of students below could be replaced by a designee that the dean of students designates to handle the responsibility of certain situations.

1.31. Referral: A written statement of the essential facts alleging a violation of this policy.

1.32. Administrative Disposition: A document signed by the student and dean of students that includes a statement of the disciplinary charges, the findings, the sanction and a waiver of the hearing procedures and possibly a waiver of appeals under Regents' Rules and Regulations, Rule 50101, Part 2, and any institutional rules regarding student discipline.

1.33. Business Day: Monday through Friday, excluding any day that is an official holiday recognized by the institution or when regularly scheduled classes are suspended due to emergent situations.

1.34. Campus: Consists of all real property, buildings, or facilities owned or controlled by UT Permian Basin or The University of Texas System (UT System).

1.35. Day: A calendar day, except for any day that is an official holiday of the institution or when regularly scheduled classes are suspended due to emergent situations.

1.36. Dean of students: The administrative officer or officers responsible for the administration of the disciplinary process, who may designate individual(s) to administer disciplinary cases under this policy.

1.37. Hearing Officer: A person or persons selected in accordance with procedures adopted by the institution 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 an appropriate sanction(s).

1.38. Faculty member: 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.

1.39. Student: For purposes of this policy, a "student" is a person who:

- A. is currently enrolled at UT Permian Basin;
- B. is accepted for admission or readmission to UT Permian Basin or an institution in the UT System;
- C. has been enrolled at UT Permian Basin or an institution of the UT System in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows;
- D. is attending an additional program sponsored by the University while that person is on campus; or
- E. has engaged in prohibited conduct at a time when they met the criteria of a, b, c, or d above.

1.310. University: The University of Texas Permian Basin (UT Permian Basin or University).

1.4 Conduct Expected of Students

All students are expected to obey federal, state, and local laws; the Rules and Regulations of the Board of Regents of UT System; the rules and regulations of UT Permian Basin; and directives issued by an administrative official in the course of their duties. A student who enrolls at the University is charged with the obligation to conduct themselves in a manner compatible with the University's function as an educational institution; consequently, conduct which interferes with the use or utilization of University facilities by other persons may be sanctioned regardless of whether such conduct is specifically proscribed by the provisions of the Student Code of Conduct. Notwithstanding any action taken on account of the violation by civil authorities or agencies charged with the enforcement of criminal laws, disciplinary proceedings may be initiated against any student for any of the following acts or violations:

1.41. "Scholastic Dishonesty" is any form of cheating or plagiarism that violates the Student Code of Conduct. Scholastic dishonesty or academic dishonesty includes, but is not limited to cheating, plagiarism, collusion, falsifying academic records, and any act designed to give unfair advantage to the student (such as, but not limited to submission of essentially the same written assignment for two [2] courses without the prior permission of the instructor, and providing false or misleading information in an effort to receive a postponement or an extension on a test, quiz, or other assignment), or the attempt to commit such an act.

A. "Cheating" is any form of dishonesty where a student attempts to give the appearance of a level of knowledge or skill that the student has not obtained. Cheating includes, but is not limited to:

- a. copying from another person's or another student's work during an examination, test, or while completing an assignment;
- b. using unauthorized assistance, material, or study aids during an examination, quiz, or other academic work;

- c. failing to make any effort to prevent another from using unauthorized assistance, material, or study aids during an examination, quiz, or other academic work;
- d. failing to comply with instructions given by the person administering the test;
- e. possessing materials during a test 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 the person administering the test has specifically prohibited them;
- f. using, buying, offering money or other valuable things, either for personal use, the free use of others, stealing, transporting, or soliciting in whole or part the contents of an unadministered test, any completed test, test key, homework solution or assignment, computer program, or other graded class material without expressed authority from the person or their designee approved by the University to administer the course;
- g. collaborating with, allowing someone to copy from one's work, or seeking aid from another student during a test or other assignment without expressed authorization from the person or their designee approved by the University to administer the course;
- h. discussing the contents of an examination with another student who will take the examination at a later time or date;
- i. divulging the contents of an examination for the purpose of preserving questions for use by another when the instructor has designated that the examination is not to be removed from the examination room or not to be returned to students;
- j. substituting for another person, or permitting another person to substitute for one's self to take a course, or a test, or to complete a course-related assignment;
- k. paying or offering money or other valuable thing to, or coercing another person to obtain an unadministered test, test key, homework solution, or computer program, or information about an unadministered test, test key, homework solution, or computer program;
- l. falsifying research data, laboratory reports, and/or other academic work offered for credit;
- m. taking, keeping, misplacing, or damaging the property of the University or of another, if the student knows or reasonably should know that an unfair academic advantage would be gained by such conduct;
- n. misrepresenting facts, including providing false grades or résumés, for the purpose of obtaining an academic or financial benefit or injuring another student academically or financially; and

o. attempting to commit or assisting with the commission or attempted commission of any of the foregoing listed violations.

B. “Plagiarism” is a form of academic dishonesty and intellectual theft that violates long-held and widely-recognized principles of academic integrity including, but not limited to the appropriation, buying, receiving as a gift, or obtaining by any means another’s work and the submission of said work as one’s own academic work offered for credit. Plagiarism also includes, but is not limited to:

a. failing to credit sources in a work in order to pass it off as one’s own work;

b. having someone else complete assigned work and then passing it off as one’s own;

c. plagiarism may occur with respect to unpublished as well as published material; this includes the act of copying another student’s work or other unpublished document and submitting it as one’s own individual work without proper attribution;

d. “Intentional Plagiarism” is the deliberate act of representing the words, ideas, or data of another as one’s own without providing proper attribution to the author through quotation, reference, or footnote;

e. “Inadvertent Plagiarism” involves the inappropriate, but not deliberate use of another’s words, ideas, or data without appropriate attribution, failure to follow established rules for documenting sources, or from being insufficiently careful in research and writing;

f. “Paraphrased Plagiarism” involves paraphrasing without acknowledgment of ideas taken from another that the reader might mistake for one’s own;

g. “Plagiarism Mosaic” involves the borrowing of words, ideas, or data from an original source and blending this original material with one’s own without acknowledging the source; and

h. “Insufficient Acknowledgment” involves the partial or incomplete attribution of words, ideas, or data from an original source.

C. “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 on scholastic dishonesty.

1.42. University System and Institutional Violations: Any student who engages in a violation of any provision of the Regents’ Rules and Regulations of the UT System or any rule or regulation of UT Permian Basin, including but not limited to those relating to on-campus housing, the registration of student organizations, and the use of University facilities or grounds is subject to discipline.

1.43. Local, State, or Federal Law Violations: Any student who engages in a violation of any provision of federal, state, or local laws, whether or not the violation occurred on

University property or in connection with any University-oriented activity is subject to discipline.

1.44. Non-compliance with University Officials: Any student who fails to comply with any reasonable order or instruction of an official of the University or UT System acting in the course of their duties, including failing to identify him/herself and provide identification documentation to a University official when requested to do so, or providing false identification is subject to discipline.

1.45. Unauthorized Use of Property: Any student who engages in the unauthorized use of property, equipment, supplies, buildings, or facilities owned or controlled by UT Permian Basin or the UT System is subject to discipline.

1.46. Vandalism: Any student who defaces, mutilates, destroys, or takes unauthorized possession of any property, equipment, supplies, buildings, or facilities owned or controlled by the University or the UT System is subject to discipline.

1.47. Altering of Official Documents: A student who alters or assists in the altering of any official record of UT Permian Basin or the UT System; a student who submits 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 UT Permian Basin or the UT System or institution may be subject to discipline. Any student who forges or alters any parking permit, traffic ticket, or parking ticket issued by the University or the UT System, any ticket for admission to a program or event sponsored by the University, any means of identification issued by the University, any instrument obligating the University to pay any sum of money, may be subject to discipline. A former student who engages in such conduct may be subject to a bar against readmission, revocation of degree, and withdrawal of diploma.

1.48. Firearms, Dangerous Materials, and Prohibited Items: Unless authorized by federal, State, or local laws, or related to academic instruction or activity, any student who possesses or uses 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 UT Permian Basin or the UT System is subject to discipline.

1.49. Health and Safety: Any student who engages in physical abuse, threats, intimidation, retaliation, unwanted and/or repetitive contact, coercion, and/or conduct that threatens or endangers the health or safety of any persons on any property owned or controlled by the University or the UT System, or at any function, program, event, or assembly conducted, sponsored, supervised, or authorized by the University is subject to discipline. For the purpose of this policy, any person includes oneself.

1.410. Hazing: Hazing in State educational institutions is prohibited by State law (Texas Education Code Section 51.936 and Sections 37.151-37.157). "Hazing" means any intentional, knowing, or reckless act, occurring on or off the campus, 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 an organization. Hazing includes, but is not limited to the following

- a. any type of physical brutality, such as whipping, beating, striking, branding, electric shocking, placing of a harmful substance in or 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 person to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the person;
- c. any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the person to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the person;
- d. any activity that intimidates or threatens the person with ostracism, that subjects the person to extreme mental stress, shame, or humiliation, that adversely affects the mental health or dignity of the person or discourages the person from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a person to leave the organization or the institution rather than submit to acts described in this subsection;
- e. any activity that intends to demean or embarrass a person, regardless of whether that person agrees or consents to the activity, including but not limited to skits or roasts at the expense of a person; wearing attire that is embarrassing and not a part of a uniform; requiring a person to act as a personal servant; forced recitation of facts, songs, or chants, or similar activity.
- f. any activity that induces, causes, or requires the person to perform a duty or task that involves a violation of the Penal Code.

Hazing with or without the consent of a student 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. Knowingly failing to report hazing can subject one to discipline. Initiations or activities of organizations may include no feature that is dangerous, harmful, or degrading to the student, and a violation of this prohibition renders both the organization and participating individuals subject to discipline.

1.411. Alcohol: Any student who engages in unauthorized use, possession, or consumption of an intoxicating beverage in a classroom building, laboratory, auditorium, library building, museum, faculty or administrative office, intercollegiate or intramural athletic facility, residence hall, or any other campus area is subject to discipline. However, with the prior consent of the President of the University, the foregoing provisions of this section may be waived with respect to any specific event sponsored by the institution. In addition, events scheduled in special use facilities may serve alcohol in accordance with state law and University procedures governing such facilities. An exception to this provision is possession or consumption of alcohol in student housing facilities in accordance with state law and the community policy standards/regulations governing those communities. Violations of this policy also include, but are not limited to underage possession or consumption of alcohol, providing alcohol to a minor, public intoxication, minor driving under the influence of alcohol, and driving while intoxicated. In support of the Texas Alcoholic Beverage Commission, UT Permian Basin amnesty policy, affords amnesty to a student seeking aid in a medical emergency if the minor (1)

requested emergency medical assistance in response to the possible alcohol overdose of the minor or another person; (2) was the first person to make a request for medical assistance under Subdivision (1); and (3) if the minor requested emergency medical assistance for the possible alcohol overdose of another person: (A) remained on the scene until the medical assistance arrived; and (B) cooperated with medical assistance and law enforcement personnel.

1.412. Drugs: Any student who engages in the use, manufacture, possession, possession of drug paraphernalia, sale, or distribution on the campus of the substances defined and regulated under Chapters 481

(<http://www.statutes.legis.state.tx.us/docs/HS/htm/HS.481.htm>), 482

(<http://www.statutes.legis.state.tx.us/Docs/HS/htm/HS.482.htm>), 483

(<http://www.statutes.legis.state.tx.us/Docs/HS/htm/HS.483.htm>), and 485

(<http://www.statutes.legis.state.tx.us/Docs/HS/htm/HS.485.htm>) of the Texas Health and Safety Code, except as may be allowed by the provisions of such articles is subject to discipline. If a student is found responsible for the illegal use, possession, and/or sale of a drug or narcotic on campus, the sanction assessed shall be suspension from the institution for a specified period of time, and/or suspension of rights and privileges;

1.413. Unauthorized Access to Artificial Bodies of Water and/or Damage to Other Property: Any student who enters, walks, runs, lies, plays, remains, or is in the water of any fountain or other artificial body of water on the University campus that is not designed and maintained for recreational or therapeutic purposes; dumps, throws, places, or causes to be placed any material, object, trash, person, animal, waste, or debris in the water of any fountain or other artificial body of water located on the University campus; or damages, defaces, or removes any portion of any fountain, monument, building, statue, structure, facility, tree, shrub, or memorial located on the University campus (see Regents' Rules and Regulations, Rule 80110 for more information) is subject to discipline.

1.414. Inciting Lawless Action: Any student who, while on campus or at a University-related event, engages in conduct directed to inciting or producing imminent lawless action and may be likely to incite or produce such action is subject to discipline.

1.415. Harassment: Any student who, acting singly or in concert with others, engages in conduct that includes any action meant to harass, intimidate, bully or stalk another students may be subject to discipline. Some examples include but are not limited to the following:

A. Intentionally creating a situation to persistently annoy or produce unnecessary and undue mental or emotional discomfort, embarrassment, ridicule, or interference with scholarship or personal lives.

B. Intimidation of others such as to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, without displaying a weapon or subjecting the victim to actual physical attack.

1.416. Stalking: Any student who engages in a course of conduct directed at a specific person that involves repeated (two or more acts) visual or physical proximity, nonconsensual communication, or verbal, written, or implied threats, or a combination

thereof, that would cause a “reasonable person” to (a) fear for their safety or the safety of others; or (b) suffer “substantial emotional distress” is subject to discipline.

a. “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the complainant.

b. “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

1.417. Unauthorized Use of Institutional Property: Any student who engages in the unauthorized use of property, including keys, equipment, resources, supplies, buildings, or facilities owned or controlled by the University or the UT System, including unauthorized entry into property, buildings, or facilities owned or controlled by UT Permian Basin or the UT System is subject to discipline.

1.418. Prohibited Conduct during Suspension or Probation: A student who receives a period of suspension or probation as a disciplinary sanction is subject to further disciplinary action for engaging in prohibited conduct during the period of suspension or probation. Any unauthorized appearance on the campus after having been suspended or expelled from the University or any other component institution of the UT System for disciplinary reasons must have written approval of the dean of students or chief student affairs officer of the UT System institution at which the suspended or expelled student wishes to be present. In a request for such approval, the former student is required to disclose in writing each institution from which the individual has been suspended or expelled and the conduct leading to the disciplinary action.

1.419. Failure to Notify: Any student who fails to notify University authorities of personal knowledge of any violation of University policy is subject to discipline.

1.420. False Report: Any student making a charge of a violation of University policy against a member of the University community that is knowingly false is subject to discipline.

1.421. False Information: Furnishes false information to or withholds material information from any University official, faculty member, or staff member acting in the course of their duties.

1.422. Theft: Any student who damages, defaces, destroys, tampers with, or takes without authorization property of the University, property belonging to any student or employee of the University, or property of a visitor on the campus is subject to discipline.

1.423. Sexual Harassment and Misconduct: UT Permian Basin is committed to the principle that the University’s working and learning environment be free from inappropriate conduct of a sexual nature. Sexual harassment or sexual misconduct in any form will not be tolerated and individuals who engage in such conduct are subject to disciplinary action. UT Permian Basin’s policy and procedures regarding sexual harassment and misconduct are delineated in the Sexual Harassment and Sexual Misconduct Policy.

1.424. **Disruptive Conduct:** Any student who, acting singly or in concert with others, obstructs, 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 University or the UT System is subject to discipline. Obstruction or disruption includes but is not limited to any act that interrupts, modifies, or damages utility service or equipment, communication service or equipment, university computers, computer programs, computer records or computer networks accessible through the university's computer resources.

1.425. **Unauthorized Use of Institutional Technology:** Any student who engages in inappropriate or disproportionate use of an information technology resource owned or controlled by UT Permian Basin or the UT System or uses an information technology resource for an illegal, threatening, or intentionally destructive purpose is subject to discipline. Prohibited conduct includes, but is not limited to, circumventing system or network security, committing copyright infringement, transmitting unsolicited e-mail, sharing a University-issued password, falsifying an e-mail header, and using resources for personal financial gain or profit.

1.426. **Failure to Identify:** It is unlawful for any person on any property of the University to refuse to identify themselves to an institutional representative in response to a request. A person identifies themselves by giving their name and complete address substantiated by a current driver's license, voter registration card, or other official documentation, and by stating truthfully whether they are a student or employee of University, of the UT System, or a component institution.

1.427. **Inappropriate Conduct:** Any student who engages in conduct that is inappropriate for members of an academic institution is subject to discipline. Such conduct includes, but is not limited to pranks, choosing to remain where the odor of marijuana is confirmed by a University official, throwing food at persons or property, public nudity, unwanted communications, unwanted non-physical contact, and harassing telephone calls.

1.428. **Pets:** Any student who has pets inside or around the buildings on the campus, except bona fide service animals, emotional support animals authorized by the ADA Officer for Students, and those permitted in accordance with the Housing Guide, are subject to discipline. Any student who fails to care for an authorized pet in a manner inconsistent with the provisions of the Housing Guide or Pet Policy is subject to discipline.

1.429. **Children:** Children should not be left unattended in any buildings or facilities owned or controlled by UT Permian Basin. Any student who leaves a child unattended may be subject to discipline.

1.5 Investigation

It shall be the duty of the dean of students or designee to investigate allegations that a student has engaged in conduct that violates UT System's Regent's Rules, UT Permian Basin's rules or policies or any provisions of federal, state, and/or local laws. After completing a preliminary investigation, if the dean of students or designee determines that such allegations are supported by the evidence, they may proceed with the disciplinary process, notwithstanding any action

taken by other authorities. Before proceeding with disciplinary action, the dean of students or designee will offer the student the opportunity to meet to provide a response to the charges and, upon request, to review the available evidence supporting the charges.

If there is a more specific policy that specifies the procedures for investigation, such as the Sexual Harassment/Sexual Misconduct policy, that policy will govern; however, all the powers provided herein to the dean of students or designee for investigations involving student witnesses, including summons, interim disciplinary action, and withholding transcripts, grades and degrees are delegated to the investigator designated in that policy.

1.6 Summons

1.61. A student may be summoned by written request of the dean or students or designee for a meeting to discuss the allegations.

A. The written request may specify a place for the meeting and a time at least three weekdays after the date of the written request.

B. The written request may also direct the student to contact a specific person or office to set an appointment within a specified period of time.

C. The written request may be mailed to the address appearing in the records of the registrar, emailed to the student's University issued email address, or may be hand delivered to the student.

1.62. If a student fails to appear or respond without good cause as determined by the dean of students or designee, the dean of students or designee may bar or cancel the student's enrollment or otherwise alter the status of the student until the student complies with the summons, or the dean of students or designee may proceed to implement the disciplinary process.

1.63. The refusal of a student to accept delivery of the notice or the failure to maintain a current address with the registrar shall not be good cause for the failure to respond to a summons.

1.7 Interim Disciplinary Action

1.71. Pending a hearing or other disposition of the allegations against a student, the dean of students or designee may take such immediate interim disciplinary action as appropriate to the circumstances, including (a) suspension and bar from the campus when it reasonably appears to the dean 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; or (b) the withholding of grades, degree, or official transcript when such action is in the best interest of the University.

1.72. When interim disciplinary action has been taken, a hearing of the charges against the student will be held under the procedures specified in this section within 10 (ten) days after the interim disciplinary action was taken unless the student agrees in writing to a hearing at a later time or unless the student waives a hearing and accepts the decision of the dean in accordance with Subsection: Administrative Disposition of Charges.

1.73. When the dean of students or designee determines that the administrative process of hearing process and any ensuing appeal will not be completed before the end of a semester or summer session, appropriate action may be taken to withhold the student's grades or degree pending final disposition of the disciplinary action.

1.8 Administrative Disposition of Charges

1.81. 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 of students or designee, the student may execute a written waiver of the hearing procedures yet retain the right to appeal the decision only on the issue of penalty. The appeal must be in writing and submitted to the Office of the President within ten (10) business days of the dean's decision as specified in the appeal procedures in Section IX: Appeal Procedures.

1.82. In cases where a student is found in violation of the Sexual Harassment/Sexual Misconduct Policy, the case will proceed before a Hearing Officer unless both the accused and the accuser agree to the waiver of the hearing procedures. In any case involving a violation of the Sexual Harassment/Sexual Misconduct Policy, the accuser will be provided an equal opportunity to participate in the process.

1.83. The minimum penalty that may be assessed when a student admits illegal use, possession, and/or sale of a drug or narcotic on campus shall be suspension from the institution for a specified period of time and/or suspension of rights and privileges.

1.9 Faculty Disposition of Academic Dishonesty Cases

1.91. UT Permian Basin permits faculty members to choose one of two options when resolving suspected issues of academic dishonesty:

- A. Direct referral for the alleged infraction to the dean of students for resolution, or
- B. Completion of faculty disposition. This can occur in any case where the student does not dispute the facts and both the faculty member and student sign a form that includes a sanction and a written waiver of the hearing and appeal procedures.

1.92. Both a direct referral and a faculty disposition are reported using the Faculty Referral/Faculty Disposition Form.

1.93. A disciplinary sanction or sanctions may be recommended by the faculty member when the student admits to committing an act of scholastic dishonesty. Additional sanctions may be imposed by the dean of students or designee.

1.94. In extraordinary circumstances, if the sanction issued in a faculty disposition falls well outside the general scope of sanctions issued in similar cases, the dean of students or designee may communicate with the faculty member to discuss a different sanction.

1.10 Hearing Process

1.101. 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. In sexual harassment/sexual misconduct cases, the alleged victim may

pursue an appeal under the same procedure as the accused student. An appeal shall be in accordance with the following procedures set forth below.

In any case involving a violation of the Sexual Harassment/Sexual Misconduct Policy, the accuser will be provided the same rights and responsibilities outlined in this section as the accused including the right to have notice of the hearing.

1.102. Except in those cases where immediate interim disciplinary action has been taken, the accused student shall be given at least seven (7) days written notice of the date, time, and place of such hearing and the name of the Hearing Officer. The notice shall include a statement of the charge(s). The notice shall be delivered in person to the student, emailed to the student's University issued e-mail 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 the mailing, excluding any intervening Sunday. The date for the hearing may be postponed by the Hearing Officer for good cause or by agreement of the student and dean. A request for postponement must be in writing, must state the reason for the postponement, and must be delivered to the Hearing Officer through the dean of students at least three days prior to the date for the hearing. If the student fails to appear for the hearing, the hearing may be held in their absence as long as proper notice was provided.

1.103. 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 dean of students 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 the Hearing Officer disqualifies himself or herself, a substitute will be appointed by the dean of students.

1.104. Upon a hearing of the charges, the dean of students or designee has the burden of going forward with the evidence and has the burden of proving the charges by the greater weight of the credible evidence.

1.105. To avoid issues concerning invasion of the accused student's right of privacy and the unauthorized disclosure of information records protected by the federal Family Educational Rights and Privacy Act of 1974, the hearing should be closed to everyone except the dean of students or designee, the accused student, the advisor of the accused student, the Hearing Officer, witnesses providing testimony, and the person making the record of the hearing. Because witnesses should testify from personal knowledge and without regard to what other witnesses may say, no potential witnesses other than the dean and the accused student may be present in the hearing room until called to give testimony.

1.106. The Hearing Officer is responsible for conducting the hearing in an orderly manner and controlling the conduct of the witnesses and participants in the hearing. The Hearing Officer shall rule on all procedural matters and on objections regarding exhibits and testimony of witnesses, may question witnesses, and is entitled to have the advice and assistance of legal counsel from the Office of General Counsel of the UT System. The Hearing Officer shall render and send to the dean of students or designee and the accused student a written decision that contains findings of fact and a conclusion as to the responsibility of the accused student. Upon a conclusion of a finding of a violation of the

applicable University policy, the Hearing Officer shall assess a penalty or penalties specified in this policy. Upon a finding of responsibility for the illegal use, possession, or sale of a drug or narcotic on campus shall be suspension from the institution for a specified period of time and/or suspension of rights and privileges.

1.107. The dean of students or designee and the accused student shall be assured the following rights:

A. Each party shall provide the other party a list of witnesses, a brief summary of the testimony to be given by each, and a copy of documents to be introduced at the hearing at least five days prior to the hearing.

B. Each party shall have the right to appear, present testimony of witnesses and documentary evidence, cross-examine witnesses and be assisted by an advisor of choice. The advisor may be an attorney. If the accused student's advisor is an attorney, the advisor of the dean of students may be an attorney from the Office of General Counsel of the UT System. An advisor may confer with and advise the dean of students or accused student but shall not be permitted to question witnesses, introduce evidence, make objections, give testimony to a witness, or present argument to a Hearing Officer. In sexual harassment/sexual assault cases, the complainant shall have the right to be present throughout the hearing, to have an advisor present during the hearing, to have irrelevant past sexual history with third parties excluded from the evidence; and to have a closed hearing, in addition to such other rights and protections as may be required by law or by university or UT System policy or procedures.

1.108. The dean of students or designee may recommend a penalty to be assessed by the Hearing Officer. The recommendations may be based upon past practice of the institutions or violations of a similar nature, the past disciplinary record of the student, or other factors deemed relevant by the dean of students. The accused student shall be entitled to respond to the recommendations of the dean of students or designee.

1.109. The hearing will be recorded by the University and will be the official recording of the proceeding. If either party desires to appeal the decision of the Hearing Officer, the official record will consist of the official recording of the hearing, the documents received in evidence, and the decision of the Hearing Officer. If, at the request of the President or his/her designee, the University transcribes the recording of the hearing, the accused student and the dean will be furnished a copy of transcript.

1.1010. The hearing shall proceed generally as follows:

A. The dean of students (or designee) reads the statement of charges and introduces the notice letter as evidence;

B. The dean of students (or designee) presents evidence in support of the charges;

C. The accused student presents his or her defense;

D. The dean of students (or designee) and the accused student present rebuttal evidence;

- E. The dean of students (or designee) makes a closing argument summarizing the evidence and recommending a penalty to be imposed in the event the Hearing Officer finds the accused student responsible of the charges;
- F. The accused student makes a closing argument summarizing the evidence and responding to the recommendations regarding penalty;
- G. The dean of students (or designee) makes a final argument;
- H. The Hearing Officer adjourns the hearing, deliberates, makes written findings of fact, and decides the issue of responsibility and assesses an appropriate sanction or sanctions in the event of a finding of responsibility;
- I. The Hearing Officer informs the dean of students (or designee) and the accused student in writing of the decision and the sanction(s), if any.

1.11 Disciplinary Sanctions

1.111. The dean of students may withhold an official transcript, grade, diploma, or degree of a student alleged to have committed a violation of a rule or regulation of The University of Texas System or the University that would reasonably allow the imposition of such sanction. The dean of students may take such action pending a hearing, resolution by administrative disposition, and/or exhaustion of appellate rights when, in the opinion of the dean of students, the best interests of the University or The University of Texas System would be served by this action. One or more of the following sanctions, as appropriate for the circumstances, may be assessed by the dean or by the Hearing Officer after a hearing in accordance with the procedures in this policy.

1.112. Written warning means that the student has been notified that they have engaged in behavior that violated a rule or regulation of The University of Texas Permian Basin or The University of Texas System and that a further violation or violations of the regulations may result in more severe disciplinary action. The dean of students or the hearing officer may impose conditions related to the offense, and failure to meet the condition(s) will be considered an additional violation.

1.113. Disciplinary probation is a specified period of time during which the student is required to comply with specified terms and conditions that include not engaging in further conduct that would violate a rule or regulation of The University of Texas Permian Basin or The University Texas System. A further violation or violations will result in consideration of suspension. The dean of students or the hearing officer may impose conditions, and failure to meet the condition(s) will be considered an additional violation.

1.114. Deferred suspension permits the sanction of suspension to be deferred for a student for who there are mitigating circumstances as determined by the dean of students or the hearing officer. If a student is found to have violated any rule of the University or The University of Texas System while the sanction of deferred suspension is in effect, the sanction for such a violation may be immediate suspension except in extraordinary circumstances as deemed appropriate by the dean of students. The dean of students or the hearing officer may impose conditions related to the offense, and failure to meet such conditions will be considered an additional violation.

1.115. Suspension from the University prohibits the student on whom it is imposed, during the period of suspension, from entering the University campus without prior written approval of dean of students, from being initiated into an honorary or service organization, and from receiving credit for academic work done during the period of the suspension.

A. “Disciplinary Suspension” is noted on the official transcript during the term of suspension and shall remain until all conditions of the suspension are met. The notation can be removed upon the request of the student but only after the student’s successful completion of the terms of the suspension. The request for the removal of the transcript notation of suspension should be directed to the dean of students.

B. Suspension may also prohibit the student from being admitted to, enrolling at, or entering the campus of another component institution of The University of Texas System without prior written approval of the chief student affairs officer of the institution at which the student wishes to be present.

C. The dean of students may permit the student to receive credit for academic work completed at another institution during the period of suspension, except in cases where suspension is imposed for academic dishonesty. The dean of students or the hearing officer may impose additional conditions or sanctions related to the alleged offense, and failure to meet such conditions or terms of the sanction will be considered an additional violation.

1.116. Expulsion is a permanent separation from the University and prohibits the student on whom it is imposed from entering the University campus without prior written approval of the dean of students or chief student affairs officer.

A. Expulsion may prohibit the student from being admitted to, enrolling at, or entering the campus of another component institution of The University of Texas System without prior written approval of the chief student affairs officer of the institution at which the student wishes to be present.

B. A permanent notation of “expulsion” will also be placed on the student's official transcript.

1.117. Restitution is reimbursement for damage to or misappropriation of University property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages. Other than in extraordinary circumstances deemed necessary by the dean of students, the University will not facilitate restitution between individuals for conduct-related occurrences.

1.118. Suspension of rights and privileges is an elastic sanction. The dean of students or the hearing officer may impose limitations to fit the particular case, as in the suspension of rights and privileges to enter or reside in student housing facilities. Suspension of eligibility for official athletic and nonathletic extracurricular activities prohibits the student on whom it is imposed, during the period of suspension, 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 nonathletic extracurricular activity. Suspension of the right and privilege to park and

drive on campus prohibits the student on whom it is imposed, during the period of suspension, from obtaining a parking permit or operating a motor vehicle on any roadway of the University campus.

1.119. As appropriate under the circumstances, the dean of students or the hearing officer may impose a bar against the student's readmission or enrollment, may drop the student from one or more classes, or may withdraw the student from the University or from a period of enrollment. This bar may be temporary or permanent in nature. One or more of these sanctions may also be imposed on a student who fails to respond to a summons by the dean of students to discuss an alleged violation of the Regent's Rules and Regulations, University regulation, administrative rules, or the University's expectations of conduct. If imposed for failure to respond to a summons, the sanction or sanctions may be reversed when the student responds to the summons as requested.

1.1110. A failing grade or other academic sanction, including but limited to reduced credit on an assignment or in a course, may be assigned to a student for a class in which they are found to have violated the University's regulations regarding scholastic dishonesty.

1.1111. Educational programs or activities may be assigned to expand the student's understanding of the regulation or policy and/or to help the student learn more about themselves in relation to the policy or violation.

1.1112. A student may be assigned to complete hours of community service at a registered non-profit agency of their selection or on the campus of UT Permian Basin.

1.1113. Pursuant to federal exemptions of the Family Educational Right to Privacy Act, the dean of students may contact parents for students found responsible for alcohol or drug related violations.

1.1114. Other sanctions as may be deemed appropriate.

1.12 Appeal Procedures

1.121 A student may appeal a disciplinary penalty assessed by the dean of students or Hearing Officer. Either the dean of students or the student may appeal the decision of the Hearing Officer after a hearing. An appeal shall be in accordance with the following procedures:

A. Written notice of appeal must be delivered to the President or his/her designee, via email within seven (7) days after the appealing party has been notified of the penalty assessed by the dean or the decision of the Hearing Officer. An appeal of the penalty assessed pursuant to this policy will be reviewed solely on the basis of the written argument of the student and the dean of students.

1.122 The appeal of the decision of the Hearing Officer will be reviewed solely on the basis of the record from the hearing. The record from the hearing shall consist of the official recording of the hearing, the documents admitted in evidence, and the written decision of the Hearing Officer. The dean of students shall be responsible for filing the record from the hearing with the President's Office. In order for the appeal to be considered, all the necessary documentation to be filed by the appealing party, including

written argument, must be filed with the President's Office within fourteen days after notice of appeal is given. Both parties may, at the discretion of the President or designee, present oral argument in an appeal of the decision of the Hearing Officer.

1.123 The President or designee may request that the recording of the hearing be transcribed. A copy of the transcription shall be provided to the dean and the student.

1.124 Upon consideration of the appeal, The President or designee may:

- A. Approve, reject, or modify the decision in question.
- B. Require that the hearing be reopened for the presentation of additional evidence and reconsideration of the decision.
- C. Modify the sanction to make it more or less severe.

1.125 The action of the President or designee shall be communicated in writing to the student(s) and the dean of students within fourteen (14) days after the appeal and related documents have been received. The decision of the President or designee is final.

1.126 Notice of appeal timely given by a student appellant suspends the imposition of penalty until the appeal is finally decided, but interim action appropriate to the circumstances may be taken pending final disposition of the appeal. Such action may include bar from University buildings, facilities, and property, the withholding of grades, degrees, or official transcripts.

1.13 Disciplinary Records

1.131 The academic transcript of a student suspended or expelled for disciplinary reasons shall be marked with "Disciplinary Suspension" or "Expulsion" as appropriate. Each institution shall maintain a permanent written disciplinary record for respondent assessed a sanction of suspension, expulsion, denial or revocation of degree, and/or withdrawal of diploma.

1.132 The hearing record, notice of appeal, and all documentation, including written arguments, that contain information that makes the student identifiable shall not be subject to disclosure except upon request of the student or in accordance with applicable state or federal laws or court order or subpoena.

1.133 The University shall maintain a permanent written disciplinary record for every respondent assessed a penalty of suspension, expulsion, denial, or revocation of degree and/or withdrawal of diploma. A record of scholastic dishonesty shall be maintained for at least five years, and disciplinary records required by law to be maintained for a certain period of time, i.e. Clery violations, shall be maintained for at least the time specified in the applicable law, unless the record is permanent in conjunction with the above stated penalties. The disciplinary record of other penalties shall be maintained for such as period of time as determined by the dean. A disciplinary record shall reflect the name of the student involved, the nature of the charge, the disposition of the charge, the penalty assessed, and such other information as may be deemed pertinent. This disciplinary record shall be maintained separately from the student's academic record, shall be treated as confidential, and shall not be accessible to or used by anyone other than the dean,

except upon written authorization of the student or in accordance with applicable State or federal laws or court order or subpoena.

1.14 Notification of the Registrar

The dean of students shall notify the registrar when one of the following penalties is assessed in a disciplinary case:

- A. Withholding of grades, official transcripts, or degree
- B. Bar against readmission;
- C. Drop from enrollment;
- D. Failing grade;
- E. Denial of degree;
- F. Suspension from the University and transcript noted accordingly;
- G. Expulsion from the University and transcript noted accordingly;
- H. Revocation of degree and withdrawal of diploma
- I. The registrar shall make such entries upon or corrections to the academic record as required to comply with the assessed penalty but shall make no permanent notation upon the academic record to indicate that any disciplinary action has been taken.

1.15 Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)

1.151 University of Texas System Board of Regents' Rules and Regulations Rule 50101, Student Conduct and Discipline

1.152 Student Conduct and Discipline OGC Model Policy

1.153 Sexual Harassment and Sexual Misconduct Policy

1.154 Consensual Relationship Policy

2. Student Grievance/Appeal Procedures

2.1 Introduction

A student grievance may involve faculty, staff, an office, or other students of the University. A grievance must be initiated within 30 calendar days from the date of the alleged infraction/dispute. 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. 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.

2.2 Types of Grievances/Appeal

2.21 Grade Appeal – student wishes to appeal a grade.

2.22 Academic Grievance - student wishes to contest the course requirements, examinations, course content, admission to a program, instructor behavior, or similar issue.

2.23 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.

2.3 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. Students who are bringing a grievance should first try to seek a resolution of their grievance/complaint by scheduling a conference either in person, by telephone, or virtually with the person/office with whom/which the student has a dispute. If the student remains unsatisfied with the outcome of this initial conference the student should initiate and register a formal written complaint through the University Complaint Resolution Portal (<http://utpb.edu/services/business-affairs/complaint-resolution>). All formal written complaints should be submitted through the University Complaint Portal which will register and route the student complaint to the appropriate authority. Students need only use this portal once to register their complaint. Any subsequent written appeals required during the grievance process should be sent directly to the addressee as indicated in this policy.

The following steps should be followed with respect to seeking redress of grievances:

2.4 Grade Appeal

A student who wishes to dispute an assigned grade should first submit a written appeal to the instructor and seek resolution via a conference either in person, by telephone, or virtually with 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 conference with the instructor, the student believes that the issue has not been addressed or disagrees with the outcome of conference, the student should initiate and register a formal written complaint through the University Complaint Resolution Portal (<http://utpb.edu/services/business-affairs/complaintresolution>). The written complaint will be routed to the relevant Department Chair or supervisor (if the instructor does not have a Chair or if the instructor is the Chair) who will schedule a conference either in person, by phone, or virtually with the student.

If, within ten (10) working days after the meeting with the Department Chair or supervisor, the student believes the grade appeal has not been addressed or disagrees with the outcome of the conference with the Department Chair or supervisor, the student should file a written appeal

directly (not via the University Complaint Form Portal) with the appropriate academic Dean and seek an appointment either in person, by telephone, or virtually with him or her.

Upon receipt of the written appeal, the Dean will schedule a meeting in person, by telephone, or virtually 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.

2.5 Academic Grievance

A student who has an academic grievance should first submit a written appeal to the instructor and seek resolution of the grievance via a conference in person, by telephone, or virtually with 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 conference with the instructor, the student believes that the academic grievance has not been addressed or disagrees with the outcome of the conference with the instructor, the student should initiate and register a formal written complaint through the University Complaint Resolution Portal

(<http://utpb.edu/services/business-affairs/complaint-resolution>). The written complaint will be routed to the relevant Department Chair or supervisor (if the instructor does not have a Chair or if the instructor is the Chair) who will schedule a conference either in person, by telephone, or virtually with the student.

If within ten (10) working days of meeting with the Department Chair or supervisor the student believes that the academic grievance has not been addressed or disagrees with the outcome of the conference with the Department Chair or supervisor, the student should file a written complaint directly (not via the University Complaint Resolution Portal) with the appropriate academic Dean and seek an appointment in person, by telephone, or virtually with the him or her.

Upon receipt of the written complaint, the Dean will schedule a conference in person, by telephone, or virtually with the student. Following the appointment with the student, the Dean will investigate the matter.

If within ten (10) working days after the conference with the Dean, a student believes the academic grievance has not been addressed or disagrees with the outcome of the conference with the Dean, or if the accused is the Dean, the student should file a written complaint directly (not via the University Complaint Resolution Portal) with the Provost and Vice President for Academic Affairs and seek an appointment in person, by telephone, or virtually with him or her.

If within (10) working days after the conference 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 conference, 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.

2.6 Non-Academic Grievance

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

First attempt to resolve the grievance with the person/office with whom/which they have a grievance. In instances where the student has good reason not to attempt a resolution with a particular person, the student should seek an appointment in person, by telephone, or virtually with the supervisor of the person with whom they have a grievance. If the complaint is directed against a certain office, the student should seek a conference in person, by telephone, or virtually with the director of that office.

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 or office and within five (5) working days of discussing the matter with the employee or office director, the student believes the grievance has not been addressed or disagrees with the outcome of the conference with the employee or the office director the student should initiate and register a formal written complaint through the University Complaint Resolution Portal

(<http://utpb.edu/services/business-affairs/complaint-resolution>). The written complaint will be routed to the appropriate supervisor or the director of the relevant office who will arrange an appointment in person, by telephone, or virtually with the complainant.

If the grievance involves a student and within five (5) working days of conference with the accused student, the student believes the grievance has not been addressed or disagrees with the outcome of the conference with the accused student, the student should initiate and register a formal written complaint through the University Complaint Resolution Portal (<http://utpb.edu/services/business-affairs/complaint-resolution>). The written complaint will be routed to the Dean of Students who will arrange an appointment in person, by telephone, or virtually 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 discussing the matter with the employee's supervisor, office director, or Dean of Students, as appropriate, the student believes the grievance has not been addressed or disagrees with the outcome of the conference, the student should file a written complaint directly (not via the University Complaint Resolution Portal) with the Vice President for Student Services and seek an appointment in person, by telephone, or virtually with him or her.

If within ten (10) working days after the conference with the Senior Associate Vice President for Student Services the student believes the grievance has not been addressed or disagrees with the outcome of the conference, the student should file a written complaint directly (not via the University Complaint Resolution Portal) 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.

2.7 Other Grievances

Grievances regarding disability, discrimination, sexual harassment sexual misconduct should be addressed in accordance with the appropriate policy of the University. (Reference ADA Grievance Policy; Non-Discrimination, Sexual Harassment and Sexual Assault Policy).

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
- 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

5. Student Property Deposit Endowment Fund Policy

(Forfeited General Property Deposits and Earnings on those funds)

Section 54.5021 of the Texas Education Code provides that any student's general property deposit unclaimed for four years after the last date of attendance is forfeited and may be used as directed by the governing board to award scholarships to needy and deserving students, support a

general student union program, establish an institutional loan program, or pay direct expenses for the administration of the funds.

That portion of the current balance of the student deposit fund consisting of the aggregated sums of unexpended student general property deposits forfeited under Section 54.5021 of the Texas Education Code, and the related investment earnings, will be transferred to the Office of Asset Management of The University of Texas System to be deposited into The University of Texas of the Permian Basin Student Deposit Endowment Fund upon completion of the Annual Financial Report each year.

Earnings on The University of Texas of the Permian Basin Student Deposit Endowment

Fund transferred from the Office of Asset Management of The University of Texas System to The University of Texas of the Permian Basin will be receipted into a restricted account. On review by the administration of The University of Texas of the Permian Basin, the allocation of the earnings may be revised as the needs change. Until a review and reallocation is made, no less than half of these earnings will be used to create an institutional loan program; the balance of the earnings will be used to award scholarships to needy and deserving students and to pay direct expenses for the administration of the funds. For more information see Handbook of Operating Procedures, Part VI, Section 16.

6. Texas - Mexico Reciprocal Exchange and Pilot Enrollments Programs

Pursuant to Texas Education Code, Section 54.060, U. T. Permian Basin may enroll up to 20 eligible students from Mexico each year in a Pilot Program that enables the students to pay tuition at a rate equal to the resident rate.

6.1 Eligible Students

6.11 Eligible Students Must:

- 6.111 be citizens of Mexico;
- 6.112 meet admissions (and restrictive enrollment) criteria;
- 6.113 enroll on a full-time basis; and
- 6.114 show financial need consistent with guidelines of the Texas Higher Education Coordinating Board.

6.2 Border County Programs

No more than 10 students may be transfer students from general academic institutions in "border county programs". A border county program is an instructional program offered in a county bordering Mexico by any general academic institution.

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

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

10.21 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".

10.22 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.

10.23 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.

10.24 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.

10.3 Officers and Committees

10.31 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.

10.32 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.

10.33 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:

10.331 Academic Affairs: This committee will be responsible for investigating and making recommendations for improving the general welfare of the students in the academic sphere.

10.332 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.

10.34 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.

10.35 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.

10.36 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.

10.37 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.

10.38 The Director of Graduate Studies shall be an ex-officio member of the Advisory Board and of the Executive Committee.

10.4 Representation of Graduate Student Interests

10.41 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.

10.42 The president of the Advisory Board will make recommendations concerning representatives of the Graduate Student Advisory Board on any University committee.

10.5 Meetings and Procedures

10.51 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.

10.52 Robert's Rules of Order (revised) will be accepted as the parliamentary procedure during regular meetings.

10.53 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.

10.54 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.

10.55 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.

10.56 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.

10.57 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 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.

11.73 Editors and student staff members must be familiar with and agree to abide by the cooperative agreement between the publication and any academic departments, should such an agreement exist.

11.8 Stipends

11.81 A student may hold only one stipend position per publication per semester.

11.82 Stipends will be paid monthly.

11.83 Job descriptions for the various positions should be available from the respective advisors.

11.9 Disputes

11.91 The student due process procedures, as printed in the Student Guide and The Handbook of Operating Procedures, shall dictate the process for handling disputes.

12. Graduate Assistants, Graduate Research Assistants, and Graduate Teaching Assistants

Graduate students are involved in teaching and research as an enriching experience related to their study. They are paid for their assistance and thus are part-time employees of The University, obligated to comply with all relevant policies. Their dual role as students first and employees second requires that special care be given to the management of graduate assistants (GAs), graduate research assistants (GRAs), graduate teaching assistants (GTAs) positions.

12.1 Purpose

12.11 To enhance the ability of The University to attract and retain highly qualified graduate students.

12.12 To provide assistance to those disciplines that offer graduate degrees

12.13 To provide financial support to graduate students so they can devote more time to advancement of their program of study.

12.14 To provide supervised training experiences that allow close work with faculty, especially as related to the student's goals in teaching and in research.

12.2 Employment Policies

12.21 The Office of Graduate Studies will post available positions in advance, preferably in the preceding long semester, to make potential candidates aware of the opportunity, to facilitate recruiting and to provide equitable access to the openings as they become available.

12.22 The Assistant Vice President of Graduate Studies will review all position listings and selection procedures to assure compliance with this policy.

12.23 Students employed as graduate assistants, graduate research assistants, or graduate teaching assistants in either teaching or research must be accepted into the program in a regular or provisional status at the time the appointment is made. During the period of employment the student must be enrolled full-time. Full time status is defined as enrollment in 9 hours of course work applicable to the degree plan during regular semesters, and 3 hours to 9 hours during summer. Note that during the summer, different graduate programs and different funding sources may have different requirements for full time status. UTPB's minimum for the summer is 3 hours but the student will be obligated to meet the applicable requirements for his/her program or funding source(s).

12.24 Selection procedures will be consistent with normal recruiting policies as defined by the Office of Human Resources to comply with regulations and guidelines.

12.25 The designated supervisor will be the Department Chair, the Dean of the College, or the supervisor's designee. Other faculty members may be involved 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

12.31 Graduate Assistantship (GA) - 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 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 requested and scheduled with the Athletic Trainer and Athletic Director before the start of pre-season practices (fall sports) or the start of fall classes (all other sports).

14.5 Random Selection for Testing

14.5.1 Throughout the calendar year, including summer, student-athletes will be randomly selected to provide a urine or saliva sample for analytical testing of banned substances.

14.5.2 Using a computer-generated random selection program, a third-party administrator will randomly select student-athletes for testing.

14.5.3 As a general rule, student-athletes will be notified of their selection for testing no more than 24 hours prior to the date and time scheduled. However, testing without prior notice is permissible under the terms of this policy. All notification will be by direct telephone or in-person contact.

14.6 Reasonable Suspicion Selection for Testing

14.6.1 The circumstances or events giving rise to individualized reasonable suspicion drug testing shall be recorded in writing by the Athletics Trainer. The record shall be kept in a secure place separate from a student-athlete's other educational or medical records (See attached Reasonable Suspicion Form). Testing without prior notice is permissible.

14.6.2 Reasonable suspicion" shall not mean a mere "hunch" or "intuition." It shall be based upon a specific event or occurrence, which leads to the belief based on reasonable circumstances that a student-athlete has used a banned substance.

14.6.2.1 Such belief may be engendered by direct observation, a physical or mental deficiency, medically indicated symptomology of banned substance use, suspicious conduct, or unexplained absence.

14.6.2.2 Such belief may also be engendered by information supplied by reliable third parties corroborated by objective facts.

14.6.2.3 Such belief may also be engendered by common-sense conclusions about observed or reliably described human behavior upon which practical people ordinarily rely.

14.7 Postseason/Championship Testing

Any participant or team likely to advance to post-season championship competition may be subject to additional testing. Testing may be required of all team members or individual student-athletes at any time within thirty (30) days prior to the post-season competition. If a student-athlete tests positive, he/she will not be allowed to compete at the post-season event until the student-athlete has completed the appropriate sanction as outlined in this policy, until the student-athlete subsequently tests negative prior to departure for the event, and until the student-athlete receives permission from the Director of Athletics or his/her designee to participate.

14.8 Actions as a Result of Positive Drug Test

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 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.

15. EXCESS REPETITION AND CREDIT HOUR CHARGES EXEMPTION

15.1 Purpose

The Texas Higher Education Coordinating Board states: "If an institution charges a higher tuition rate under this section, it shall adopt a policy under which a student is exempted from the payment of that higher tuition rate, if the payment of the higher education rate would result in economic hardship for the student." The Chief Student Affairs Officer or his/her designee shall review appeals due to economic hardships for both excess repetition of courses and credit hour charges incurred by the student.

15.2 Persons Affected

The Chief Student Affairs Officer will be the primary user of the policy in making decisions concerning student appeals. Students assessed the excess repetition or credit hour charges will be impacted.

15.3 Policy

The policy of UT Permian Basin is to allow students assessed charges for exceeding the state mandated allowance for excessive repetition of courses or credit hours to appeal due to economic hardship. A formal letter and compelling documentation of appeal should be submitted to the designated Chief Student Affairs Officer.

In cases where the decision is not obvious, the Chief Student Affairs Officer may appoint a committee to review the appeal and formulate decisions. All decisions by the committee are final.

15.4 Definitions

Economic hardship - determined on a case by case basis.

15.5 Procedure

1. The Chief Student Affairs Officer is responsible for reviewing legislative requirements and determining appropriate criteria for hardship questions and reasonable progress toward degree.
2. The Chief Student Affairs Officer is responsible for receiving appeals and has the ability to make decisions based on compelling documentation.
3. The Chief Student Affairs Officer are responsible for providing decisions to the student.

15.6 Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)

University of Texas System Board of Regents' Rules and Regulations Rule 40405, Tuition Rates for Undergraduate Students with Excessive Semester Credit Hours.

16. FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) POLICY

16.1 Purpose

The University of Texas of the Permian Basin (UTPB) is committed to compliance with federal and state laws and regulations regarding student records. This purpose of this policy is to set forth policy and procedures related to student records that will promote such compliance.

16.2 Persons Affected

This policy applies to all UTPB administrators, faculty, staff, students and University officials.

16.3 Definitions

16.3.1. Annual Notice - The notices that the University shall provide to each Student in attendance at the University at least annually of their rights pursuant to FERPA, the procedures for exercising their rights, information about the Directory Information Exception, and the process by which a Student may elect to opt out of the release of the Student's Directory Information under that exception. A link to the Annual Notice is attached as an Appendix A to this policy.

16.3.2. Attendance - includes attendance in person, or by correspondence or on-line or distance learning and the period during which a person is working in a position that requires student status, such as a under a work-study program position.

16.3.3. Consent - written or electronic consent, signed by the Student or otherwise verified by the Student if electronic, that is dated and specifies the specific records to be disclosed, the party to whom the records are to be disclosed, and the purpose of the disclosure.

16.3.4. De-identified Record - an Education Record that has been stripped of all identifiers and/or aggregated such that it is not possible to re-identify an individual who is the subject of the record. An Education Record that has been de-identified is no longer an Education Record and is not subject to this policy or FERPA.

16.3.5. Directory Information - information in a Student's Education Record that would not generally be considered harmful or an invasion of privacy if disclosed. The following information about a Student has been designated by University as Directory Information:

- name;
- local and permanent postal addresses;
- email address;
- telephone number;
- place of birth;
- field of study; dates of attendance;
- enrollment status;
- student classification (example: freshman, first year law school student)
- degrees awarded;
- certificates and awards (including scholarships) received;
- photographs;
- participation in officially recognized activities and sports;
- weight and height of members of athletic teams; and
- most recent previous educational agency or institution attended.

16.3.6. Education Records - records directly related to a Student that are maintained by or on behalf of the University. Education records do not include:

- Records of instructional, administrative, and educational personnel that are: in the sole possession of the maker (i.e. file notes of conversations); used only as a personal memory aid; not intended to be accessible or revealed to any individual except, in the case of an instructor, a temporary substitute;
- Law enforcement records of the University campus police;
- Medical records and mental health records, including counseling records created, maintained, and used only in connection with provision of medical treatment or mental health treatment or counseling to the student, that are not disclosed to anyone other than the treatment facility.
- Employment records unrelated to the Student's status as a Student; or
- Alumni records.

16.3.7. Personally Identifiable Information - Information obtained from or contained in an Education Record that can be used to identify a Student to whom the record relates or another Student. It specifically includes information determined by the University to be:

- Linked or linkable to a specific Student such that it would allow a reasonable person in the University community who does not have personal knowledge of the relevant circumstances, to identify the Student with reasonable certainty; or
- Requested by a person who the University reasonably believes knows the identity of the Student to whom the Education Record relates.

Unless the context of this policy indicates otherwise, a reference to an Education Record includes Personally Identifiable Information contained in or obtained from an Education Record.

16.3.8. Student - an individual, regardless of age, who is or who has been in attendance at University. It does not include persons who have been admitted but did not attend University.

16.3.9. University Official with a Legitimate Educational Interest - any person employed by the University in an administrative, supervisory, academic, or support staff position, including law enforcement unit and health staff; a person or company with whom the University has an affiliation or contract (such as a UT System attorney or auditor, or a clinical facility where a student is participating in an internship); the University of Texas System Board of Regents; a person employed by System Administration; or a person assisting another University Official in performing his or her tasks (such as a volunteer or committee member), if that person or contractor requires access to an Education Record in order to fulfill his or her official responsibilities on behalf of the University.

16.4. Policy

The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g and 34 CFR Part 99 are a federal law and regulations that provide students with the following rights with respect to their education records:

- to inspect and review the student's education records;

- to consent to disclosure of the student's education records to third parties, except to the extent that FERPA authorizes disclosure without consent;
- to request amendment of the student's education records to ensure that they are not inaccurate or misleading, or otherwise in violation of the student's privacy rights under FERPA;
- to be notified of the student's privacy rights under FERPA; and
- to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA.

It is the policy of The University of Texas of the Permian Basin ("University") to protect the privacy and records access rights that apply to records maintained by or for the University about its current and former students of its institutions by complying with FERPA at all times.

16.5. Procedure

16.5.1. Notice of Rights under FERPA. The University shall provide Annual Notice to each Student of his or her rights under FERPA and this policy by publishing the information that is attached as Appendix A, Notice of Student Rights under FERPA and Notice Concerning Directory Information, in all general information University's catalogues for undergraduate and graduate Students published by the University.

16.5.2. Consent Requirements for Access to Education Records by Third Parties.

a. Generally Required for Disclosures of Education Records. The University will not disclose Education Records or Personally Identifiable Information from an Education Record without prior Consent of the Student to a third party, except as authorized by FERPA and this policy.

b. Exceptions to the Consent Requirement. The University, pursuant to FERPA, will release Education Records without the Student's Consent as follows:

i. Directory Information. Directory information may appear in public documents and may otherwise be disclosed without student consent unless a student submits a written request to the registrar during the first twelve (12) days of class of a fall or spring semester, or the first four (4) class days of a summer semester to withhold such information from disclosure, as applicable or as otherwise designated by the University in the Annual Notice. The Annual Notice required by Section E(1) of this policy and attached as Appendix A, Notice of Student Rights under FERPA and Notice Concerning Directory Information, shall provide specific information for Students wishing to exercise their right to have Directory Information about them withheld from release by University. Upon graduation or termination of a Student's enrollment for any reason, the release of the Student's Directory Information will be governed by the Students Directory Information status in place during the Student's last period of enrollment, unless the former Student changes that status.

ii. University Officials with a Legitimate Educational Interests in an Education Record are allowed access to that Education Record. Inter-institutional disclosures may be made between institutions that administer or participate in joint programs or activities, in accordance with legitimate educational interest

criteria. For example, an Education Record about a Student concurrently enrolled in the University and another institution, or who receives services from University (such as the provision of a distance education class) and from another institution may be disclosed by University to the other institution under this subsection. This includes services provided by University an institutions participating in distance education classes.

iii. Other Institutions. The University may release a student's education records to officials of other educational institutions in which that Student seeks or intends to enroll or is enrolled.

iv. Audit or Evaluation of Federal or State education programs. The University of Texas System Board of Regents, authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the United States Secretary of Education and state and local educational authorities who are authorized by law to audit and evaluate a Federal or State supported education program, or to enforce Federal law which relates to such education programs, or their authorized representatives may access an Education Record as required for the audit, evaluation or enforcement purpose.

v. Financial Aid. The University may release an Education Record to persons or organizations in connection with that student's application for, or receipt of, financial aid to the extent necessary for such purposes as determining eligibility, amount, conditions, and enforcement of terms or conditions of such financial aid.

vi. State and Local Officials Pursuant to Statutes Concerning Juvenile Justice. The University may release education records to state and local officials that are authorized by statute to access Student Education Records to efficiently serve the student.

vii. Organizations Conducting Studies. Organizations conducting studies for, or on behalf of the University for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, may access Education Records for such studies provided that the study is conducted in a manner which will not permit the personal identification of Students and/or their parents by individuals other than representatives of the organization; and the information will be destroyed when no longer needed for the purposes for which the study was conducted. The term "organizations" includes, but is not limited to, Federal, State, and local agencies, and independent organizations.

viii. Accrediting Organizations. Accrediting organizations may access an Education Record required to carry out their accrediting functions.

ix. Designated Parents of a Tax Dependent. A parent of a Student who is a dependent for federal tax purposes, as defined by Section 152 of the Internal Revenue Code of 1954, may access the Student's Education Records if the Student provides a written designation that permits such access. If a tax dependent Student's parents are divorced, both parents may have access to the

Student's Education Records, so long as at least one parent is designated by the student.

x. Judicial Order or Subpoena. Information concerning a Student shall be released in response to a judicial order or lawfully issued subpoena. However, the University must make reasonable efforts to notify the Student of an order or subpoena before complying with it, except that the University shall not notify a student of a subpoena if it is from a federal grand jury or is for law enforcement purposes, and the subpoena or order provides that the University shall not disclose to any person the existence or contents of the subpoena or any information furnished in response to the subpoena. In addition, education records may be disclosed to the U. S. Attorney General or his or her designee in response to an ex parte order concerning an authorized investigation or prosecution of domestic or international terrorism, without prior notice to the student.

xi. Health and Safety. The University may disclose student information deemed by the University as appropriate to persons in connection with an emergency in order to protect the health and safety of the Student or other individuals.

xii. Disciplinary Hearing Results.

I. Disclosure to Victims: The University may disclose to an alleged victim of any crime of violence or a non-forcible sex offense (as those terms are defined in 34 C.F.R. 99.39), the final results of any disciplinary proceeding conducted by the University against the alleged perpetrator of such crime or offense with respect to such crime or offense, regardless of whether the alleged perpetrator was found responsible for violating the University's rules or policies with respect to such crime or offense.

II. Disclosure to Third Parties: The University may disclose the final results of any disciplinary proceeding against a student who is an alleged perpetrator of any crime of violence or non-forcible sex offense (as those terms are defined in 34 C.F.R. 99.39), if the student is found responsible for violating the University's rules or policies with respect to such crime or offense. Such disclosure shall include only the name of the student, the violation committed, and any sanction imposed by the University on that student. Such disclosure may include the name of any other Student, such as a victim or witness, only with the written consent of that other Student.

III. Alcohol and Drug Violations. The University may disclose to a parent or legal guardian of a Student, information regarding any violation of any Federal, State, or local law, or of any rule or policy of the University, governing the use or possession of alcohol or a controlled substance, regardless of whether that information is contained in the Student's Education Records, if the Student is under the age of 21 at the time of disclosure to the parent, and the University determines that the Student is responsible for a disciplinary violation with respect to such use or possession.

xiii. Defense of Litigation or Complaints against the University. If a Student initiates legal action against the University, the University may disclose to the court or agency with jurisdiction over the complaint, without a court order or subpoena, the Student's Education Records that are relevant for the University to defend itself.

xiv. Status as a Registered Sex Offender. The University may disclose information concerning a Student's status as a sex offender or other individual required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, if the information was provided to the University under 42 U.S.C. 14071 and applicable Federal guidelines.

c. Consent of the Student. The University will release Education Records to, or allow access to those records by, a third party if the Student provides a valid Consent that is capable of verification that it was provided by the Student and names the third party as the person to whom the Education Records may be disclosed.

16.5.3. Disclosure to the Student.

a. Student has the right, upon request, to review all materials that are in the Student's Education Records, except:

i. Financial information submitted by the Student's parents;

ii. Confidential letters and recommendations associated with admissions, employment or job placement, or honors, to which the student has waived rights of inspection and review or which were made part of the Student's Education Records prior to January 1, 1975, provided those letters were collected under established policies of confidentiality and were used only for the purposes for which they were collected;

iii. Education records containing information about more than one Student, in which case the University will permit access only to that part of the record that pertains to the inquiring student; and

iv. Records that are subject to an attorney-client privilege which belongs to the University.

b. Process for Students Requesting Access to Their Education Records. The Chief Legal Officer is designated as the Records Management Officer of University's Education Records. Copies of official transcripts are available through the Registrar. Except where pre-empted by a specific provision of FERPA or a request for an official copy of Student's transcript is requested, a Student's right to access and/or request a copy of his or her Educational Records is co-extensive with the Student's right to access records under the Texas Public Information Act (TPIA).

i. Requests by a Student for Education Records that are available to a Student under an applicable provision of the Texas Public Information Act (TPIA) shall be processed by the University in accordance with policies for access to records under the TPIA.

- ii. Records pre-empted from availability under the TPIA by FERPA will be made available within forty-five days of the request.
- iii. Requests for official copies of transcripts or other academic records will not be released for students who have a delinquent financial obligation or financial "hold" at the University.

16.5.4. Record of Disclosures. The University will maintain with the Student's Education Records a record for each disclosure request and each disclosure, except disclosures:

- a. to the Student;
- b. pursuant to the written consent of the Student;
- c. pursuant to the exception for University Officials with a Legitimate Educational Interests;
- d. pursuant to a law enforcement subpoena and the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed or the order is concerning an authorized investigation or prosecution of domestic or international terrorism; or
- e. of Directory Information.

16.5.5. Requests to Amend Records. A Student who believes that an Education Record maintained about the Student is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA, may request amendment of the record. However, substantive judgment of a faculty member about a student's work, expressed in grades and/or evaluations, is not within the purview of this right.

- a. Informal requests. A Student may request the opportunity to informally discuss amendment of the record with the University office concerned with the particular record. If agreement is reached with respect to the student's request, the appropriate records will be amended. If the record is not amended pursuant to the Student's request, the University will inform the Student of its decision and of the Student's right to request a formal hearing.
- b. Requests for a hearing. A request must be made in writing to the Records Management Officer, who within a reasonable period of time after receiving such request, will inform the Student of the date, place, and time of the hearing. The hearing officer that will adjudicate such challenges will be appointed by the President or President's designee.
- c. A Student may present evidence at the hearing relevant to the issues raised and may be assisted or represented at the hearing by one or more persons of the Student's choice, including attorneys, at the Student's expense.
- d. The decision of the hearing officer will be final, will be based solely on the evidence presented at the hearing, and will consist of a written statement summarizing the evidence and stating the reasons for the decision, and will be delivered to all parties concerned.

e. If the decision is in favor of the Student, the Education Records will be corrected or amended in accordance with the decision of the hearing officer.

f. If the decision is unsatisfactory to the Student, the Student may place with the Education Record a statement commenting on the information in the record or a statement setting forth any reasons for disagreeing with the decisions of the hearing officer, or both. The statement will be maintained as part of the Student's Education Records, and released whenever the record(s) in question is disclosed.

g. Students who believe that the adjudications of their challenges were unfair or not in keeping with the provisions of FERPA may request in writing, assistance from the President or President's designee.

16.5.6. Complaints. Complaints regarding alleged violations of the rights accorded students by the Federal Family Educational Rights and Privacy Act may be filed with the Family Policy and Regulations Office, US Department of Education, 400 Maryland Ave. SW, Washington, D.C. 20202.

16.6. Appendices

Appendix A- Notice of Student Rights under FERPA and Notice Concerning Directory Information

16.7. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)

Family Educational Rights and Privacy Act, 20 U.S.C. 1232g

Family Educational Rights and Privacy Act, 34 C.F.R. Part 99

17. MENINGITIS VACCINATION

17.1. Purpose

The purpose of this policy is to set forth the requirements for entering students, including transfer students, to show acceptable evidence of immunization for bacterial meningitis prior to enrollment at The University of Texas of the Permian Basin (UTPB or University) in compliance with Texas Education Code § 51.9192.

17.2. Persons Affected

This policy applies to all first time UTPB students who have been admitted to the University and all returning students who have experienced a break in enrollment of at least one fall or spring semester.

17.3. Definitions

17.3.1. Enrolled Student - A student who has registered for classes during the semester and is otherwise eligible to attend classes during the Semester.

17.3.2. Entering Student - Any student admitted to UTPB on or after January 1, 2012 for the first time; including transfer students from any other institution, including another UT System institution, a dual enrollment student other than a high school student described in subsection E.2.c of this section, or a returning student who previously attended UTPB

and who is re-enrolling on or after January 1, 2012 following a break in enrollment of at least one fall or spring semester.

For purposes of this policy, the term entering student does not include:

- a. a student who is 22 years of age or older on the first day of the Semester;
- b. a student who is enrolled only in online or other distance education courses at the University;
- c. a high school student who is concurrently enrolled at the University as a dual-enrollment student in dual-credit courses held at a Texas high school;
- d. a student participating in a Texas Higher Education Coordinating Board approved Continuing Education Program or Course that consists of less than 360 contact hours, or;
- e. an individual attending a continuing education program or course offered by the University that does not require approval by the Texas Higher Education Coordinating Board.

17.3.3. Justifiable Circumstances - Circumstances over which an entering student has no control that prevented him or her from providing proof of required vaccination or an exception set forth in Section E.3 of this policy prior to registration. Neither failure to receive the notice required by Section E.4 of this policy or a claimed general lack of knowledge of the vaccination requirement shall be considered to constitute justifiable circumstances.

17.3.4. Online or other distance education course - A course in which students receive web-based instruction or a correspondence course. A course that requires any face-to-face contact, such as meeting in a testing lab or for a special presentation, is not an online or other distance education course.

17.3.5. Registration and/or registration for classes - The official process by which a student signs up to take a class or classes offered by UTPB for the semester. It may include either on-line registration or in-person registration.

17.3.6. Required vaccination - An initial vaccination or booster dose recognized by the U.S. Centers for Disease Control as effective for the immunization of an individual against bacterial meningitis.

17.3.7. Semester - The first semester in which an Entering Student seeks to be enrolled at the UTPB.

17.4. Policy

UTPB complies with Texas Education Code § 51.9192, which requires all entering students of Texas institutions of higher education, including transfer students, to show evidence of immunization for bacterial meningitis prior to enrollment.

17.5. Procedure

17.5.1. General Requirements:

- a. For purposes of this policy, no entering student will be considered to be enrolled at UTPB unless the entering student has first registered for classes for the semester.
- b. No entering student shall be permitted to register for classes for the semester until the entering student provides or causes to be provided upon his or her behalf, written documentation acceptable to the Director of Admissions, or designee that establishes that the covered student has either:
 - i. received a required vaccination during the five year period prior to but no later than 10 days prior to the first day of the semester; or
 - ii. is exempted from the requirements of this policy as set forth in section E.3 of this policy.
- c. Upon submission of proof that establishes justifiable circumstances acceptable to the Director of Admissions, or designee, an entering student may be granted an additional period of time in which to provide either documentation of the required vaccination or proof that he or she meets an exception as set forth in section E.3 of this policy. This extension of time will not extend beyond the 10th day after the start of the semester. Decisions granting extensions of time will be made by on a case-by-case basis, are deemed final, and are not subject to appeal.

17.5.2. Documentation of Receipt of Required Vaccine or Exemption:

- a. Acceptable documentation to demonstrate receipt of the required vaccine is:
 - i. a document with the signature or stamp of a physician or the physician's designee or the public health official that administered the vaccination that shows the month, day and year the required vaccination was administered;
 - ii. an official immunization record issued by a state or local health authority; or
 - iii. an official record received by UTPB directly from a Texas school official or a school official in another state showing the required immunization was administered.
- b. Form of Documentation. The documentation submitted must:
 - i. state the name and other information sufficient to identify the individual who received the required vaccination; and
 - ii. Clearly identify that the required vaccination was administered to the individual.
- c. UTPB will accept copies of documentation of a required vaccination that meets the requirements of this Section E.2 directly from a school official or another institution of higher education at which an entering student was previously enrolled providing that the institution is willing to provide certified copies of the required documentation upon the request of the entering student. An entering student that wishes to comply with this policy by exercising this option is solely responsible for requesting the documentation

from the previous institution and providing that institution with any necessary consent to effectuate his or her request that the institution send the documentation directly to UTPB.

d. The documentation shall be securely maintained by the Director of Admissions in the Office of Admissions, or designee, on behalf of UTPB in compliance with applicable state and federal confidentiality laws and regulations, including the Federal Education Rights and Privacy Act.

17.5.3. Documentation of Permitted Exemption:

a. Acceptable documentation that an entering student is exempted from the requirements of this policy is:

i. an affidavit or certificate signed by a physician licensed to practice medicine in the United States that indicates that the physician is of the opinion that the required vaccination would be injurious to the health and well-being of the entering student; or

ii. an affidavit using the “Conscientious Exemption Form” promulgated by the Texas Department of State Health Services that is signed by the entering student and notarized no later than 90 days before submitted to the Director of Admissions or designee, stating that the entering student declines to have the required vaccination based on reasons of conscience, which may include the entering student’s religious beliefs. However, this exception will not be available, at the discretion of UTPB, during a disaster or public health emergency, hostile or paramilitary action, or extraordinary law enforcement emergency declared by an appropriate official or authority from the Texas Department of State Health Services affecting UTPB.

b. Documentation supporting the requested exemption must be approved by the Director of Admissions in the Office of Undergraduate Admissions before an entering student is permitted to register for classes for the semester.

c. UTPB will not recognize or grant any other exemptions to the vaccination requirements of this policy.

d. The documentation submitted in support of an exception under section E.3 shall be securely maintained by the Director of Admissions in the Office of Undergraduate Admissions on behalf of UTPB in compliance with applicable state and federal confidentiality laws and regulations, including the Family Educational Rights and Privacy Act.

17.5.4. UTPB will include as part of the materials provided to individuals applying for admission to the University:

a. written notice or electronic notice of the right of a student, or if a student is a minor, the right of the minor student’s parent or guardian, to claim an exemption from the required vaccine as provided in Section E.3 of this policy; and

b. written or electronic notice of the importance of consulting with a physician about the need for immunization against viral meningitis to prevent the disease.

17.6. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)

Texas Education Code §51.9192, Bacterial Meningitis Vaccination Required for Certain Students

19 Texas Administrative Code Part 1, Chapter 21, Student Services. Subchapter T, The Vaccination Against Bacterial Meningitis for Entering Students at Public and Private or Independent Institutions for Higher Education.

18. STUDENT TRAVEL

18.1 Purpose

The purpose of this policy is to set forth The University of Texas of the Permian Basin (UT Permian Basin) rules and procedures regarding student and pre-college University program participant travel and to comply with The University of Texas System policy and state law (Texas Education Code, §51.950) relating to student travel.

18.2 Persons Affected

UT Permian Basin students and pre-college University program participants.

18.3 Definitions

18.31 Appropriate Administrator – a Dean, Department Chair, or Director of an administrative unit, or their delegate.

18.32 Organized Event – event that is initiated, planned and arranged by a member of the UT PERMIAN BASIN's faculty or staff, or by the members of a registered student organization, and is approved by an appropriate administrator.

18.33 Sponsored Event/Activity – event or activity that the UT Permian Basin endorses by supporting it financially, or by sending students to participate in it as official representatives of UT Permian Basin.

18.4 Policy

It is the policy of UT Permian Basin to promote the safe travel of students and pre-college University program participants. Accordingly, travel to an organized or sponsored event by a student(s) or pre-college University program participant(s) and located more than 25 miles from the UT Permian Basin campus from which the travel originated, must be approved and comply with the requirements of this policy.

Examples of UT Permian Basin student travel include, but are not limited to, class field trips; attendance at scholarly or professional conferences; university-funded student organization travel; class trips for educational or cultural enrichment; athletic, student publication, dramatic, music, or forensic competition or performances; and student leadership conferences.

Examples of student travel this policy does not apply to include travel undertaken by a student not associated with the athletic team to attend an out of town athletic event, and travel undertaken by a student to engage in class assignments, student-teaching, internships, practicums, observations or research.

18.5 Procedures

18.51 Registration and Prior Approval:

Each participant in student and pre-college University program travel, as described above, must be registered with the Office of the Vice President for Student Development and Leadership at least two weeks prior to the trip, in accordance with procedures established by that office. The Vice President for Student Development and Leadership or his or her designee must approve all student travel prior to the date of travel in order for the trip to proceed.

A faculty member supervising a student(s) and sponsoring student travel in connection with the faculty member's UT Permian Basin work is responsible for ensuring that the student(s) registers, obtains prior approval for travel and is informed of travel rules and regulations.

18.52 Safety and Mode of Travel:

18.521 All Motor Vehicle Travel

18.5211 Seat Belts

Occupants of motor vehicles shall use seat belts or other approved safety restraint devices, required by law or regulation, at all times when the vehicle is in operation. The number of occupants in a vehicle cannot exceed the number of working seatbelts in the vehicle.

18.5212 Alcohol , Tobacco Use, and Illegal Substance Prohibited

Occupants of motor vehicles shall not consume, possess, or transport, any alcoholic beverages or illegal substances. Operators shall not drive while under the influence of drugs or alcohol; this includes over the counter or prescription medication that may impair the driver's ability. In compliance with UT Permian Basin's Tobacco Use policy, the use of all tobacco substances, including evaporator E cigarettes, is prohibited in all UT Permian Basin vehicles.

18.5213 Passenger Capacity

The total number of passengers in any vehicle at any time it is in operation shall not exceed the manufacturer's recommended capacity or the number specified in applicable federal or State law or regulations, whichever is lower. Twelve and fifteen -passenger vans shall not be used to carry more than nine occupants (including the driver) at any one time. Consideration should be given to decreasing the number of passengers if luggage is to be transported in the same vehicle; luggage should be stored under seats or in the rear storage area and in a manner that does not obstruct the view of the driver.

18.5214 License and Training

Each operator of a motor vehicle shall have a valid operator's license, be at least 18 years of age, be trained as required by law to drive the vehicle that will be used, and comply with applicable requirements of the UT System Administration Policy UTS157, Automobile Insurance Coverage for Officers and Employees and General Requirements for the Use of Vehicles. Persons who drive a 12 or 15 passenger van must successfully complete a van driving training course at least once every three years. Van driving training is available through the Department of Environmental Health and Safety.

18.5215 Proof of Insurance, Inspection, and Safety Devices

Each motor vehicle to which this policy applies must have a current proof of liability insurance card and display a current State inspection certificate, be equipped with all safety devices or equipment required by federal or state law or regulation, and comply with all other applicable requirements of federal or state law or regulations and any applicable UT Permian Basin or UT System policy.

18.5216 Legal Operation of Vehicle and Driving Schedule

Operators of motor vehicles shall comply with all laws, regulations, and posted signs regarding speed and traffic control and shall not operate the vehicle for a continuous period that is longer than the maximum provided by guidelines promulgated by federal or state law or regulations or guidelines promulgated by the university, whichever is lower, without scheduled rest stops or overnight stops. A driver may not drive longer than four continuous hours without a scheduled rest stop. The rest stop must last a minimum of 30 minutes before that same driver may resume driving. Total driving time within a 24-hour period may not exceed eight hours per authorized driver. Driving shall not occur between the hours of 12:00 AM and 6:00 AM without prior approval from Environmental Health and Safety..

18.522 Travel Using a Vehicle Owned, Rented, or Leased by the University

18.5221 Service and Maintenance

In addition to those provisions in subsection E.4 each vehicle owned or leased by the University must be subject to scheduled periodic service and maintenance by qualified persons and comply with all applicable requirements of UTS 157, Automobile Insurance Coverage for Officers and Employees and General Requirements for the Use of Vehicles.

18.5222 Operators of Vehicles

All operators of vehicles owned, or leased by UT Permian Basin shall be employees of the University and be an approved driver. An approved driver shall have a valid operator's license for the operation of the particular vehicle and shall have a current Motor Vehicle Record on file

with the University Physical Plant. Drivers must have a rating of three points or less for the preceding 36 months, as required by UTS 157.

18.5223 Travel by Common Carrier

When a common carrier is used for student travel covered by this policy, the University shall take reasonable steps to assure the travel is undertaken in conformance with this policy. Common carriers utilized to transport students must have the minimum UT System insurance requirements for the specific vehicle used to transport students.

18.5224 Rental Vehicles

All vehicles are required to be rented through the UT Permian Basin Travel Administrators. All drivers of rental vehicles must be listed on the vehicle rental agreement.

18.523 Travel Using a Personal or Privately Owned Vehicle

18.5231 The use of personal vehicles by students for travel to events covered by this policy is strongly discouraged. However, students who use their own vehicle or another privately owned vehicle for approved travel are expected to follow all safety requirements set out in this policy.

18.5232 The student's personal auto insurance will be primary at all times when the student uses their vehicle for university travel.

18.53 Business Procedures Memorandum:

For additional information regarding insurance, safety, and mode of travel, refer to the UT System Administration Policy, UTS 157.

18.54 Coordination of Travel:

18.541 Each group must designate a travel coordinator, who is responsible for submission of all travel documents, as well as for carrying all necessary documents on the trip.

18.542 When possible, the advisor or group sponsor should travel with the group and serve as travel coordinator.

18.543 In case of accident, the travel coordinator or designee will contact the UT Permian Basin Police Department, who will notify appropriate personnel. All students involved in a vehicle accident are required to visit a medical professional upon their return to UT Permian Basin regardless of the extent of any injury incurred. Pre-college University program participants that are not enrolled at UT Permian Basin are not eligible for medical care through UT Permian Basin, but must follow all requirements of their particular program.

18.544 Prior to leaving, each group must receive a pre-trip orientation, which will include: Applicable rules of conduct as per UT Permian Basin's Student

Conduct Code and this Student Travel Policy; Itinerary and contact information; Safety issues while traveling and while at the destination point.

18.545 Parents or guardians of participants of any pre-college University program will receive pre-trip orientation information as per the program's guidelines.

18.546 All students who travel with a group are required to stay with that group throughout the duration of the trip. Pre-college University program participants who are not enrolled as students at UT Permian Basin must abide by the policy and procedures of their respective program.

18.6 Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)

University of Texas System Administration Policy UTS 157, Automobile Insurance Coverage for Officers and Employees and General Requirements for the Use of Vehicles

University of Texas System Regents' Rules and Regulations Rule 50601, Student Travel

Texas Education Code Section 51.950, Policy Regulating Student Travel

19. NOTIFICATION REGARDING MISSING RESIDENT STUDENTS

19.1 Purpose

The purpose of this policy is to create a protocol for reporting, and the subsequent procedures for responding, to a report that a residential student at The University of Texas of the Permian Basin (UTPB) is missing, as well as to comply with the Higher Education Opportunity Act of 2008.

19.2 Persons Affected

This policy applies to students who are currently enrolled at UTPB, who reside in on-campus housing, and who have a completed housing contract on file with the Office of Housing and Residence Life at the time of the report that the student may be missing.

19.3 Definitions

19.3.1 Day - A calendar day except for days on which UTPB is officially closed or when regularly scheduled classes are suspended due to emergent situations.

19.3.2 Dean of Students - The dean of students or any delegate or representative of the Dean of Students.

19.3.3 Emergency contact - Includes the name(s) and contact information for the individual(s) that the student has identified to UTPB as the designated person(s) to contact in an emergency situation where the health or safety of the student are of concern.

19.3.4 Missing - The whereabouts of the student residing in an on-campus housing facility are unaccounted for within the preceding 24 hours. For example, an on-campus student is absent from UTPB for more than 24 hours without any known reason or determined to have an interruption in their usual activity pattern for more than 24 hours.

19.3.5 Missing person contact - Refers to the individual(s) that a student residing on campus has indicated as the appropriate person(s) to notify in the event she or he is determined missing by the UTPB Police Department. The information provided is confidential and will only be accessible by authorized campus officials and may not be disclosed outside of a missing person investigation.

19.3.6 On-Campus Student Housing Facility - A dormitory, apartment or other residential facility for students that is located on an institution's campus, as defined in 34 C.F.R. § 668.46(a).

19.3.7 Student - A person currently enrolled at UTPB, currently resides in UTPB on-campus student housing, and has a current housing contract on file with the Office of Residence Life and Dining Services.

19.4 Policy

19.4.1. If any faculty, staff, or student at UTPB suspects or has been notified that a student residing on campus may be missing, that individual is required to report this to an authorized UTPB official:

- a. UTPB Police Department
- b. Dean of Students' Office
- c. Office of Residence Life and Dining Services

19.4.2. Students living on campus shall provide accurate contact information during the residential check-in process at the beginning of each long semester or summer session. Contact information must be kept current and accurate with the Office of Residence Life and Dining Services while residing on campus.

19.4.3. Each student living in on-campus housing, must identify a contact person(s) whom UTPB shall notify if the student is determined missing by the UTPB Police Department.

19.4.4. The Office of Residence Life and Dining Services shall collect and maintain the contact information of the person(s) identified by the student to be used by the UTPB Police Department during the course of their investigation. The contact information will be confidential and only accessible by authorized UTPB and law enforcement officials. The information will not be disclosed outside of a missing person investigation.

19.4.5. If the student is under 18 years of age and not emancipated, UTPB will notify the custodial parent or guardian of the student if she or he has been determined to be missing in addition to any contact person(s) designated by the student.