TEXAS TECH UNIVERSITY
STUDENT HANDBOOK 2016-2017

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FORWARD

General Purpose

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

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

The University reserves the right to make changes to this *Code* as necessary and once those changes are posted online, they are in effect. Students are encouraged to check online [http://www.depts.ttu.edu/dos/handbook/] for the updated versions of all policies and procedures. Students are also informed of changes to the *Code of Student Conduct* by electronic notification outlets and/or official campus publications. The Student Handbook was approved by the Board of Regents on May 14, 20154 to be effective Monday, May 18, 2015.

Membership in the TTU Community

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

Texas Tech University Vision

Texas Tech is a great public research University where students succeed, knowledge is advanced, and global engagement is championed.

Texas Tech University Mission

As a public research University, Texas Tech advances knowledge through innovative and creative teaching, research, and scholarship. The University is dedicated to student success by

preparing learners to be ethical leaders for a diverse and globally competitive workforce. The University is committed to enhancing the cultural and economic development of the state, nation, and world. *Approved by the Texas Tech University Board of Regents on May 14, 2010.*

Texas Tech Statement of Ethical Principles

Texas Tech University is committed to ethical leadership practices at all levels and to our tradition of community service, both within the University community and in our relationships with the greater community. We strive for exemplary professional and community service through research, creative works, and service programs that extend beyond the University environment. We strive to provide excellent service in a caring and friendly environment and encourage such involvement in the community by all faculty, students, staff, and administration.

School of Law and Texas Tech University Health Sciences Center

Students enrolled in, and student organizations registered with, the Texas Tech University School of Law are subject to the *Code of Student Conduct.* In addition to the *Code of Student Conduct,* Tech Law students and registered organizations are also subject to the Honor Code of the School of Law. In specific situations, students may find themselves in violation of either the *Code of Student Conduct* or the Honor Code of the School of Law, or both.

Questions concerning the respective jurisdiction of the *Code of Student Conduct* and the Honor Code of the School of Law will be resolved by the Vice Provost for Undergraduate Education & Student Affairs and the Dean of the School of Law.

Students enrolled in the Schools of Medicine, Allied Health Sciences, Nursing, Pharmacy, Graduate School of Biomedical Sciences, and organizations registered with the Texas Tech University Health Sciences Center are subject to the TTUHSC Student Handbook/Code of Professional and Academic Conduct.

PART I
CODE OF STUDENT CONDUCT

SECTION A: STUDENT CONDUCT MISSION AND POLICIES

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

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

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

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

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

1. **Disciplinary Authority**

   The authority to enact and enforce regulations of the University is vested in the Board of Regents. The responsibility for enforcing the regulations and imposing penalties is delegated to the President of the University and any University officials the President designates. The Office of the Vice Provost, Undergraduate Education and Student Affairs is the principal agency for the administration of student conduct. Dean of Students, the Office of Student Conduct, and University Student Housing shall implement the student discipline procedures. All references to the officials listed above shall be interpreted to include persons designated to act on their behalf.

The Dean of Students, Managing Director of the Office of Student Conduct, or designee, will assume responsibility for the investigation of an allegation of misconduct to determine if the complaint has merit.

a. Student Conduct Officer/Investigator

A Student Conduct Officer/Investigator is a trained University staff member whose role is to conduct a thorough, reliable, and impartial investigation of alleged violations of the *Code of Student Conduct.* In most cases heard by a Hearing Panel, the Student Conduct Officer/Investigator will present the information and evidence obtained through the investigation to the Panel, which will make a determination of responsible or not responsible, and assign a sanction. In cases heard through the Administrative Hearing process, or completed via an Informal Resolution, the Student Conduct Officer/Investigator may render findings and issue sanctions. Investigators are assigned to cases by the Dean of Students, The Managing Director of the Office of Student Conduct, or designee. Investigators may be staff members in the Office of Student Conduct, or trained staff in other departments such as the Student Resolution Center, Dean of Students Office, Center for Campus Life, and University Student Housing.

b. Administrative Hearing Officer

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

c. Hearing Panel

The Hearing Panel will conduct disciplinary Panel Hearings. The Panel will be composed of full-time faculty members, full-time students, full-time staff, and Administrative Hearing officers.

1. Hearing Panel Appointments

The Managing Director of the Office of Student Conduct will be responsible for assembling and training the Hearing Panel annually. The Hearing Panel will consist of at least 6 students, 6 faculty, 6 staff members, and 6 Administrative Hearing Officer members according to the following guidelines:

a. Student Recommendations

The President of the Student Government Association, Graduate Student Advisory Council, and the President of the Residence Halls Association, and Associate Academic Deans are invited to make recommendations for student members to serve on the Hearing Panel. Upon recommendation, student members will be invited to participate in an application process, prior to appointment. Upon completion of the application process, selected student members will be appointed by the Managing Director of the Office of Student Conduct. To be eligible for appointment, undergraduate students must be considered full-time students, be in academic good standing and have completed 12 hours of Texas Tech University academic credit with a cumulative GPA of at least 2.5, be in good standing with the Office of Student Conduct throughout the semester in which they serve. Good

standing is defined as having no record of misconduct during the semester(s) in which a student wishes to serve on the panel. Graduate students must be in academic good standing and have completed 6 hours of Texas Tech University academic credit with a cumulative GPA of at least 3.0, and be in good standing with the Office of Student Conduct throughout the semester in which they serve. Good standing is defined as having no record of misconduct during the semester(s) in which a student wishes to serve on the panel. A serious history of misconduct could disqualify a student for service. Students must submit a letter of recommendation from a faculty member or administrator from within the University community.

b. Faculty Recommendations

The President of the Faculty Senate and Associate Academic Deans are invited to make recommendations for faculty members to serve on the Hearing Panel. Upon recommendation, faculty members will be invited to participate in an application process, prior to appointment. Upon completion of the application process, faculty members will be appointed by the Managing Director of the Office of Student Conduct.

c. Staff Appointments

The President of the Staff Senate is invited to make recommendations for staff members to serve on the Hearing Panel. Upon recommendation, staff members will be invited to participate in an application process, prior to appointment. Upon completion of the application process, staff members will be appointed by the Managing Director of the Office of Student Conduct, in consultation with the Dean of Students.

d. Administrative Hearing Officer Appointments

Administrative Hearing Officer members of the Hearing Panel are appointed by the Managing Director of the Office of Student Conduct and are selected from the group of trained University staff members designated as Administrative Hearing Officers. Administrative Hearing Officers who served as Investigators in the case may not serve on the Hearing Panel as a voting participant or as the non-voting Resource Person, and will participate only as the Investigator in the Panel Hearing.

2. Hearing Panel Terms

Each member will be appointed for a single one-year term by the Managing Director of the Office of Student Conduct. Members may be re-appointed for consecutive one-year terms, but must complete the Hearing Panel training each year.

3. Hearing Panel Composition

For each Panel Hearing, a panel of three (3) members will be chosen from the available pool by the Managing Director of the Office of Student Conduct, or designee. The Hearing Panel will usually be comprised of one student, one faculty member, and one staff member or Administrative Hearing Officer. Availability may determine a different

composition for the Panel. In cases involving Part I, section B.1 (Academic Misconduct), the Hearing Panel will be comprised only of students and faculty. In cases involving Part I, section B.2 (Actions against Members of the University Community and Others), or other sensitive issues, the Managing Director of the Office of Student Conduct will appoint three Administrative Hearing Officers for the Panel.

4. Resource Person

The Director of Student Conduct appoints a Resource Person in each Panel Hearing. The Resource Person is a non-voting Administrative Hearing Officer and assures that University/College procedures are followed throughout the Panel Hearing. The Resource Person is responsible for composing the Panel's decision, rationale, and appropriate sanctions, if assigned.

5. Removal of a Hearing Panel Member

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

6. Panel Hearings

The Office of Student Conduct will establish meeting dates and times during which cases will be heard and will also provide for scheduling special meetings as needed. Panel Hearings will be conducted by a subgroup of the Hearing Panel Members.

7. Panel Hearing Deliberation

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

8. Additional Hearing Panel Members

The Managing Director for the Office of Student Conduct or designee may appoint additional members of the Hearing Panel to expedite the orderly disposition of cases and/or to aid in the administration of disciplinary action within the University. The additional member(s) of the Hearing Panel will complete the same training, have the same duties and responsibilities, and the same authority as the original Hearing Panel member.

9. Hearing Panel Orientation & Training

Prior to serving in a Hearing, members of the Hearing Panel will be required to participate in an orientation and training program facilitated by the Office of Student Conduct. Members are encouraged to attend additional trainings throughout their service on the Administrative Hearing Panel.

a. The *Code of Student Conduct* Review Committee

The *Code of Student Conduct* is reviewed every year by the *Code of Student Conduct* Review Committee in conjunction with the Office of Student Conduct, University

Student Housing, Dean of Students, and the Associate Vice Provost for Student Affairs. The *Code of Student Conduct* Review Committee will conduct an annual review of the *Code of Student Conduct* and make recommendations to the Associate Vice Provost for Student Affairs regarding omissions, clarifications, constructive changes and other matters relevant to the proper interpretation and operation of the *Code of Student Conduct*. The Associate Vice Provost for Student Affairs will then present the *Code of Student Conduct* to the Vice Provost for Undergraduate Education & Student Affairs and the Provost for review and consideration by the Board of Regents.

1. Committee Appointment
   The *Code of Student Conduct* Review Committee members are appointed by the Managing Director of the Office of Student Conduct who will invite recommendations by the President of the Faculty Senate, President of the Staff Senate, President of the Student Government Association, President of the Graduate Student Advisory Council, and the President of the Residence Halls Association.
2. Committee Composition
   The *Code of Student Conduct* Review Committee will include members from the following classes of Texas Tech University community members:
   - Full-time faculty;
   - Full-time staff;
   - Full-time undergraduate student(s);
   - Full-time graduate student(s).
3. Committee Removals
   The Managing Director of the Office of Student Conduct may remove a member from this committee when, in his/her judgment, the member has failed or refused to serve and perform the duties and functions of this committee.
4. Committee Meetings
   The Office of Student Conduct will establish meeting dates and times during which the *Code of Student Conduct* will be reviewed and will provide for scheduling special meetings as needed.
5. Committee Quorum
   A quorum for the committee is five (5) members.
6. Additional Committee Members
   The Managing Director of the Office of Student Conduct may appoint additional members of the *Code of Student Conduct* Review Committee to expedite the review process of the code. The additional members of the *Code of Student Conduct* Review Committee.

2. Jurisdiction

Students at the University are provided an electronic copy of the *Code of Student Conduct* annually in the form of a link on the Student Handbook website. Students are responsible for having read and abiding by the provisions of the *Code of Student Conduct.*

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

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

The *Code of Student Conduct* applies to behaviors that take place on University premises, at University-sponsored activities and events, and may apply to off-campus behavior when the Dean of Students or Managing Director of Student Conduct determine that the off-campus conduct affects a substantial University interest, such as situations where a student's conduct may present a danger or threat to the health or safety of him/herself or others; situations that infringe on the rights of other students; situations causing significant disruption to the educational community or detrimental to the educational mission of the University. Proceedings under the *Code of Student Conduct* may be carried out prior to, independent of, concurrent with or following civil or criminal proceedings.

The University retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to the leave, withdrawal or graduation. If sanctioned, a hold may be placed on the student's ability to re-enroll, obtain official transcripts, and/or graduate. All sanctions must be satisfied prior to re-enrollment eligibility. In the event of serious misconduct committed while still enrolled, but reported after the accused student has graduated, the University may invoke these procedures and should the former student be found responsible, the University may revoke that student's degree.

The *Code of Student Conduct* may be applied to behavior conducted online, via email, or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The University does not regularly search for this information, but may take action if and when such information is brought to the attention of University officials.

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

3. Notice

Notice is deemed to have been properly provided when written notification is sent to the student's official assigned Texas Tech University email address, delivered via Certified Mail to the student's last known address, or personally delivered to the student. University email is the University's primary means of communication with students. Students are responsible for all communication delivered to their University email address. Students will be given a reasonable amount of time to respond to requests to meet with University officials. Prescheduled meetings are scheduled around a student's published academic schedule and include the opportunity to reschedule in the event of unavoidable conflicts. Should a student wish to reschedule an appointment, they should do so in a timely manner. The University will make all reasonable efforts to accommodate student scheduling conflicts, but will not permit unreasonable delays in the Conduct Process. After proper notice has been given to the student, the Student Conduct Officer/Investigator or designee may proceed with the conduct process. Should a student fail to comply with the requests of a Student Conduct Officer/Investigator or designee, the Office of Student Conduct may issue a 'Failure to Comply' *Code of Student Conduct* allegation to the student. Students are advised to keep their most current local address, permanent address, and local telephone number updated in the student records system at www.raiderlink.ttu.edu/.

4. Timelines

It is recommended that reports of alleged violations of the *Code of Student Conduct* should be received by the Office of Student Conduct within ten (10) University working days of the alleged incident to initiate conduct procedures. There is no time limit on reporting violations; however, the longer someone waits to report an offense, the more difficult it becomes to obtain information and evidence regarding the incidents.

Incidents should be resolved within 60 days of notice regarding the incident, not including appeal. This timeline may vary depending on the availability of individuals participating in the process, availability of evidence, delays for concurrent criminal investigations, breaks between academic semesters, and other delays.

5. Standards of Evidence

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

6. Reporting Allegations of Misconduct

To file allegation(s) of misconduct against student(s) or student organization(s), individuals should complete an online incident report form. The written allegation should describe the

action or behavior in question. Individuals may also file a report in person at the Office of Student Conduct, located in suite 211 of the Student Wellness Building. Staff are also available in the Dean of Students Office to take initial reports of allegations and assist with conduct processes. The Office of Student Conduct also regularly reviews reports submitted from Texas Tech University faculty and staff, University Student Housing, and the Texas Tech Police Department.

To submit a concern regarding a student organization or to file an allegation of misconduct against a student organization or its members, individuals (faculty, staff, students, organization members, parents, community members or other parties) may complete an online form at http://ttu.orgsync.com/org/orgconduct/home. Individuals may also file a report in person with the Center for Campus Life, 201 Student Union. Staff are also available in the Student Resolution Center and Office of Student Conduct to discuss reports of misconduct against student organizations.

Student organization leaders also can self-report organization or member behavior that may be considered violations of TTU policy. When an organization is able to quickly identify a concern, address it, and report it, it is less likely that the organization would be held responsible for behavior that may be a policy violation. The self-report allows the University, in conjunction with the student organization to collect information, begin individual student conduct processes, and ensure that behavior has ceased and does not reoccur. When incidents are unreported by organizations and instead come to the attention of the University via a Complainant or third party, the options for resolution are more limited. Self-reporting allows the University to work collaboratively with the organization to address the situation and can allow for lower-levels of sanctioning for misconduct.

Sometimes organization leaders may also become aware that organization or member activities may result in violations of policy but have not occurred yet. In these cases, the organization leadership is encouraged to work directly with Campus Life staff to intervene and address the concern. This type of pre-report has the highest likelihood of lowering the risk of potential conduct violations and sanctions for the organization. Organization leaders may self-report misconduct or potential misconduct by utilizing the online form at http://ttu.orgsync.com/org/orgconduct/home or by contacting the appropriate student organization or fraternity/sorority life staff member in the Center for Campus Life.

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

7. Confidentiality

Texas Tech University is committed to ensuring confidentiality during all stages of the student conduct process. If students are unsure whether they want to involve family or friends, and are not yet certain whether they want to report to the police or the University, there are resources available, both on and off campus, that offer confidential assistance and support.

- TTU Student Counseling Center
  www.depts.ttu.edu/scc/

The University is committed to facilitating an environment that supports students reporting incidents of misconduct, and will always attempt to resolve a situation in accordance with a student's wishes. In most cases, the University will not initiate student conduct proceedings or take administrative action without consulting with the reporting student.

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

All reports of misconduct will be maintained with the highest possible level of confidentiality. Information provided by the student will only be shared with essential staff members and only as is necessary for the effective investigation and adjudication of the case. Where reports of misconduct involve other students, either as Respondents or witnesses in the case, some information may need to be shared with those involved parties in order to complete a thorough investigation.

8. Anonymity

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

9. Family Educational Rights and Privacy Act (FERPA)

FERPA protects the privacy of student education records, including personally identifiable information derived from student conduct records. Generally, schools must have written permission from a student in order to release any information from a student's education record. FERPA allows schools to disclose student records, without consent, in situations including, but not limited to school officials with legitimate educational interest, other schools to which a student is transferring, to comply with a judicial order or lawfully issued subpoena, to parents when there is a health or safety emergency involving the student, to parents when the student has committed a disciplinary violation with respect to use or possession of alcohol or a controlled substance and the student is under 21 years of age at the time of the disclosure, to the victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense concerning the final results of a disciplinary hearing.

Additional information on Student Records is available in The Student Handbook, Part II, Section O.

10. Student Organizations

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

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

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

11. Reporting Criminally

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

12. Amnesty

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

- Victims of misconduct who were engaging in policy violations, such as underage drinking or drug use, at the time of the incident.
- Students who offer assistance to others by calling medical personnel or law enforcement.
- Students who bring their own use, addiction, or dependency to alcohol, drugs, or other addictions to the attention of the University prior to any conduct incidents or reports.

Abuse of amnesty provisions can result in a violation of the *Code of Student Conduct*. Amnesty does not preclude students from being charged with allegations of misconduct related to Part II, section B.2 (Actions against Members of the University Community and Others). *The Code of Student Conduct* amnesty provisions do not impact criminal proceedings or charges. Amnesty does not preclude students from being required to meet with University staff and to participate in conditions such as counseling and alcohol assessments. The Student Resolution Center can assist with questions related to amnesty provisions.

13. Withdrawal

A responding student facing an alleged violation of the *Code of Student Conduct* may not be permitted to withdraw from the University until all allegations are resolved.

SECTION B: MISCONDUCT

1. <u>Academic Misconduct</u>

Academic misconduct includes cheating, plagiarism, collusion, falsifying academic records, misrepresenting facts, violations of published professional ethics/standards, and any act or attempted act designed to give unfair academic advantage to oneself or another student. Additional information about academic misconduct is available in the Texas Tech University Community Policies section.

a. Cheating
   1. Copying from another student's academic work, test, quiz, or other assignment
   2. Receiving assistance from and/or seeking aid from another student or individual to complete academic work, test, quiz, or other assignment without authority.
   3. The use or possession of materials or devices during academic work, test, quiz or other assignment which are not authorized by the person administering the academic work, test, quiz, or other assignment.
   4. Possessing, using, buying, stealing, transporting, selling or soliciting in whole or in part items including, but not limited to, the contents of an unadministered test, test key, homework solution, or computer program/ software. Possession, at any time, of current or previous course materials without the instructor's permission.
   5. Obtaining by any means, or coercing another person to obtain items including, but not limited to, an unadministered test, test key, homework solution or computer program/software, or information about an unadministered test, test key, homework solution or computer program.
   6. Transmitting or receiving information about the contents of academic work, test, quiz, or other assignment with another individual who has completed or will complete the academic work, test, quiz, or other assignment without authority.
   7. Substituting for another person, or permitting another person to substitute for oneself in order to take a course, take a test, quiz or other assignment or sign in/register attendance.
   8. Taking, keeping, misplacing, damaging or altering the property of the University or of another, if the student knows or reasonably should know that an unfair academic advantage would be gained by such conduct.
   9. Falsifying research data, laboratory reports, and/or other academic work offered for credit.
   10. Failing to comply with instructions given by the person administering the academic work, test, quiz or other assignment.

b. Plagiarism
   1. The representation of words, ideas, illustrations, structure, computer code, other expression or media of another as one's own and/or failing to properly cite direct, paraphrased or summarized materials.

2. Self-plagiarism which involves the submission of the same academic work more than once without the prior permission of the instructor and/or failure to correctly cite previous work written by the same student.

c. Collusion
The unauthorized collaboration with another individual to complete academic work, test, quiz, or other assignment, providing unauthorized assistance to another student, allowing another student access to completed academic work, and/or conspiring with another person to commit a violation of academic dishonesty.

d. Falsifying academic records
1. Altering or assisting in the altering of any official record of the University and/or submitting false information.
2. Omitting requested information that is required for, or related to, any official record of the University.

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

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

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

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

g. Unfair Academic Advantage
Any other action or attempted action that may result in creating an unfair academic advantage for oneself or may result in creating an unfair academic advantage or disadvantage for another student that is not enumerated in items a-f.

2. <u>Actions against Members of the University Community and Others</u>
Any act, or attempted act, perpetuated against another person or persons including, but not limited to:

a. Disruptive and/or Obstructive Conduct
Intentional or reckless behavior that disrupts or obstructs the normal operation of the University, its students, faculty, staff and/or University visitors.

b. Harmful, Threatening, or Endangering Conduct
Intentional or reckless behavior that harms, threatens, or endangers the physical or emotional health or safety of self or others, including but not limited to:
1. Assault
a. Intentionally or recklessly causing physical harm to another individual.

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

2. Threats
   Written or verbal acts that would cause significant distress or fear in a reasonable person or that a reasonable person would interpret as a serious expression of a threat or intent to inflict harm upon any person, group of people, or damage to any property.
3. Intimidation
   An implied threat or act that causes a reasonable fear of harm in another.
4. Intimate partner / relationship violence
   Violence or abuse, verbal or physical, by a person in an intimate relationship with another.
5. Bullying / cyber bullying
   a. Repeated or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally. Activities protected by freedom of expression will not be considered violations of the *Code of Student Conduct.*

NOTE: Information related to freedom of expression policy is available in Part II, Section P Use of University Space.

6. Stalking
   Behavior which includes, but is not limited to, knowingly and repeatedly engaging in conduct that the individual knows or reasonably should know the other person will regard as unwelcome and would cause a reasonable person to be fearful or suffer substantial emotional distress.

c. Sexual Misconduct
   1. Sexual Harassment
      Unwelcome verbal, written, or physical conduct or attempted conduct of a sexual nature that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with the student's educational experience or creates a hostile educational environment.
   2. Sexual Exploitation
      Taking non-consensual or abusive sexual advantage of another for the benefit of oneself or a third party. Prohibited behavior includes, but is not limited to:
      a. Photography or video recording of another person in a sexual, intimate, or private act without that person's full knowledge and consent;
      b. Purposeful distribution or dissemination of sexual or intimate images or recordings of another person without that person's full knowledge and consent;
      c. Sexual voyeurism;
      d. Inducing another to expose one's genitals or private areas;
      e. Prostituting another student;
      f. Engaging in sexual activity while knowingly infected with an STD.
   3. Public Indecency
      Engaging in private or sexual acts in a publicly viewable location, such that it is offensive to accepted standards of decency. Including, but not limited to exposing one's genitals or private area(s), public urination, defecation, and/or public sex acts.

4. Nonconsensual Sexual Contact
   Intentional sexual touching, however slight and with any object or part of one's body, of another's private areas without consent. Private area includes butt, breasts, mouth, genitals, groin area, or other bodily orifice.
5. Nonconsensual Sexual Intercourse
   Sexual penetration or intercourse, however slight and with any object, without consent. Penetration can be oral, anal, or vaginal.

NOTE: Refer to Appendix A: Definitions for a comprehensive definition of consent

d. Hazing

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

1. Any type of physical brutality, such as whipping, beating, using a harmful substance on the body or similar activity.
2. Any type of physical activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of a student, such as sleep deprivation, exposure to the elements, confinement in a small space, or calisthenics.
3. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug or other substance which subjects a student to an unreasonable risk of harm or which adversely affects the mental or physical health or safety of a student.
4. Any activity that intimidates or threatens a student with ostracism, that subjects a student to extreme mental stress, shame or humiliation, adversely affects the mental health or dignity of a student, or discourages a student from entering or remaining enrolled at the University, or may reasonably be expected to cause a student to leave the organization or the University rather than submit to acts described above.
5. Any activity in which a person solicits, encourages, directs, aids or attempts to aid another in engaging in hazing; intentionally, knowingly or recklessly permits hazing to occur; has firsthand knowledge of the planning of a specific hazing incident which has occurred and knowingly fails to report the incident in writing to the Office of Student Conduct.
6. Any activity in which hazing is either condoned or encouraged or any action by an officer or combination of members, pledges, associates or alumni of the organization of committing or assisting in the commission of hazing.
7. Any activity that involves coercing a student to consume an alcoholic beverage, liquor, or drug, or creates an environment in which the student reasonably feels coerced to consume any of those substances.

NOTE: See Texas Education Code, Sections 37.151-37.155 and Section 51.936

e. Discriminatory Harassment

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

f. Retaliatory Discrimination or Harassment
Any intentional, adverse action taken by a responding individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant [or supporter of a participant] in a conduct process, civil rights grievance proceeding, or other protected activity.

g. Complicity
    1. Assisting via acts or omissions another student, individual, or group in committing or attempting to commit a violation of the *Code of Student Conduct*, specifically violations that constitute Actions against Members of the University Community.
    2. Complicity with or failure of any organized group to address known or obvious violations of the *Code of Student Conduct* by its members, specifically Actions against Members of the University Community.

NOTE: Actions involving free expression activities are covered in Community Policies, Section G.

3. Alcoholic Beverages

a. Use, possession, sale, delivery, manufacture or distribution of alcoholic beverages that would constitute a violation of any federal, state, local law, and/or Texas Tech University policy.
b. Being under the influence of alcohol and/or intoxication that would constitute a violation of any federal, state, local law and/or Texas Tech University policy.

4. Narcotics or Drugs

a. Use, possession, sale, delivery, manufacture or distribution of any narcotic, drug, and/or medicine prescribed to another person, chemical compound or other controlled substance that would constitute a violation of any federal, state, local law, and/or Texas Tech University policy.
b. Possession of drug-related paraphernalia that would constitute a violation of any federal, state, local law and/or Texas Tech University Policy.
c. Being under the influence of narcotics, drugs, prescription drugs, chemical compound or other controlled substance that would constitute a violation of any federal, state, local law and/or Texas Tech University policy.

5. Smoking

Smoking in unauthorized areas on University property as designated by the Texas Tech University smoke-free and tobacco-free environment policy.

6. Firearms, Weapons and Explosives

Use or possession of any items used as weapons, including, but not limited to, handguns, firearms, ammunition, fireworks, pellet guns, paintball guns, BB guns, knives, tasers, or explosive or noxious materials on University premises except in accordance with federal, state, local law, and/or Texas Tech University policy

NOTE: *See Texas Tech University Operating Policy related to Campus Carry at http://www.depts.ttu.edu/opmanual/ and* University Student Housing Contract Guide for specific approved devices allowed in the residence halls.

7. Flammable Materials/Arson

a. Use or possession of flammable materials, including incendiary devices or other dangerous materials, or substances used to ignite, spread, or intensify flames for fire, except as expressly permitted by University officials, such as the Outdoor Events Coordinating Committee.
b. Attempting to ignite and/or the action of igniting University and/or personal property on fire either by intent or through reckless behavior that results, or could result, in personal injury or property damage of University premises.

8. Theft, Damage, Littering or Unauthorized Use

a. Attempted or actual theft of property or services, including, but not limited to property or services of the University, other University students, other members of the University community, or campus visitors.
b. Possession of property known to be stolen or belonging to another person without the owner's permission.
c. Attempted or actual damage to property, including, but not limited to property owned or leased by the University, by other University students, by other members of the University community, or by campus visitors.
d. Littering (as defined by the State of Texas Health and Safety Code, Section 365.011.6) on grounds owned or leased by the University, by other University students, other members of the University community, or campus visitors.
e. Attempted or actual unauthorized use of a credit card, debit card, student identification card, cell phone, personal identification number, test number, eRaider account information and/or personal check, or other unauthorized use of personal property or information of another.
f. Alteration, forgery or misrepresentation of any form of identification.
g. Possession or use of any form of false identification.
h. Failure to meet financial obligations owed to the University, or components owned or operated by the University, including, but not limited to, the writing of checks from accounts with insufficient funds.

9. Gambling, Wagering, Gaming and/or Bookmaking

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

10. False Alarms or Terroristic Threats

Intentional sounding of a false fire alarm, falsely reporting an emergency or terroristic threat in any form, issuing a bomb threat, constructing mock explosive devices, destruction or activation of fire sprinklers, filing false police reports, or improperly possessing, tampering with or destroying fire equipment or emergency signs on University premises.

11. Unauthorized Entry, Possession or Use

a. Unauthorized entry into or use of University premises or equipment including another student's room.
b. Unauthorized possession, use, duplication, production or manufacture of any key or unlocking device, University identification card or access code for use in University premises or equipment.
c. Unauthorized use of the University name, logo, registered marks or symbols; however, registered student organizations are permitted to use the word "Tech" as a part of their organizational names or to use the complete statement "a registered student organization at Texas Tech University."
d. Unauthorized use of the University name to advertise or promote events or activities in a manner that suggests sponsorship and/or recognition by the University.

12. Failure to Comply

a. Failure to comply with reasonable directives and/or requests of a University official acting in the performance of their duties.
b. Failure to present student identification on request or identify oneself to any University official acting in the performance of his other duties.
c. Failure to comply with the sanctions imposed by a Student Conduct Officer/Investigator under the *Code of Student Conduct* or the Student Handbook.

13. Abuse, Misuse or Theft of University Information Resources

Unauthorized use of University information resources is prohibited, and may be subject to criminal prosecution in addition to disciplinary sanctions pursuant to the *Code of Student Conduct*. "Information resources" means procedures, equipment and software, regardless of location, that are employed, designed, built, operated, and maintained to collect, record, process, store, retrieve, display, and transmit University information, and associated personnel, including consultants and contractors, regardless of whether the personnel are employed by the University or retained as independent contractors. Usage of TTU information resources may be subject to security testing and monitoring, and users have no expectation of privacy except as otherwise provided by applicable privacy laws. Use of information resources is also subject to the Information Technology Security Policies (http://depts.ttu.edu/infotech/security/), University Operating Policies, and other applicable laws. Abuse, misuse, or theft of University information resources includes, but is not limited to the following:

a. Unauthorized use of University information resources including, but not limited to, private information and passwords, including the unauthorized sharing of private information or passwords with individuals who otherwise have no authority to access University information resources.
b. Use of University information resources for unauthorized or nonacademic purposes including, but not limited to, illegal access, attempted or actual unauthorized accessing, copying, transporting or installing programs, records, data, or software belonging to the

University, another user, or another entity, and/or illegal activity (e.g., sharing copyrighted materials or media).

c. Using University information resources to violate Part I, section B.2 (Actions against Members of the University Community and Others).
d. Attempted or actual breach of the security of another user's account and/or computing system, depriving another user of access to TTU information resources, compromising the privacy of another user or disrupting the intended use of TTU information resources.
e. Attempted or actual use of the TTU information resources for unauthorized political or commercial purposes, or for personal gain.
f. Access, creation, storage, or transmission of material deemed obscene (as defined by Chapter 43 of the State of Texas Penal Code on Public Indecency or other applicable laws). Exceptions may be made for academic research where this aspect of the research has the written consent of the Department Head. Discovery of obscene material, including child pornography, on any TTU information resource must be reported to the Information Security Office or Chief Information Officer immediately.
g. Attempted or actual destruction, disruption or modification of programs, records or data belonging to or licensed by the University or another user or destruction of the integrity of computer-based information using TTU information resources.
h. Attempted or actual use of TTU information resources to interfere with the normal operation of the University.
i. Intentional "spamming" of students, faculty or staff (defined as the sending of unsolicited and unwanted electronic communications, including but not limited to e-mails and text messages to parties with whom the sender has no existing business, professional or personal acquaintance) using TTU information resources.

14. Providing False Information or Misuse of Records

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

15. Skateboards, Rollerblades, Scooters, Bicycles or Similar Modes of Transportation

Use of skateboards, rollerblades, scooters, bicycles or other similar modes of transportation in University buildings or on University premises in such a manner as to constitute a safety hazard or cause damage to University or personal property.

NOTE: Refer to University Parking Services Regulations at http://www.parking.ttu.edu/Resources/pdf/rulesregulations.pdf.

16. Violation of Published University Policies, Rules or Regulations

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

a. Transportation & Parking Services
b. University Student Housing
c. Recreational Sports
d. Fraternity and Sorority Life
e. Texas Tech University Board of Regents' Rules
f. Texas Tech University Operating Policies and Procedures

g. Community Policies of the Student Handbook

17. Violation of Federal, State, Local Law and/or University Policy

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

18. Abuse of the Discipline System

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

SECTION C: CONDUCT PROCEDURES FOR STUDENTS

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

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

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

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

1. **Remedies and Resources**

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

   a. Resources

      Texas Tech University has a variety of resources to assist students involved in conduct processes or experiencing concerns related to other student conduct. Resources include, but are not limited to assistance in reporting criminal behavior to the Texas Tech Police Department or Lubbock Police Department, counseling services, medical assistance, academic support referrals, and other support services. The Student Resolution Center is also available to help students understand the student conduct process and identify resources.

b. Interim Actions

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

1. No Contact Order

   When initial inquiry indicates persistent and potentially escalating conflict between two members of the University community, a No Contact Order may be issued as a remedial, non-punitive deterrent to further conflict or situational complication. A No Contact Order will be issued by the Office of Student Conduct or Dean of Students via the student's official Texas Tech email. The notice serves as an official directive that the student(s) have no contact with the other listed parties. Contact cannot occur in person, by telephone, email, text message or other electronic means of communication, or through a third party (other than an attorney). Should contact need to occur, the student should coordinate with the Office of Student Conduct. This notice may also come with other information related to changes in class schedule or other restrictions to facilitate the no contact order. Failure to comply with the no contact order is considered retaliation and will result in disciplinary action, including possible suspension or expulsion. Violations of no contact orders may also result in immediate temporary suspension during the completion of the conduct process. The term of a No Contact Order is indefinite, unless otherwise stated in the Order.

2. Immediate Temporary Suspension – Students

   A student may be temporarily suspended pending completion of conduct procedures if, in the judgment of the Dean of Students, or on recommendation of a Student

Conduct Officer/Investigator, the physical or emotional well-being of a student or other students or members of the University community could be endangered or if the presence of the student could significantly disrupt the normal operations of the University. The Dean of Students or designee will notify the Managing Director of the Office of Student Conduct to initiate appropriate conduct procedures to address the disruptive behavior within five (5) University working days from the date of temporary suspension.

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

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

3. Other Interim Actions
   In the event that the physical or emotional well-being of a student, other students, or members of the University community could be endangered, or if the presence of the student could significantly disrupt the normal operations of the University, other interim actions may be taken to protect the educational environment. These actions include, but are not limited to, temporary removal from University Student Housing, temporary changes in a student's academic schedule, and temporary restrictions from University activities, services and/or buildings.
4. Non-Student Interim Actions
   Any guest to the University who is alleged to have violated the *Code of Student Conduct* and/or is deemed to pose a threat to the physical and/or emotional well-being of a student or other members of the University community and/or the presence of an individual could significantly disrupt the normal operations of the University, the Office of Student Conduct, in conjunction with the Texas Tech Police Department, will issue a Criminal Trespass to that individual(s).
5. Withdrawal of Consent
   a. Grounds for Removal
      The Student Conduct Officer/Investigator or another University agent acting in accordance with his/her duties may recommend to the Dean of Students that, in accordance with the Texas Education Code, the student have his/her consent to

remain on the campus withdrawn if, in the judgment of the Student Conduct Officer/Investigator and Dean of Students, it is determined that:

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

If the Dean of Students concurs with the Student Conduct Officer/Investigator's recommendation, permission for the student to be on University premises will be withdrawn. This Withdrawal of Consent will not be longer than fourteen (14) calendar days and a Hearing must be held within these fourteen (14) calendar days to determine the student's status at the University. Permission to be on University premises must be coordinated through the Dean of Students and the Texas Tech Police Department. The Dean of Students will notify all parties of the final decision using the written notification procedures outlined in Part I, section A.3 within five (5) University working days.

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

NOTE: See Texas Education Code, sections 51.233-51.244

2. <u>The Conduct Process</u>

a. Notice of Involvement
A student will be given notice of their involvement in an alleged violation of the *Code of Student Conduct* by receipt of a "Notice of Involvement/Need to Talk" Letter. When preliminary information indicates that certain, identifiable student(s) are associated with the reported incident, those student(s) will be asked to meet with a Student Conduct Officer/Investigator. In addition to the possible sanctions, and in the event that a student fails to respond to written notification, an administrative hold may be placed on the student's record to prevent further registration and transcript receipt. The administrative hold will remain until such time as the Student Conduct Officer/Investigator receives an appropriate response. Failure to comply with or respond to a notice issued as part of conduct procedure and/or failure to appear will not prevent a Student Conduct Officer/Investigator from proceeding with the conduct process. Likewise, failure of a student to respond to notification to appear may result in additional alleged violations and result in a charge of Failure to Comply.

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

A student has the right to:

1. A prompt, fair, and equitable process;
2. Be accompanied by an advisor to any meeting or Hearing. An advisor can be any one of the following: a member of the Texas Tech Community (faculty, staff, or student), a Victim's Advocate, a parent or legal guardian, a relative, or in situations involving criminal legal proceedings, an attorney. An advisor's role is that of support – he or she may not speak on behalf of the student and does not have an active, participatory role in the conduct process. If an advisor for the accused student is an attorney, an attorney from the Office of General Counsel may attend the Hearing on behalf of the University. The Complainant and/or the student accused of alleged misconduct is responsible for presenting their own information, and therefore, advisors are not permitted to speak or participate directly in any Hearing unless authorized by a Student Conduct Officer. Students should select an advisor whose schedule allows attendance at the scheduled date and time for the Hearing, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of a Student Conduct Officer/Investigator upon written request five (5) University working days in advance of the scheduled Hearing date;

3. Refrain from making any statement relevant to the investigation. Students are expected to cooperate with the University conduct process, but may elect not to participate in the investigation process, either in part or entirely. However, a student's refusal to participate in the investigation, in whole or in part, lasts for the duration of the conduct process. In other words, if a student chooses not to provide information during the investigation, they will not be allowed to present new information during the Hearing; similarly, if a student provides only limited information during the investigation (i.e., answering some of the Investigator's questions but not others), then during the Hearing, the student will only be permitted to speak to the information he or she provided, with no additional commentary. The rationale for this policy is to prevent either party from presenting new evidence at the Hearing that was available during the investigative process for the purpose of disadvantaging the other party.

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

4. The opportunity to provide information and evidence in support of his/her case;
5. Know if they have been issued any allegations of misconduct;
6. Know the range of sanctions that may be imposed for a conduct violation, if one is alleged and found to have occurred;
7. Know the Texas Tech University conduct policies and procedures, and where to find them;
8. Know that any information provided by the student may be used in a conduct proceeding;
9. Know that if a student makes any false or misleading statements during the student conduct process, that student could be subject to further disciplinary action.

It is the student's responsibility to:

1. Be responsive to all correspondence from the University;
2. Provide information relevant to the incident or situation;

3. Be honest and provide true and accurate information during the investigation;
4. Review the *Code of Student Conduct* in order to fully understand all aspects of the student conduct process.

c. Investigation

The Managing Director of the Office of Student Conduct, or designee will appoint a Student Conduct Officer/Investigator who will conduct a thorough, reliable, and impartial investigation of the reported allegation. Reported allegations of misconduct under the *Code* have varying degrees of complexity and severity. Therefore, the investigation procedures described below may vary.

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

During the Investigation, Complainants and Respondents are responsible for providing all information or evidence that they believe should be considered.

Once the Investigation is complete, the Student Conduct Officer/Investigator will compile the relevant information and evidence into an Investigation Report, which may include a timeline of the event(s), statements from interviews, physical and electronic evidence, a breakdown of the discrepancies in the various interviews, and credibility considerations. The Student Conduct Officer/Investigator will document any physical or electronic evidence in a manner that is conducive and unobstructive to concurrent or forthcoming police investigations. A student will have access to review the completed Investigation Report and/or investigative materials relevant to the investigation after the Investigation has concluded. In order to protect confidentiality however, students may not be given copies of Investigation Reports and/or investigative materials.

Allegations of potential violations of the *Code of Student Conduct*, if appropriate, are assigned at the conclusion of the Investigation at which point the Student Conduct Officer/Investigator explains the options for resolution to the involved parties. Should students not participate in the Investigative Process, the conduct process may continue without their participation. The Student Conduct Officer/Investigator may assign allegation(s) to the respondent based on the information that the Student Conduct Officer/Investigator collected without the student's participation, if appropriate.

d. Informal Resolution

If after the Investigation, the responding student accepts responsibility for the allegations of the *Code of Student Conduct* outlined in an Investigation Report, the student can

choose to resolve the issue informally. Should the student wish to participate in the Informal Resolution Process, the Student Conduct Officer/Investigator conducting the initial inquiry/investigation will inform the student of the appropriate sanctions for the misconduct. To participate in the Informal Resolution process, a student must accept both the finding and the sanctions. If accepted, the process ends, the finding is final, and there is no appeal.

In cases involving another student (a Complainant) and/or a violation of Part I, section B.2 (Actions against Members of the University Community and Others) of the *Code of Student Conduct*, both the Complainant and the Respondent must agree to both the finding and the sanctions as recommended by the Student Conduct Officer/Investigator. The case will only be reopened if new material, previously unavailable is presented. Mediation will not be used to resolve cases involving Title IX-based allegations. The Informal Resolution, while not considered mediation, will also not be utilized to resolve cases of nonconsensual sexual intercourse.

Written notification of the outcomes and sanctions, if applicable, of the Informal Resolution will be provided to the student and appropriate University Administrators within five (5) University working days of the effectuation of the Informal Resolution.

e. Pre-Hearing Process
In cases involving an Administrative or Panel Hearing, the Pre-Hearing Process will be followed. Once the investigation is complete, the involved parties will participate in the Pre-Hearing Process. During the Pre-Hearing Process, students will be given the opportunity to review the Investigation Report, relevant evidence, and other documents to be used in the Administrative or Panel Hearing. Other documents reviewed may include notification of Respondent's allegations, Hearing Panel composition, and Hearing Script. Following the Pre-Hearing, student(s) will be notified, via the notification procedures, outlined in Part I, section A.3 of a date, time, and location of the Hearing. Should students not participate in the Pre-Hearing Process, the conduct process may continue without their participation, including the assignment of allegations and the completion of an Administrative or Panel Hearing.

While students may identify errors in their own statements during the Pre-Hearing, they are not able to add additional information to the Investigation Report unless that information, in the judgment of the Student Conduct Officer/Investigator, was unavailable during the investigative process and is pertinent to the consideration of the case. If a student discovers new, previously unavailable information during the time after the Pre-Hearing but before the Administrative or Panel Hearing, the student should inform the Student Conduct Officer/Investigator immediately. If the new information is pertinent to the consideration of the case, the Student Conduct Officer/Investigator will determine whether the new information should be included in the Investigation Report or presented verbally during the Administrative or Panel Hearing. If there is new evidence introduced, other involved parties would also be given the opportunity to provide a response to any new evidence that will be presented in the Administrative or Panel Hearing.

The student conduct process is designed to be non-adversarial. Students will be permitted to question the statements and evidence presented by the other involved parties, but may not do so directly. After reviewing the investigation report, during the Pre-Hearing, Complainants and Respondents will have the opportunity to question the statements and evidence presented by the other involved parties, via the Student Conduct Officer/Investigator, who will pose the questions and supplement the Investigation Report.
NOTE: Questions that are deemed objectionable, inappropriate, and/or irrelevant by the Student Conduct Officer/Investigator may be rejected.

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

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

3. <u>Hearings</u>

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

Hearings are closed to the public. In cases involving another student (a Complainant) and/or a violation of Part I, section B.2 (Actions against Members of the University Community and Others) of the *Code of Student Conduct*, both the Complainant and the Respondent students have the right to be present at the Hearing; however, they do not have the right to be present during deliberations. Arrangements can be made so that complaining and responding students do not have to physically be in the Hearing room at the same time. To request changes in the scheduled Hearing time, students should contact the Office of Student Conduct prior to the scheduled Hearing.

a. Administrative Hearing
An Administrative Hearing is the process of adjudicating allegations of violations of the *Code of Student Conduct* by an Administrative Hearing Officer. The Administrative Hearing Officer in an Administrative Hearing may be the Student Conduct

Officer/Investigator that completed the Investigation Report, or Administrative Hearing Officer assigned by the Managing Director of the Office of Student Conduct, or designee. The Administrative Hearing Officer makes the decision of responsibility and assigns sanctions, as appropriate. Written notification of the outcomes of the Administrative Hearing will be provided to the student within five (5) University working days of the conclusion of the Administrative Hearing. Decisions made through the Administrative Hearing may be appealed by students by utilizing the Disciplinary Appeal Procedures outlined in Part II, section C.5.

b. Panel Hearing

For each Panel Hearing, a panel of three (3) members will be chosen from the available pool by the Managing Director of the Office of Student Conduct, or designee. The Panel will usually be comprised of one student, one faculty member, and one staff member or Administrative Hearing Officer. Availability may determine a different composition for the Panel. In cases involving Part I, section B.1 (Academic Misconduct), the Panel will be comprised only of students and faculty. In cases involving Part I, section B.2 (Actions against Members of the University Community and Others), or other sensitive issues, the Managing Director of the Office of Student Conduct will appoint three Administrative Hearing Officer members for the Panel.

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

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

The Managing Director of the Office of Student Conduct, or designee shall appoint a Resource Person in each Panel Hearing who facilitates the Hearing. The Resource Person is a non-voting participant in the Hearing and is selected from the pool of Administrative Hearing Officers. The Resource Person assures that University/College procedures are followed throughout the Hearing. The Panel Resource Person may:

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

The Student Conduct Officer/Investigator will present the Investigation Report, evidence, witnesses, allegation(s), and questions for deliberation. The Complainant and Respondent

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

Following the Hearing, the Hearing Panel will deliberate and render a decision regarding the alleged misconduct, as well as determine any sanctions, if applicable. Should the Hearing Panel have any questions for the Student Conduct Officer/Investigator, the Complainant, and/or the Respondent during deliberations, the Hearing will reconvene so that all parties have the opportunity to hear and respond to other parties' responses. Outcomes of the Panel Hearing should be provided to the student(s) in writing within five (5) University working days, or as soon as practical, following the Panel Hearing. Decisions made through the Panel Hearing may be appealed by students utilizing the Disciplinary Appeal Procedures outlined in Part I, section C.5.

4. <u>Sanctions</u>

A Student Conduct Officer/Investigator, Administrative Hearing Officer, or a Hearing Panel may impose sanctions as a result of an Informal Resolution, Administrative Hearing, or Panel Hearing, when a student is found responsible. The potential sanctions are listed in the *Code of Student Conduct* grid at http://www.depts.ttu.edu/studentconduct. The grid is provided only as a guideline for administering sanctions by the Student Conduct Officer/Investigator, Administrative Hearing Officer, or the Hearing Panel. The Student Conduct Officer/Investigator, Administrative Hearing Officer and/or the Hearing Panel may deviate from the grid.

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

All records related to the disciplinary process will remain on file in the Office of Student Conduct or University Student Housing for a minimum of seven (7) years from the date the case is completed through an Informal Resolution, Administrative Hearing, or Panel Hearing and/or Disciplinary Appeal Procedures in Part I, section C.5. All records related to the disciplinary process resulting in suspension and/or expulsion will remain on file indefinitely.

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

a. Disciplinary Reprimand
   The disciplinary reprimand is an official written notification using the notice procedures outlined in Part I, section A.3 to the student that the action in question was misconduct.
b. Disciplinary Probation
   Disciplinary Probation is a period of time during which a student's conduct will be observed and reviewed. The student must demonstrate the ability to comply with University policies, rules, and/or standards and any other requirement stipulated for the probationary period. Further instances of misconduct under the *Code of Student Conduct* during this period may result in additional sanctions.
c. Deferred Disciplinary Suspension
   Deferred Disciplinary Suspension is a period of time where a Disciplinary Suspension may be deferred for a period of observation and review, but in no case will the Deferred Disciplinary Suspension be less than the remainder of the semester. Further instances of misconduct under the *Code of Student Conduct* during this period may result in additional sanctions.
d. Time-Limited Disciplinary Suspension
   Time-Limited Disciplinary Suspension is a specific period of time in which a student is not allowed to participate in class or University related activities. The status of Disciplinary Suspension will be shown on the student's academic record, including the transcript. Time-limited disciplinary suspension is noted on the student's transcript by the phrase "Disciplinary Suspension" and will include the period of time in which the student is/was suspended from the University. The notation of disciplinary suspension will remain on the transcript indefinitely. Notification of disciplinary suspension of a student will indicate the date on which it begins and the earliest date the application for student readmission will be considered. The Student Conduct Officer/Investigator may deny a student's readmission, if the student's misconduct during the suspension would have warranted additional disciplinary action. If the student has failed to satisfy any sanction that was imposed prior to application for readmission, the Student Conduct Officer/Investigator may deny readmission to a student. On denial of a student's readmission, the Managing Director of the Office of Student Conduct will set a date when another application for readmission may again be made. An administrative hold will be placed on the student record to prevent registration during the Disciplinary Suspension.

NOTE: For information pertaining to academic courses taken at another higher education institution during time-limited disciplinary suspension, please refer to OP 34.21 located at http://www.depts.ttu.edu/opmanual/OP34.21.pdf

e. Disciplinary Expulsion
   Disciplinary Expulsion occurs when the student is permanently withdrawn and separated from the University. The status of Disciplinary Expulsion will be shown permanently on the student's academic record, including the transcript. Disciplinary Expulsion is noted on the student's transcript by the phrase "Disciplinary Expulsion" and the date in which the student's expulsion was effective. An administrative hold will be placed on the student record to prevent future registration.

f. Conditions

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

- Personal and/or academic counseling intake session;
- Discretionary educational conditions and/or programs of educational service to the University and/or community;
- Residence hall relocation and/or contract review/cancellation of residence hall contract and/or use of dining facilities;
- Restitution or compensation for loss, damage or injury, which may take the form of appropriate service and/or monetary or material replacement;
- Monetary assessment owed to the University;
- Completion of an alcohol or drug education program;
- Referral to the BASICS Program for assessment.

g. Restrictions

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

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

h. Academic Penalties

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

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

i. Parental Notification

Violations of Part I, sections B.3 (Alcoholic Beverages) or B.4 (Narcotics or Drugs) may result in notification to the parents/guardians of dependent students under the age of 21.

5. <u>Conduct Appeal Procedures</u>

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

The Dean of Students, or designee, will select an appeal officer in each case. The designated appeal officer will be a trained University staff or faculty member who did not serve as the Student Conduct Officer/Investigator or the Administrative Hearing Officer in the original Conduct Process and will render a neutral, impartial, and unbiased decision.

In cases involving alleged misconduct involving Part I, section B.1 (Academic Misconduct), the designated appeal officer is the Associate Academic Dean of the college where the student is enrolled or the Associate Academic Dean of the college housing the course where the violation occurred. In situations where the Associate Academic Dean participated in the Hearing as the Student Conduct Officer/Investigator or Instructor of Record, the designated appeal officer is the Academic Dean.

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

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

In cases involving alleged misconduct involving Part I, section B.2 (Actions against Members of the University Community and Others), either the Complainant or Respondent may appeal the decision of the Office of Student Conduct. In such cases, the Office of Student Conduct will provide the request for appeal to the other party and provide opportunity for response.

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

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

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

The Office of Student Conduct shall make all reasonable efforts to notify the student(s) of the status of the appeal throughout the appellate process and shall make all reasonable efforts to notify the student(s) the result of their appeal using the written notification procedures outlined in Part I, section A.3 within ten (10) University working days. If necessary, the Designated Appeal Officer will notify the student should they need additional time to determine the outcome of the appeal. The decision of the designated appeal officer is final and cannot be appealed.

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

6. Former Student Conduct & Readmission

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

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

SECTION D. CONDUCT PROCEDURES FOR STUDENT ORGANIZATIONS

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

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

1. **Initial Inquiry**

   An initial inquiry would occur to review information about the alleged misconduct and to evaluate the accuracy, credibility, and sufficiency of the information. When an initial report does not identify victims of misconduct or victims are not available, it can limit the ability to investigate the incident. When the reporting party or complainant is identified but is reluctant to participate in the investigation process or student conduct process, the University will make every attempt to follow the wishes of the complainant while weighing the interests of the campus community and the possibility of continuing inappropriate behavior and threat to the community. If the complainant does not want to participate in the investigative process but has no aversion to the university pursuing the conduct process, the University will proceed to the extent of the information available.

   Decision to Document the Incident without Further Investigation

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

2. **Remedies & Resources to Reporting Parties/Complainants**

   a. The University will take immediate action to eliminate hostile environments, prevent reoccurrence, and address any effects on the Complainant and community prior to the initiation of formal investigation and/or formal conduct processes. These immediate steps will be taken to minimize the burden on the Complainant while respecting due process rights of the Respondent. Remedies for students may include, but are not limited to counseling services, victim's advocate assistance, and modifications to on-campus housing, modifications to parking permissions,

and modifications to academic schedule Remedies will be evaluated on a case-by-case basis.

b. Assistance and resources are provided to the Complainant in order to help them understand the options available to them when making a report, to determine what resolution the reporting party is seeking, to identify university and community resources to support the reporting party, and to stop any current inappropriate behavior. Resources include, but are not limited to assistance in reporting criminal behavior to the Texas Tech Police Department or Lubbock Police Department, counseling services, medical assistance, academic support referrals, and other support services. This is handled by the staff member in the Center for Campus Life, Student Resolution Center, Office of Student Conduct or Dean of Students taking the initial report. This staff member may or may not be the person to investigate the complaint.

3. <u>Interim Actions</u>

Immediate Temporary Suspension – Student Organizations

Under the *Code of Student Conduct*, the Dean of Students, Managing Director of the Office of Student Conduct, or designee may, when the student organization represents a threat of serious harm to others, or is facing allegations of serious criminal activity, impose restrictions, including, but not limited to temporarily suspending the registration of a student organization and/or requiring that the student organization cease and discontinue all organized functions pending the scheduling of a campus Hearing on alleged violation(s) of the Code of Student Conduct, in order to preserve the integrity of an investigation, to preserve University property and/or to prevent disruption of, or interference with, the normal operation of the University. Examples of conduct or incidents that may result in immediate temporary suspension are hazing, organization events and activities resulting in allegations of sexual misconduct, criminal felony charges, severe disruption, retaliatory harassment; alcohol/drug policy violations occurring during recruitment or social events; and cease and desist directives from inter/national or regional organizations. A student organization who receives an immediate temporary suspension may request a meeting with the Dean of Students, Managing Director of the Office of Student Conduct, or designee to demonstrate why an immediate temporary suspension is not merited. Regardless of the outcome of the meeting, the University may still proceed with the scheduling of a campus Hearing. During an immediate temporary suspension, the student organization is not able to access the benefits of being a registered student organization during this time period. Failure or refusal to follow the immediate temporary suspension may result in additional charges of misconduct. Student organizations will be informed of interim actions pursuant to the official notice procedures outlined in Part I, section A.3. of the *Code of Student Conduct.* An interim action is not considered a sanction. **<u>Notice of Involvement</u>**

A student organization will be given notice of the organization's involvement in an alleged violation of the *Code of Student Conduct* by receipt of a "Notice of

Involvement/Need to Talk" letter or direct contact by a Student Organization or Fraternity/Sorority Life staff member.

4. **Initial Contact to the Student Organization Leadership and Advisor**

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

5. **Notification of the Inter/National or Regional Headquarters (if relevant)**

   In most cases (with the exception of low-level concerns), Fraternity and Sorority Life staff will notify representatives of the inter/national or regional headquarters of the complaint received and process for reviewing the complaint. TTU believes in an active partnership with inter/national and regional organization staff to resolve concerns. These inter/national and regional staff and volunteers are often better able to identify opportunities to address concerns and may be conducting their own investigation and conduct process. TTU staff will specifically contact inter/national and regional organizations when a reoccurring concern indicates a climate issue for the organization, when the response of the organization is not compliant or timely, when there is an immediate threat to member or others safety, or when the organization has already participated in conduct processes for concerns.

6. **Rights & Responsibilities**

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

   a. A prompt, fair, and equitable process;
   b. Be accompanied by an advisor at any conduct or related proceeding.
      - An "advisor" can be any one of the following: a member of the Texas Tech community (faculty, staff, or student), a victim's advocate, a parent

or legal guardian, a relative, or in situations involving criminal legal proceedings, an attorney.

- An advisor's role is that of support – he or she may not speak on behalf of the organization and does not have an active, participatory role in the conduct process. If an advisor for the organization is an attorney, an attorney from TTU Office of General Counsel may attend on behalf of the University.
- In the case of a student organization conduct preceding, the President of the student organization is asked to make a response on behalf of the organization. During these processes, the President is also encouraged to include the faculty/staff advisor for the student organization. In many cases, the President may not be able to speak on behalf of the local advisory board to the student organization, so the inclusion of a local alumni advisor is also allowed.
- In the case of student organizations – the current President of the organization, is responsible for presenting information during the formal hearing. The roles of the advisors during formal hearings should be for support and guidance, not to speak or participate directly in the formal hearing unless authorized.
- Student organizations should select an advisor whose schedule allows attendance at the meeting, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of the investigator and with advanced notice.

c. Refrain from making any statement relevant to the investigation.
    - Student organizations are expected to cooperate with the University conduct process, but may elect not to participate in the investigation process, either in part or entirely. However, a student organization's refusal to participate in the investigation, in whole or in part, lasts for the duration of the conduct process. In other words, if a student organization chooses not to provide information during the investigation, they will not be allowed to present new information during the Hearing; similarly, if a student organization provides only limited information during the investigation (i.e., answering some of the Investigator's questions but not others), then during the Hearing, the student organization will only be permitted to speak to the information provided, with no additional commentary, The rationale for this policy is to prevent parties from presenting new evidence at the Hearing that was available during the investigative process for the purpose of disadvantaging the other party.
d. The opportunity to provide information and evidence in support of the case;
e. Know if they have been issued any allegations of misconduct;

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

Student organization responsibilities include:

j. Be responsive to all communications from the university;
k. Provide information relevant to the incident or situation;
l. Be honest and provide true and accurate information during the investigation
m. If a student or student organization needs additional time to gather information, please inform your investigator/conduct officer.
n. Review the Code of Student Conduct in order to fully understand all aspects of the student conduct process.

7. <u>Investigation</u>

a. The Dean of Students, Managing Director of the Office of Student Conduct, or designee will appoint a Student Conduct Officer/Investigator to conduct a thorough, reliable, and impartial investigation of the reported concern.
b. Reported allegations of misconduct under the Code of Student Conduct have varying degrees of complexity and severity. Therefore, the investigation

procedures described below may vary. In student organization incidents there is the potential for three or more separate investigations to be occurring in a similar time frame.

- TTU Student Organization Conduct Investigation
- Criminal Investigation by Texas Tech, Lubbock or Other Police Departments
- Inter/National or Regional Headquarter Investigation
- Local Student Organization Advisory Board Investigation

c. When initial inquiry indicates that another concurrent investigation is occurring alongside the TTU student conduct investigation, the appointed investigator(s) will, where possible, collaborate with the other entities conducting investigations. Elements of a collaborative investigation may include coordinated or joint interviews, evidence sharing, and investigation report sharing within the limits of student records policies.

d. Investigations of student organization conduct may include the requirement for student organization members to attend an investigation meeting as a group or as individuals. Students may be asked to complete written questionnaires related to the investigation. Regardless of the nature of the investigation, students and student organizations should be aware of their rights and responsibilities in the conduct process and recognize that any information shared during the course of the student conduct investigation may be used in formal conduct processes against the student organization or the individual student. Students can always decline to participate in a collaborative investigation meeting and meet only with the student conduct investigator instead of meeting together with other investigators.

e. During the investigative process, student organization representatives are responsible for providing all information or evidence that they believe should be considered. Once the investigative process is complete, the Student Conduct Officer/Investigator will compile the relevant information and evidence into an Investigation Report, which will include the allegations of the *Code of Student Conduct* and may include a timeline of the event(s), statements from the interviews, physical and electronic evidence, a breakdown of the discrepancies in the various interviews, and credibility considerations. The Investigator will document any physical or electronic evidence in a manner that is conducive and unobstructive to concurrent or forthcoming police investigations. Student organization representatives will have access to review the completed Investigation Report and/or investigative materials relevant to the investigation after the Investigative Process has concluded. In order to protect confidentiality, student organization representatives may not be given copies of Investigation Reports and/or investigative materials.

Allegations of potential violations of the *Code of Student Conduct*, if appropriate, are assigned at the conclusion of the Investigation at which point the Student Conduct Officer/Investigator explains the options for resolution to the involved parties. Should a student organization not participate in the Investigative Process, the conduct process may continue without their participation. The Student Conduct Officer/Investigator may assign allegation(s) to the respondent based on the information that the Student Conduct Officer/Investigator collected without the student organization's participation, if appropriate.

f. Student organizations will be asked to provide information about any actions occurring voluntarily by the organization to address concerns or actions occurring related to other conduct processes (intern/national or regional actions, local alumni board actions). This information is used to inform the opportunity for an organization to be eligible for informal resolution processes or the sanctioning portion of a formal hearing if an organization is found responsible for a policy violation.

g. A student organization will have access to a completed Investigation Report and/or investigative materials relevant to the allegation(s) after the investigative process has concluded. In order to protect confidentiality however, student organizations are not given copies of the Investigation Reports and/or investigative materials.

8. <u>Investigation Report is Completed by Investigator and Pre-Hearing Scheduled</u>

a. Once the investigation report is completed, the President and his/her advisors for the student organization will be given notice of a Pre-Hearing Meeting. During this meeting, the representatives will be given an opportunity to review the Investigation Report and other documents or evidence that would be used in a formal hearing. If new or previously unavailable information is now available, the investigator will make a determination about the inclusion of the information in the report.
    - If there is not sufficient evidence to proceed to a hearing, a policy warning letter would be issued to the organization and the incident would be closed.
    - If there is sufficient evident to proceed to a hearing, the investigation report will outline the formal allegations against the student organization.
    - A discussion would occur around the opportunity for an informal resolution or a formal hearing.

b. In cases proceeding to a formal hearing, the student organization representative(s) would review the formal hearing script and the pool of faculty, staff, and students trained for the Hearing Panel.

9. <u>Informal Resolution</u>

a. Upon review of the investigation report and the investigation process, the organization may have the opportunity to resolve the issue informally. The investigator would provide an informal resolution in writing to the organization representatives for their consideration. The organization would agree to the outlined findings of responsibility for misconduct and the outlined sanctions, conditions, and restrictions. If there is a complainant, the complainant must also agree to the informal resolution. To participate in the Informal Resolution process, student organizations must accept both the finding and the sanction, condition(s), restriction(s). There is no appeal of signed informal resolutions. Once completed, the informal resolution completes the conduct process. The case will only be reopened if new materials, previously unavailable is presented.

10. <u>Pre-Hearing Process</u>

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

b. While students may identify errors in their own statements during the Pre-Hearing, they are not able to add additional information to the Investigation Report unless that information, in the judgment of the Student Conduct Officer/Investigator, was unavailable during the investigative process and is pertinent to the consideration of the case. If a student discovers new, previously unavailable information during the time after the Pre-Hearing but before the Administrative or Panel Hearing, the student should inform the Student Conduct Officer/Investigator immediately. If the new information is pertinent to the consideration of the case, the Student Conduct Officer/Investigator will determine whether the new information should be included in the Investigation Report or presented verbally during the Administrative or Panel Hearing. If there is new evidence introduced, other involved parties would also be given the opportunity to provide a response to any new evidence that will be presented in the Administrative or Panel Hearing.

c. The conduct process is designed to be non-adversarial. Student organization representatives will be permitted to question the statements and evidence

presented by the other involved parties, but may not do so directly. After reviewing the investigation report, during the Pre-Hearing, complainants and respondents will have the opportunity to question the statements and evidence presented by the other involved parties, via the Student Conduct Officer/Investigator, who will pose the questions and supplement the Investigation Report.

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

d. Student organizations may indicate whether an Administrative Hearing or Panel Hearing is preferred. However, the Student Conduct Officer/Investigator has the sole discretion in all cases to designate whether an Administrative Hearing or Panel Hearing will be held notwithstanding the student's preference.
e. In cases requiring a Hearing Panel, the Student Conduct Officer/Investigator will share the pool of faculty, staff, and students trained for Hearing Panels. Student organization representatives will be given the opportunity to request to strike any member of the Hearing Panel whose impartiality may be in question. In order to strike a member of the Hearing Panel, the student organization representative must provide the Student Conduct Officer/Investigator with a reasonable and substantiated rationale for the request. Once the composition of the Hearing Panel is set, the Student Conduct Officer/Investigator will schedule the Panel Hearing.

11. <u>Formal Hearings</u>

a. Upon completion of the initial inquiry/investigation, after the allegation(s) have been assigned, and proper notice has been given to the student organization, the University may proceed to conduct either an Administrative or a Panel Hearing and issue a finding and accompanying sanctions, if applicable. The Administrative Hearing or Panel Hearing may be held and a decision made, regardless of whether the student organization responds, fails to respond, attends the Hearing, or fails to attend the Hearing. Should the student organization fail to attend the Administrative or Panel Hearing, the Student Conduct Officer/Investigator or the Hearing Panel may consider the information contained in the Investigation Report and render a decision. Student organization conduct processes are typically adjudicated by a Hearing Panel.
b. Hearings are closed to the public. Complainants and respondents have the right to be present at the formal hearing; however, they do not have the right to be present during deliberations. Arrangements will be made so that complaining and responding students are not present in the hearing room at the same time.
c. Student organizations are typically represented by the current President and an advisor.
d. In situations where the organization no longer has a current student representing the organization, the conduct process will continue with the information available

at the time. Organizations with inter/national, regional, or local advisory staff or volunteers with a long-term interest in the organization's recognition at the University may be allowed to participate in the resolution of conduct processes when a current student is no longer able to represent the organization.

e. Administrative Hearing

An Administrative Hearing is the process of adjudicating allegations of violations of the Code of Student Conduct by an Administrative Hearing Officer. The Administrative Hearing Officer in an Administrative Hearing may be the Student Conduct Officer/Investigator that completed the Investigation Report, or Administrative Hearing Officer assigned by the Managing Director of the Office of Student Conduct, or designee. The Administrative Hearing Officer makes the decision of responsibility and assigns a sanctions, as appropriate. Written notification of the outcomes of the Administrative Hearing will be provided to the student within five (5) University working days of the conclusion of the Administrative Hearing. Decisions made through the Administrative Hearing may be appealed by students by utilizing the Disciplinary Appeal Procedures outlined in Part I, Section D.14.

f. Panel Hearing

For each Panel Hearing, a panel of three (3) members will be chosen from the available pool by the Managing Director of the Office of Student Conduct, or designee. The Panel will usually be comprised of one student, one faculty member, and one staff member or Administrative Hearing Officer. Availability may determine a different composition for the Panel. In cases involving Part I, section B.1 (Academic Misconduct), the Panel will be comprised only of students and faculty. In cases involving Part I, section B.2 (Actions against Members of the University Community and Others), or other sensitive issues, the Managing Director of the Office of Student Conduct will appoint three Administrative Hearing Officers for the Panel.

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

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

The Director of the Office of Student Conduct, or designee, appoints a Resource Person in each Panel Hearing who facilitates the Hearing. The Resource Person is a non-voting participant in the Hearing and is selected from the pool of Administrative Hearing Officers. The Resource Person assures that University/College procedures are followed throughout the Hearing. The Panel Resource Person may:

- Prepare the Administrative Panel Hearing materials;

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

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

Following the Hearing, the Hearing Panel will deliberate and render a decision regarding the alleged misconduct, as well as decide any sanctions, if applicable. The investigator would provide information during sanctioning related to any previous conduct history, self-sanctioning occurring with the organization, and general information about the organization's activities and participation at TTU to help inform sanctioning.

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

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

12. <u>Sanctions</u>

A Student Conduct Officer/Investigator, Administrative Hearing Officer, or a Hearing Panel may impose sanctions as a result of an Informal Resolution, Administrative Hearing, or Panel Hearing, when a student organization is found responsible. The potential sanctions are listed in the Student Organization Sanction Grid in the Student

Handbook Appendix. The grid is provided only as a guideline for administering sanctions by the Student Conduct Officer/Investigator, Administrative Hearing Officer or the Hearing Panel.

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

Implementation of the sanctions will not begin until either the time for a disciplinary appeal has expired or until the disciplinary appeal process is exhausted. Upon the judgment of the Managing Director of the Office of Student Conduct, some cases resulting in sanctioning of suspension and expulsion may begin prior to the completion of the disciplinary appeal process.

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

a. Disciplinary Reprimand
   The Disciplinary Reprimand is an official written notification that the action in question was misconduct. The disciplinary status of the organization is still good-standing.
b. Disciplinary Probation
   Disciplinary Probation is a period of time during which the organization's conduct will be observed and reviewed. The organization must demonstrate the ability to comply with University policies and any other conditions / requirements stipulated for the period of probation. Further instance of misconduct during this time period may result in additional sanctions, conditions, and/or restrictions.
c. Deferred Disciplinary Suspension
   Deferred Disciplinary Suspension is utilized for misconduct that could have resulted in suspension, but the suspension is deferred for a period of observation and review. Deferred suspensions are assigned for no less than one semester. Further instances of misconduct during this time period may result in immediate temporary suspension of organization activities and often result in suspension or expulsion. Deferred suspension often includes multiple conditions and restrictions for the organization to continue recognition with the university.
d. Time-Limited Disciplinary Suspension

   Time-Limited Disciplinary Suspension is a specific period of time in which a student organization's registration with the university is suspended, including the privileges and benefits of registration. All organizational activity, whether on or off campus, official or unofficial, must immediately cease until the conclusion of

the suspension. Suspended student organizations may not hold events or activities on campus, may not solicit or utilize University grounds or services to promote organizations or events or to recruit members, and may not utilize any other benefits or services provided to registered student organizations. The suspension will not commence for purposes of calculating the end date of such suspension until all activity of the organization has completely ceased, and such end date will be extended for any time in which such activities resume and/or continue during the suspension. If an inter/national or regional organization suspends the charter of an organization, the time-limited suspension for the student organization will be the time period of the suspended charter. Notification of disciplinary suspension of a student organization will indicate the date on which it begins and the earliest date the student organization's application for registration will be considered. The Student Conduct Officer/Investigator may deny an application for registration if the organization's misconduct during suspension would have warranted additional disciplinary action. If the student organization has failed to satisfy any sanction that was imposed prior to application for registration, the Student Conduct Officer/Investigator may deny registration to the student organization. On a denial of student organization registration, the Student Conduct Officer/Investigator or Managing Director of Campus Life will set a date when another application for registration may again be made.

e. Disciplinary Expulsion

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

f. Conditions

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

- Hosting educational programs or initiatives for the organization or community related to the misconduct
- Requirements for additional training or advisement from TTU staff, advisory boards, or other appropriate parties
- Requirements for membership to complete online education programs or other activities
- Requirements for community service or other activities beneficial to the membership and associated with remedying the impact of behavior on the community

- Restitution or compensation for loss, damage or injury, which may take the form of appropriate service and/or monetary or material replacement
- Requirements for completion of membership reviews and providing updated rosters
- Requirements to submit information about updated and improved organizational processes such as new member education plans, or social event plans

g. Restrictions

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

- Revocation of organization benefits such as eligibility for SGA funding, eligibility to reserve rooms, eligibility to solicit or hold events on campus
- Denial of participation or restrictions associated with participation in university activities as a student organization such as homecoming, intramurals, recruitment activities

h. Required Notifications

Some organization misconduct requires additional notifications. Texas Education Code, Chapter 51.936 indicates that institutions of higher education shall distribute to each student during the first three weeks of each semester a list of organizations that have been disciplined for hazing or convicted for hazing on or off the campus of the institution during the preceding three years.

13. <u>Conduct Appeal Procedures</u>

a. A student organization may appeal the decision of a formal hearing or the sanction(s), condition(s), and restriction(s) imposed following a formal hearing by submitting a written petition for appeal to the designated appeal officers with five (5) University working days of receiving the written decision.
b. The Dean of Students, or designee, will select an appeal officer in each case. The designated officer will be a trained University staff or faculty member who was wholly uninvolved in the original Conduct Process and will render a neutral, impartial, and unbiased decision.
c. Petitions for appeal must clearly identify the grounds for the appeal, together with the evidence upon which the appeal is based. A disagreement with the decision alone shall not constitute grounds for appeal.
d. The only proper grounds for appeal are as follows

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

e. In cases involving alleged misconduct involving Part I, section B.2 (Actions against Members of the University Community and Others), either the Complainant or Respondent may appeal the decision of the Office of Student Conduct. In such cases, the Office of Student Conduct will provide the request for appeal to the other party and provide opportunity for response.
f. The designated appeal officer will first review the appeal to determine if the appeal is timely and properly sets forth the appropriate grounds for appeal, with adequate accompanying evidence. If any of these requirements are not met, the appeal will be dismissed, and the decision will be final.
g. If the designated appeal officer determines that the sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions, the appeal identifies a procedural/substantive error or new evidence that was unavailable at the original Hearing, the appeal officer will then determine whether the error or new evidence would have substantially impacted the decision of the Administrative Hearing Officer or Hearing Panel. If the designated appeal officer determines that the error or new evidence would have substantially impacted the decision, they may:
    - Modify the finding and/or increase, decrease, or otherwise modify the sanctions;
    - Remand the case to the original Hearing Body;
    - Remand the case to a new Hearing Body.
h. The Office of Student Conduct or designee shall make all reasonable efforts to notify the student organization of the status of the appeal throughout the appellate process and shall make all reasonable efforts to notify the student organization of the result of their appeal using the written notification procedures outlined in Part I, section A.3 within ten (10) University working days. If necessary, the Designated Appeal Officer will notify the student organization should they need additional time to determine the outcome of the appeal. The decision of the designated appeal officer is final and cannot be appealed.
i. If the designated appeal officer remands the decision to a new Hearing Body, the decision of that Hearing Body is final and may not be appealed.

14. <u>Student Organization Records</u>

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

PART II
COMMUNITY POLICIES

SECTION A. ALCOHOL POLICY & INFORMATION

a. Alcoholic Beverage Provisions in the *Code of Student Conduct*

SECTION B. ACADEMIC INTEGRITY

a. **Texas Tech University Statement of Academic Integrity**
Academic integrity is taking responsibility for one's own class and/or course work, being individually accountable, and demonstrating intellectual honesty and ethical behavior. Academic integrity is a personal choice to abide by the standards of intellectual honesty and responsibility. Because education is a shared effort to achieve learning through the exchange of ideas, students, faculty, and staff have the collective responsibility to build mutual trust and respect. Ethical behavior and independent thought are essential for the highest level of academic achievement, which then must be measured. Academic achievement includes scholarship, teaching, and learning, all of which are shared endeavors. Grades are a device used to quantify the successful accumulation of knowledge through learning. Adhering to the standards of academic integrity ensures grades are earned honestly. Academic integrity is the foundation upon which students, faculty, and staff build their educational and professional careers. [Texas Tech University ("University") Quality Enhancement Plan, Academic Integrity Task Force, 2010]

b. **Academic Dishonesty Definitions**
Students must understand the principles of academic integrity, and abide by them in all class and/or course work at the University. Academic Misconduct violations are outlined Part II, section B.2 of the *Code of Student Conduct.* If there are questions of interpretation of academic integrity policies or about what might constitute an academic integrity violation, students are responsible for seeking guidance from the faculty member teaching the course in question.

c. **Instructor Responsibilities**
Any person becoming aware of alleged violations of academic integrity should report the allegation to the instructor of record in the course. The instructor in a course is responsible for initiating action in each case of dishonesty or plagiarism that occurs in that class. The instructor should contact the Office of Student Conduct to discuss the nature of the violation and the student's record of academic integrity violations. Instructions for reporting allegations of academic dishonesty are available in the *Code of Student Conduct*. The instructor should attempt to discuss the matter with the student and receive a response from the student about the allegations. Then, the instructor may notify the student of possible academic sanctions including, but not limited to assigning a paper or research project related to academic integrity, make-up assignment that is different than the original assignment, issue no credit for the original assignment, reduce the grade for the assignment and/or course, issue a failing grade on the assignment, and/or issue a failing grade for the course. The academic penalty will not be implemented or assigned until all disciplinary procedures are complete. All academic integrity violations should be referred to the Office of Student Conduct as a central clearinghouse of violations and for

adjudication as a *Code of Student Conduct* violation where disciplinary sanctions will be assigned.

d. **Withdrawal and Assignment of Grades**

1. Once a student has been notified of an academic integrity allegation, the student may not drop the course until the academic integrity processes are complete. If a student drops or withdraws, the student will be reinstated to the course in question. A student should continue attending class and participating in course work until the disciplinary process is complete. If it is determined that the student was not responsible for academic integrity violations and/or the referring faculty member allows the student to withdraw from the course, the student may file a request with the Associate Vice Provost for Student Affairs for approval to drop the course or withdraw from the University retroactively.
2. If a referring faculty member must submit a final course grade before an Academic Integrity Violation allegation is resolved, the faculty member should notify the Department Chair and the Associate Academic Dean of the intention to assign a grade of F and/or leave the final grade blank. The involved student may be given a temporary grade of X by the Office of the Registrar, which does not affect the student's GPA, until the academic integrity adjudication process is complete. When the academic integrity adjudication process is complete, the final grade will be assigned through the appropriate academic channels and the completion of a grade change form. All appeals related to academic integrity violations should follow the process outlined in Part I, section C.5 (Disciplinary Appeals Procedures).

e. **Academic and Disciplinary Penalties**

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

f. **Referrals to the Office of Student Conduct**

In addition to the assignment of academic sanctions by the instructor of record, a referral of the academic integrity violation should also be made to the Office of Student Conduct for the assignment of disciplinary sanctions. Instructions for reporting academic dishonesty violations are available in the *Code of Student Conduct*. A student referred to the Office of Student Conduct for alleged violations of academic misconduct is entitled to all substantive and procedural guarantees provided in the *Code of Student Conduct*. Law students are subject to discipline procedures as described in the Honor Code of the School of Law. Instructors of record of the course where the violation occurred and the associate academic dean of the college where the student is enrolled or of the college housing the course where the violation occurred may participate in the adjudication of the violation and assignment of additional sanctions with the Office of Student Conduct as outlined in the *Code of Student* Conduct.

NOTE: Additional Academic Integrity information is available from the Office of Student Conduct and TTU Ethics Center

SECTION C. ANTI-DISCRIMINATION POLICY

1. The university does not tolerate discrimination or harassment based on or related to sex, race, national origin, religion, age, disability, protected veteran status, genetic information, or other protected categories, classes, or characteristics. While sexual orientation and gender identity are not explicitly protected categories under state or federal law, it is the university's policy not to discriminate in employment, admission, or use of programs, activities, facilities, or services on these bases. (http://www.depts.ttu.edu/opmanual/OP40.02.pdf)

2. **Discriminatory Harassment**
    a. Discriminatory harassment is verbal or physical conduct based on a student's sex, race, national origin, religion, age, disability, sexual orientation, or other protected categories, classes, or characteristics and is so severe, persistent, or pervasive it adversely affects the victim's education or creates an intimidating, hostile, abusive or offensive educational environment which interferes with the student's ability to realize the intended benefits of the University's resources and opportunities.
    b. Examples of inappropriate behavior that may constitute discriminatory harassment include, but are not limited to:
        - Slurs and jokes about a protected class of persons or about a particular person based on protected status, such as sex or race;
        - Display of explicit or offensive calendars, posters, pictures, drawings, screen savers, e-mails, or cartoons in any format that reflects disparagingly upon a class of persons or a particular person;
        - Derogatory remarks about a person's national origin, race or other ethnic characteristic;
        - Disparaging or disrespectful comments if such comments are made because of a person's protected status;
        - Loud or angry outbursts or obscenities in the academic environment directed toward another student, faculty, staff, or visitor; or
        - Disparate treatment without a legitimate business reason.
3. **Sexual Harassment**
    a. Unwelcome verbal, written, or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive such that it unreasonably interferes with the student's educational experience.
    b. Examples of inappropriate behavior that may constitute unlawful sexual harassment include, but are not limited to:
        - Sexual teasing, jokes, remarks, questions
        - Sexual looks and gestures;
        - Sexual innuendoes or stories;
        - Communicating in a demeaning manner with sexual overtones;
        - Inappropriate comments about dress or physical appearance;
        - Gifts, letters, calls, e-mails, or materials of a sexual nature;

- Sexually explicit visual material (calendars, posters, cards, software, internet materials);
- Sexual favoritism;
- Pressure for dates or sexual favors;
- Unwelcome physical contact (touching, patting, stroking, rubbing)
- Non-consensual video or audio-taping of sexual activity;
- Inappropriate discussion of private sexual behavior;
- Exposing one's genitals or inducing another to expose their genitals;
- Unwelcome physical contact (touching, patting, stroking, rubbing);
- Non-consensual video or audio-taping of sexual activity;
- Exposing one's genitals or inducing another to expose their genitals;
- Sexual assault; or
- Other gender-based threats, discrimination, intimidation, hazing, bullying, stalking, or violence.
- *Note: While not appropriate, not all rude or offensive comments or conduct constitute sexual harassment or unlawful discrimination.*

4. **Reporting Concerns**

Students wishing to report an incident of discrimination or harassment, including gender-based discrimination, sexual harassment, or sexual assault, should contact the Deputy Title IX Coordinator for Students. Additional reporting information can be found at titleix.ttu.edu/students. Students reporting discrimination or harassment in their employment capacity should contact the Office of Equal Employment Opportunity. An online reporting form is also available: https://www.depts.ttu.edu/titleix/students/Report_an_Incident.php

5. **Office of Civil Rights Complaints**

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

6. **Non-retaliation**

Retaliation is strictly prohibited against a person who files a complaint of discrimination or harassment in good faith, opposes a charge or testifies, or assists or participates in an investigative proceeding or Hearing. Retaliatory harassments is an intentional action taken by an accused individual or allied third party, absent legitimate non-discriminatory purposes, that harms an individual as reprisal for filing or participating in a grievance process.

7. **Confidentiality**

Confidentiality of both Complainant and accused will be honored to such extent as is possible without compromising the University's commitment to investigate allegations of discrimination and harassment and only in instances where there is no credible threat to the safety of the Complainant, Respondent, or others. The willful and unnecessary disclosure of confidential information by anyone, including the alleged victim, regarding

discrimination and harassment complaints to any person outside of the investigation process may result in appropriate disciplinary measures against the offending party.

8. **Faculty/Staff and Student Relationships**
   Texas Tech University is committed to the promotion of professional and educational relationships and open channels of communication among all individuals. The faculty/staff and student relationship is of the highest value and impacts a student's educational experience. Consensual relationships, including affectionate liaisons or other intimate or close relationships between faculty and students in a faculty members class or with whom the faculty member has an academic or instructional connection are prohibited. Faculty/staff with direct or indirect teaching, training, research oversight or direction, supervisory, advisory, or evaluative responsibility over the student should recognize and respect the ethical and professional boundaries that must exist in such situations. If questions arise about situations involving faculty/staff and student relationships, they can be directed to the student's Academic Dean, Provost's Office or the Dean of Students.
9. **Grievance or Complaint Processes**
   A grievance is a formal complaint pertaining to adverse actions taken on the basis of a student's protected status or other violation of law or TTU policy. A violation of a University policy alone does not necessarily constitute a violation of law or an action prohibited by law. For additional information regarding the complaint process, see TTU Operating Policies 40.02 and 40.03.
10. **Grievances and Investigations – Complaints Involving Other Students**
    Grievances and investigations of formal complaints against other student(s) pertaining to adverse actions taken on the basis of the student's protected status or other violation of law or TTU policy are guided by TTU Operating Policies 40.02 and 40.03.
11. **Grievances and Investigations – Complaints Involving Employees, Whether Faculty, Staff, or Students**
    a. This grievance process is applicable to all students who choose to complain about unlawful discrimination, harassment, or other violations of the law that adversely affect their educational environment and the responding party is an employee, whether faculty, staff, or student.
    b. All grievance investigations and procedures will be non-adversarial in nature. These procedures are entirely administrative in nature and are not considered legal proceedings.
    c. The filing of a grievance shall not affect the ability of TTU to pursue academic and disciplinary procedures for reasons other than the student's filing of a grievance.
    d. A student may consult with the Dean of Students or Student Resolution Center to determine if he/she wishes to file a formal grievance. Students wishing to file a grievance should complete the grievance form located at www.deanofstudents.ttu.edu. However, even if a formal grievance is not filed, the Dean may notify key personnel at their discretion about the allegation, and other action may be taken by TTU as deemed appropriate. Other actions include, but are not limited to, conferring with supervisors or other administrators concerning inappropriate behavior occurring within their area of responsibility and informing

alleged offenders of TTU's policy and educating departments and supervisors as needed on this and other policies.

e. If the grievance involves the Dean of Students, the grievance should be presented to the Equal Employment Opportunity Office.
f. Student complaints of discrimination or harassment by an employee will be investigated jointly by the Office of the Dean of Students and the Office of Equal Employment Opportunity.
g. The investigation may consist of the review of the grievance and any supporting documentation, examination of other relevant documentation, and interviews with relevant individuals. The extent of the investigation and its procedures will be determined by and at the discretion of the Dean of Students or the Office of Equal Employment Opportunity. Other administrators may be consulted to assist with the investigation.
h. After the investigation is complete, the Office of the Dean of Students or the Office of Equal Employment Opportunity or designee will provide a written determination to the student who has filed the grievance, the accused parties, and the appropriate administrators.
i. The finding of the Office of the Dean of Students or the Office of Equal Employment Opportunity is final and not appealable.
j. n the event a finding of a violation of this policy is made, appropriate disciplinary action will be taken as determined by the appropriate administrator.
k. If either party disagrees with the imposed disciplinary action, or lack thereof, he or she may appeal within 10 business days through procedures established in OP 32.05 for faculty and OP 70.10 for staff.
l. Any disciplinary action taken in connection with a grievance filed pursuant to this policy shall be reported in writing to the Office of the Dean of Students and the Office of Equal Employment Opportunity at the time the disciplinary action is implemented. Confirmation of the disciplinary action can be provided via a copy of a counseling or other written disciplinary action, resignation, termination document, etc.
m. At the conclusion of the investigation, the student shall be advised that if the discrimination or unlawful activity persists the student should contact the Office of Equal Employment Opportunity. Likewise, in the event the student believes unlawful retaliation for filing a grievance has taken place, the student should contact the Dean of Students or the Office of Equal Employment Opportunity, and/or file a grievance for retaliation.
n. In the event of a finding of a violation of this policy, the Office of Equal Employment Opportunity will follow up with the grievant within 60 days to ensure that the complained of behavior has ceased.

SECTION D. CLASS ABSENCES

1. **Class Absences**
   Responsibility for class attendance rests with the student. Regular and punctual attendance at all scheduled classes is expected, and the University reserves the right to deal at any time with individual cases of non-attendance. In case of an illness requiring an absence from class for more than one week, the student should notify his/her academic dean. Texas Tech University Operating Policy 34.04 provides complete information regarding class attendance and reporting student illness and emergencies.
2. **Religious Holy Day Absences**
   A student who intends to observe a religious holy day should make that intention known in writing to the instructor prior to the absence. More information is available in Texas Tech University Operating Policy 34.19.
3. **Student Absence due to Sponsorship of Student Activities and Off-Campus Trips**
   a. According to the Undergraduate and Graduate Catalog, faculty, department chairpersons, directors, or others responsible for a student representing the University on officially approved trips should notify the student's instructors of the departure and return schedules in advance of the trip. The instructor so notified must not penalize the student, although the student is responsible for material missed. Students absent because of University business must be given the same privileges as other students (e.g., if other students are given the choice of dropping one of four tests, then students with excused absences must be given the same privilege).
   b. According to Texas Tech University Operating Policy 34.06, students will be responsible for making their own individual arrangements with instructors for class work missed while participating in an off-campus trip.

SECTION E: COMPLAINT PROCESSES

1. **Complaints/Grievances**
   Texas Tech University has various procedures for addressing written student complaints/grievances. Students may seek assistance from the Student Resolution Center as they go through a written complaint/grievance process. The Student Resolution Center helps students understand all of the steps of the process as well as what information they may want to include in their written complaint/grievance.
2. **Academic Status Complaints**
   a. Policies and processes related to academic status are found in the Undergraduate/Graduate Academic Catalog as well as in Operating Policy 34.07 Undergraduate Academic Status, Operating Policy 34.15 Grade Replacement Policy, and Operating Policy 64.04 Academic Probation and Suspension of Graduate Students.
   b. Undergraduate students on academic suspension may appeal their academic status to the Associate Academic Dean of their Academic College for review of mitigating factors or the use of grade replacement to impact grade point average. Graduate students may appeal to the Graduate School for review.
3. **Complaints Against Faculty (Non-Grading and Non-Discrimination)**
   Conduct of University Faculty is outlined in Operating Policy 32.04 Conduct of University Faculty. The processes for complaints against faculty are outlined in the policy and in the Undergraduate/Graduate Academic Catalog. Students should direct complaints to the supervisor of the department or organization housing the faculty member, typically the department chair.
4. **Conduct Complaints Against Other Students and Student Organizations**
   The *Code of Student Conduct* Part I, Section C and Section D of the TTU Student Handbook outlines the process for filing a conduct complaint against a student or student organization.
5. **Discriminatory and/or Sexual Harassment**

   a. Texas Tech University has established policies and grievance procedures providing for prompt and equitable resolution of student complaints of discrimination and harassment, including sexual harassment, sexual violence, and other forms of sexual misconduct. In the event a student believes their rights under Title IX or other laws have been violated, TTU Operating Policies 40.02 and 40.03 set forth procedures for filing, investigating, and resolving complaints of harassment and discrimination.

6. **Disability-Related Complaints**
   a. Complaints related to disabilities are guided by Operating Policy 10.08 Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (Section 504) and Operating Policy 34.22 Establishing Reasonable Accommodation for Students with Disabilities.
   b. Any students seeking remedy on the basis of a disability must register as a disabled student with Student Disability Services and must provide all required documentation of a disability. Students who are denied services or denied a specific accommodation request by a Student Disability Services counselor may

appeal the decision to the Managing Director Managing Director of Student Disability Services. The ADA Campus Coordinator for Students is the Managing Director of Student Disability Services, 335 West Hall, (806) 742-2405.

7. **Student Record Complaints & FERPA**
   Guidelines governing student access to personal records and the procedures for challenging information in these records are contained in the student records policy that is detailed in the Student Handbook Part II, section O. The Registrar's Office provides oversight for student records and student record complaints.
8. **Disciplinary Action**
   The University disciplinary appeals process is outlined in the Student Handbook Part I, section D. Conduct Procedures relating to the School of Law are contained in the Honor Code of the School of Law. Procedures relating to the School of Medicine, School of Nursing and the School of Allied Health are contained in the School of Medicine Student Handbooks, School of Nursing Student Handbook, and the School of Allied Health Student Handbooks.
9. **Employment**
   A student wishing to pursue a grievance concerning employment with the University and who has not found satisfaction or resolution with their immediate supervisor or the person in charge of that department may contact Human Resources or the Office of Equal Employment Opportunity in accordance with the grievance procedures outlined in the University Operating Policy 70.10 Non-Faculty Employee Complaint Procedures and Operating Policy 40.03 (formerly 70.28) Anti-Discrimination Policy and Grievance Procedure for Violations of Employment and Other Laws.
10. **Grades**
    The instructor assigned to a course has the responsibility for determining a grade and for judging the quality of academic performance. A grade can be formally appealed only when there is demonstrable evidence that prejudice, arbitrary or capricious action on the part of the instructor has influenced the grade. The burden of proof that such an unfair influence has affected a grade rests with the student who appeals the grade. The complete student grade appeal policy and procedure is listed in Operating Policy 34.03 Student Grade Appeal. A copy of the grade appeal procedures may be obtained from any academic college dean's office or from the Office of the Provost. Also, refer to the Student Handbook Part I, section B.1 (Academic Misconduct).
11. **Parking Citations**
    Students may appeal a campus parking citation online at www.parking.ttu.edu. Transportation & Parking Services rules and a description of the three-tiered appeals process is described in the *Traffic and Parking Regulations* available online at http://www.parking.ttu.edu/resources/pdf/rulesregulations.pdf
12. **Graduate School Requirements**
    a. Graduate student complaints related to academic standing and performance follow processes outlined in Operating Policy 64.07 Graduate Student Appeals. Such matters include, but are not limited to, disputes concerning comprehensive and qualifying examinations, theses and dissertations, academic probation and suspension, and graduate assistantships.

b. Appeals of course grades are made through the dean of the college in which the course is offered and are guided by process in Operating Policy 34.03 Student Grade Appeal.

13. Housing Complaints

Housing regulations and processes are provided annually in the Housing Contract Guide, on the University Student Housing website. University Student Housing oversees the resolution of complaints related to student housing.

14. Online and Distance Student Complaints

Students enrolled in distance learning courses utilize the same complaint procedures as students enrolled in traditional courses. In accordance with the Higher Education Opportunities Act of 2008, Texas Tech University provides a website related to enrollment in distributed education courses or programs and complaint processes for filing with the accrediting agency and other appropriate state agencies at http://www.depts.ttu.edu/elearning/complaint-process/.

15. Tuition, Fee, and Financial Aid Complaints

Tuition, fee, and financial aid complaints are guided by Student Business Services and Student Financial Aid processes. Information is available on both department websites. Students with complaints related to tuition, fee, and financial aid may submit concerns through an online system.

16. Students enrolled in distance learning courses utilize the same complaint procedures as students enrolled in traditional courses. In accordance with the Higher Education Opportunities Act of 2008, Texas Tech University provides a website related to enrollment in distributed education courses or programs and complaint processes for filing with the accrediting agency and other appropriate state agencies at http://www.depts.ttu.edu/elearning/complaint-process/.

17. Tuition, Fee, and Financial Aid Complaints

18. Tuition, fee, and financial aid complaints are guided by Student Business Services and Student Financial Aid processes. Information is available on both department websites. Students with complaints related to tuition, fee, and financial aid may submit concerns through an online system.

SECTION F. FINANCIAL RESPONSIBILITY

1. Financial Responsibility of Students

a. Students must meet all financial responsibilities due to the University. The writing of checks on accounts with insufficient funds, issuance of stop pays, disputed credit card chargebacks, or the nonpayment or delinquent payment of outstanding loans and failure to meet any other financial obligations to the University are considered a lack of financial responsibility. Financial irresponsibility may subject the student to additional fees, fines, suspension of check writing and cashing privileges, denial of registration, withholding of grades and transcripts and adjudication under the *Code of Student Conduct*. A student who fails to make full payment of tuition and mandatory fees, including any incidental fees, but the due date may be prohibited from registering for classes until full payment is made. Students should understand that consequences may result from not resolving one's financial obligations to the University.

b. Generally, failure to meet financial obligations to the University may result in:
   - Cancellation of the student's registration.
   - Possible criminal prosecution for writing insufficient fund checks.
   - A student who fails to make full payment prior to the end of the semester or term may be denied credit for the work done that semester or term.
   - A hold preventing future registration placed on a student's academic records.
   - A hold on receiving official University transcripts until the obligation is paid.
   - SThe University may report individual student financial problems to a credit agency or a collection agent. Before registering or requesting a transcript, students may check on the presence of holds by accessing their records at www.raiderlink.ttu.edu under the TTU MyTech (for Students) tab.

c. For more information, please visit the Student Business Services website at www.sbs.ttu.edu.

SECTION G. FREEDOM OF EXPRESSION

1. **Freedom of Expression**
    a. Information related to freedom of expression policy is available in Part II, Section P Use of University Space.

SECTION H. GENDER-BASED HARASSMENT, SEXUAL MISCONDUCT, DISCRIMINATION, AND TITLE IX

Texas Tech University (TTU) has established policies and grievance procedures providing for prompt and equitable resolution of student complaints of discrimination and harassment, including sexual harassment, sexual violence, and other forms of sexual misconduct. In the event a student believes their rights under Title IX or other laws have been violated, TTU Operating Policies 40.02 and 40.03 set forth procedures for filing, investigating, and resolving complaints of harassment and discrimination. Additional information regarding gender-based harassment, sexual misconduct, discrimination, and Title IX can be found at titleix.ttu.edu.

SECTION I: HOUSING REQUIREMENTS

1. **Housing Information**
    a. The Texas Tech residence hall system includes a variety of living options and provides convenient and affordable housing for approximately 8,000 students. Learning Communities provide students with the opportunity to live with others of similar interests or major. Carpenter/Wells Complex, which is arranged in three-bedroom townhouses or four-bedroom flats, offers private bedrooms in a suite-style setting. Murray Hall and Talkington Hall offer suite-style accommodations to men and women. Most suites include four private bedrooms, a common living area, and shared bathrooms. Talkington Hall includes a limited number of two bedroom suites. West Village offers apartment style living with full kitchens and washer and dryers. Priority for assignment to Carpenter/Wells complex and West Village A will be given to students of sophomore or higher classification. West Village B will be assigned for students that are 21 years of age or older. Gordon Hall, a suite-style residence, is designated as the primary Honors College Residence Hall.
    b. Ethernet computer connections are provided in each room. All halls will have WiFi throughout the building. Other services include basic cable television service with Showtime, limitless laundry rooms, study lounges, and in hall 24-hour professional office.
    c. An experienced and trained staff of Residence Life Coordinators and Community Advisors manages each residence hall. Each residence hall office provides assistance to residents with concerns, including maintenance requests, room and roommate assignments, and resource information.
    d. The interests of students living on campus are promoted through the Residence Halls Association and individual hall governments. Each hall government sponsors social, cultural, educational, and recreational activities.
    e. Complete information regarding campus housing can be found at housing.ttu.edu. Information regarding residence hall policies can be found at housing.ttu.edu/hall-policies.
2. **Housing Policy**
    a. In support of the Strategic Plan of Texas Tech University, the university requires enrolled first year students to live in the university residence halls. Institutional research suggests that students who live on campus are significantly more inclined to remain in college and achieve higher GPAs in comparison to students living off campus. Compliance with the university housing policy is a condition of enrollment, as set forth in the Student Handbook and the Undergraduate and Graduate Catalog and approved by the Board of Regents.
3. **Housing Requirement**
    a. Subject to verification and authorization by University Student Housing, students who meet one or more of the following criteria may be given permission to live off campus prior to moving in:
        1. A student is residing and continues to reside in the established primary residence of her/his parents (or legal guardian) if it is within a 60-mile

radius of Texas Tech University. The parents must have established their primary Lubbock residency at least six months prior to the request for an

exemption. Legal guardianship must have been established by a court of law at least one year prior to the request.

2. A student presents sufficient evidence of an extreme financial hardship condition based on guidelines similar to those required for Financial Aid.
3. A student is married or has dependent children living with the student.
4. A student is 21 years of age or over on or before the first day of classes of the initial semester of enrollment.
5. A transfer student has successfully completed 30 or more semester hours of academic credit prior to the student's enrollment or re-enrollment. Credit earned by exam (Advanced Placement, CLEP, ACT, and SAT) and hours received from concurrent high school credit are not considered.
6. A student is awarded a university scholarship/sponsorship that is managed by a university department or college, which minimally includes the equivalence of the current academic school year's room, dining plan, tuition, fees, and textbooks (as estimated by the Student Financial Aid Office). Upon prior approval from the managing department or college, the student may request to be exempt from living on campus. The managing department or college must provide verification in writing to University Student Housing prior to the student's enrollment and/or re- enrollment to the university.
7. A student is enrolled in the Graduate School or Law School.
8. A student has served in active military service, as verified by a discharge certificate (DD214).
9. A student presents sufficient evidence of an extreme medical condition, as documented by his/her treating physician for which on-campus accommodations cannot be made.
10. A student presents sufficient and satisfactory evidence of extreme or unusual hardship that will be intensified by living in the residence halls.
11. A student has completed a full academic year (fall and spring terms) of living on campus in the Texas Tech University residence halls; or provides sufficient evidence of living on campus at another university prior to off-campus residence eligibility.
12. A student is enrolled in on-line classes only.
13. A student is taking less than six hours during the academic year.
14. A student enrolled for a Texas Tech University or Texas Tech University Health Sciences Center at a campus other than the Lubbock campus.

b. In conjunction with the University's support of academic integrity, evidence of deliberate falsification of information, data, or any materials submitted, or providing false or erroneous information in connection with an application for exemption from the on-campus housing requirement will be grounds for disciplinary action. Such action may include, but is not limited to, revocation of a previously approved exemption, restitution of up to a semester's room and dining

plan fees, or probation, as determined by the Office of Student Conduct and in accordance with the *Code of Student Conduct* of Texas Tech University.

c. Students sign a Residence Hall Contract for the summer session or the academic year (fall and spring semesters). Any student wishing to move from the residence halls should consult the Residence Hall Contract for the provisions applicable to cancellation of the contract.

    1. Signing a lease for off-campus housing does not relieve the student of contractual obligations that may have been assumed with the university for housing in the residence halls. It is responsibility of the student to comply with all provisions of the contract.
    2. It is the responsibility of the student to update any incorrect information, regarding place of residence with the Office of the Registrar.
    3. No exemptions will be approved once the student has moved in to the residence halls.

d. **Room and Dining Plan Fees and Advance Payments**

e. Room and dining plan fees are due and payable by the semester and will be billed by Student Business Services. A payment plan is available. Payments must be made by the scheduled due dates to avoid delays in registration or termination of the residence hall contract. Additional remedies available to the university for non-payment of room and dining plan fees include withholding the student's transcript of grades, diploma, and other academic records, and cancellation of enrollment.

f. Students with academic year contracts are charged 60 percent of the academic year room and dining plan rate for the fall semester and 40 percent for spring semester. Students entering the residence halls for the spring semester with an academic year contract are charged 50 percent of the academic year rate.

g. An Advance Payment must be paid prior to reserving a room/space in the residence halls. These fees are applied to the student's billing account at the end of the contract term provided the contract is not cancelled prior to the end date of the contract term.

h. An Apartment Reservation Fee must be paid prior to reserving a room/space in designated halls. These fees are applied to the student's billing account at the end of the contract term provided the contract is not cancelled prior to the end date of the contract term.

i. An Initial Deposit ($400) must be paid prior to reserving a room/space in the residence halls. An Apartment/Suite Deposit ($250) is required in addition to the Initial Deposit for Carpenter/Wells, Murray Hall, Gordon Hall, Talkington Hall, or West Village. The $400 Initial Deposit and $250 Apartment/Suite Deposit will rollover to the next contract term or will be credited to the student's Student Business Services account after the student moves out and damages to the room are assessed. For more information about the Residence Hall Rates visit housing.ttu.edu/rates.

SECTION J. SOLICITATIONS, ADVERTISEMENTS AND PRINTED MATERIALS

1. **General Policy**
    a. The primary mission of the University is education. The University is responsible for promoting and protecting the intellectual and cultural growth and development of the institution and the members of its community. Therefore, solicitations or advertisements and sales, displays or distribution of publications on the campus are not permitted, except as provided below or as provided by law.
2. **Definitions**
    a. Solicitation includes, but is not limited to requesting money, seeking agreement to pay, taking subscriptions, selling merchandise or tickets or offering other comparable materials and privileges in person or by handbills, posters or similar materials to promote sales.
    b. Advertisements are the displays of any items that have, as an integral part of their design, the identification of a consumer product or service.
    c. Printed materials are publications, handbills, posters, leaflets and other written matter intended for public distribution, sale or display on campus.
3. **University Name, Document and Records**
    a. The use by any person or organization of the University's name in connection with any program or activity, without the prior written permission of the Office of the Vice Chancellor for Institutional Advancement, or any unauthorized use of University documents, records or seal is prohibited. Information is also available in Operating Policy 01.06 Use of Texas Tech University Name or Logo for Private Business Purposes, Operating Policy 72.23 Licensing and Use of TTU Registered Names, Logos, and Trademarks, and Operating Policy 68.03 Visual Identity Guidelines.
4. **Jurisdiction**
    a. All solicitation requests should be directed to the Outdoor Events Coordinating Committee for review. Complete the Grounds Use/Solicitation Request form at www.depts.ttu.edu/centerforcampuslife/ and return to the Center for Campus Life. Requests must be submitted at least six (6) University working days before intended use.
    b. All regulations pertaining to on-campus solicitations by students and registered organizations shall be administered by the Managing Director of the Center for Campus Life.
    c. All regulations pertaining to on-campus solicitations by University departments and staff shall be administered by the Senior Vice President of Administration and Finance.
    d. All regulations pertaining to on-campus solicitations by academic departments and faculty shall be administered by the Provost and Senior Vice President of Academic Affairs.
    e. Solicitation of all gifts, donations, and non-contractual grants from private philanthropic sources (e.g., individuals, foundations, and corporations) are administered by the Vice Chancellor of Institutional Advancement and in accordance with OP 02.02.

5. **Solicitation Processes**

a. Solicitations by registered student organizations and students are prohibited on Texas Tech University grounds and facilities except for:
    - Activities supporting the educational mission of the institution;
    - Promotion of organizational activities consistent with organization mission;
    - Recruitment of members or membership drives;
    - Accepting donations on behalf of altruistic or charitable projects;
    - Scholarship and/or fundraising projects in support of organization mission.
    - The regulating offices may grant special permission for solicitation purposes or places not listed above in exceptional circumstances.
b. Permission will not be granted for any activity which promotes the use of alcoholic beverages, infers sponsorship by Texas Tech University or violates any federal, state and/or local laws and/or University policies.
c. In order to solicit in University buildings, authorization is required via the Outdoor Events Coordinating Committee and appropriate building manager.
d. Registered student organizations may use the University's registered marks when used in connection with a student organization activity, provided items are acquired from a licensed vendor. A sample or drawing needs to be provided showing how the University's registered marks are to be used before production of the merchandise can proceed. This sample will be submitted by the licensed vendor selected by the registered student organization. For additional information on licensing and use of Texas Tech University registered names, logos and trademarks, refer to OP 54.03 or contact the Office of Intercollegiate Athletics External Operations.
e. Requests for permission to solicit are granted for a specified period. To be eligible to solicit, an individual must present current student identification and submit a Grounds Use/Solicitation request form to the Outdoor Events Coordinating Committee (OECC) in Student Union Room 304. A permit to solicit may be revoked if the solicitation violates any of the regulations pertaining to solicitations and advertising or sale, display, or distribution of printed materials.
f. Decisions by the Outdoor Events Coordinating Committee rejecting or revoking permission of students or registered student organizations to solicit may be appealed to the Director of the Center for Campus Life.
g. A written appeal describing the objections to the denial to the Director of the Center for Campus Life must be filed no later than five (5) University working days after receipt of notice of denial from the Outdoor Events Coordinating Committee.
h. The Director of the Center for Campus Life will convey the appeal decision, in writing, to the student or registered student organization and to the Outdoor Events Coordinating Committee within five (5) University working days from the receipt of the written appeal.
i. The student or registered student organization may not appeal beyond the Director of the Center for Campus Life.

6. <u>Advertisements</u>

a. Advertisements by commercial organizations, either as groups or through student representatives, are not allowed on the campus unless they advertise specific

registered student organization functions. This implies sponsorship and/or co-sponsorship, which minimally includes, but is not limited to, direct participation in planning, coordination and implementation by members of the sponsoring organizations.

b. Individuals and commercial organizations attempting to display or distribute unauthorized materials on campus, or use campus facilities for such activity, will be removed from the campus by the Texas Tech Police and will be subject to appropriate legal action.
c. Advertisement is not permitted on the exterior side of residence hall room doors or within public areas of the residence halls.
d. Amplification equipment may not be used to advertise or promote sales in conjunction with any approved solicitation activity unless authorized in advance by the Outdoor Events Coordinating Committee.

7. <u>Printed Materials & Digital Signage</u>

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

a. Only individuals affiliated with the University (i.e. students or student organizations) may distribute handbills, leaflets or any other type of printed materials, except as provided by law
b. Students and registered student organizations do not need prior approval concerning the content or distribution of materials such as leaflets and handbills; however, students may be required to provide verification of current student status upon request;
c. Solicitation and Advertising materials must conform with the provisions stated above;
d. Student election campaign literature must conform to the procedures outlined in the Student Election Code of the Student Government Association;
e. Use of the Texas Tech campus that results in the need to utilize University personnel for litter collection, crowd control, repair/replacement of University property, etc., may necessitate repayment to the University by the responsible party;
f. Printed materials may not be placed on vehicles parked in University parking lots or on vehicles in motion without permission of the vehicle owners;
g. Printed materials such as handbills and leaflets may not be distributed within University buildings;
h. Printed materials and digital signage content shall not violate any local, state, or federal law; Printed materials shall not include the use of obscenities, libelous statements, or “fighting words” as defined by law.
i. Registered student organizations and University departments are allowed to hang banners within the Student Union at the discretion of the Director of the Center for Campus Life. A list of requirements regarding the banners is available in the Center for Campus Life.

8. <u>Use of Bulletin Boards & Digital Signage</u>

a. Posters, signs, and announcements may be displayed only on University announcement bulletin boards and approved digital signage designated specifically for use by students and registered student organizations. The University announcement bulletin boards and approved digital signs may be used only be students, registered student organizations, and University departments. Bulletin boards will be cleared periodically. A list of designated University announcement bulletin boards and digital signs is maintained in the Center for Campus Life.
b. Posters, signs and announcements shall not exceed a maximum size of 18" x 24", digital signage requirements will differ per location and are available via the coordinator of that signage;
c. Posters, signs, and announcements shall not promote the use of alcoholic beverages, tobacco, or illegal drugs;
d. Posters, signs, and announcements shall not promote unauthorized sponsorship by Texas Tech University;
e. Posters, signs, and announcements shall not violate any local, state or federal law;
f. Bulletin boards belonging to academic and administrative Departments are for official University use only. Posters, signs, and announcements may not be displayed without consent of the appropriate department; and
g. Posters, announcements, banners, cards or other campaign material for any individuals seeking student government office may be posted in accordance with the rules and regulations of the Student Government Association.

9. <u>Violations</u>

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

SECTION K. STUDENT IDENTIFICATION

1. **Student Identification**
    a. The student identification card is the property of the University.
    b. Students shall not allow their student identification to be used by other persons.
    c. Students shall not alter their student identification in any way.
    d. On request, students must present their student identification to any member of the University faculty, staff, administration or police.
    e. A student must pay a replacement charge for lost, stolen or damaged student identification cards.

SECTION L. STUDENT INVOLVEMENT & REPRESENTATION

1. Student Government Association

The Student Government Association (SGA) is the official organization representing student interests and voicing concerns to administration. SGA provides programs and activities directed to enhance and develop premier leadership and career success through education.

2. Student Media

Texas Tech University recognizes the editorial independence and press freedom of all student-edited campus media, specifically *The Daily Toreador* student newspaper and *La Ventana* yearbook. Student editors have the authority to make all content decisions; consequently, they bear the responsibility for the decisions they make. Student media should be operated and published within the canons of responsible journalism and policies as established by the University Student Media Committee and the Department of Student Media. See TTU Operating Police 30.27.

3. Military & Veterans Programs

Military & Veterans Programs (MVP) is here to assist veterans and their families in achieving academic and personal success. The department serves as a resource to connect veterans and their family members to the University and surrounding community. MVP oversees the certification of Veterans Educational Benefits such as:

a. The exemption for Texas Veterans under the Hazelwood Act which provides an education benefit to honorably discharged or separated Texas veterans and to eligible dependent children and spouses of Texas veterans.
b. The educational programs such as the various educational benefits offered through the Department of Veteran Affairs.

SECTION M. STUDENT ORGANIZATIONS

1. **Registered Student Organizations**
    a. A registered student organization is a group (president, treasurer, SORC/Organization Representative and a minimum of two members, excluding officers) comprised of at least five students enrolled at Texas Tech University who voluntarily come together under a common purpose. The purposes and activities of the organization shall be lawful and not in conflict with the policies, rules, regulations and standards of the University and/or federal, state and/or local statutes.
    b. Generally, student groups broadly fall under one of the following categories: Advocacy/Lobby, Campus Departmental Support, Cultural/International, Fraternity/Sorority, Graduate, Hobby/Leisure/Recreation, Honor, Law, Professional-Agricultural Sciences and Natural Resources, Professional-Architecture, Professional-Arts and Sciences, Professional-Business, Professional-Education, Professional-Engineering, Professional-Human Sciences, Professional-Media and Communications, Professional-Visual and Performing Arts, Religious, Residential, Service, and Sports Clubs.
    c. All student organization registration is administered by the Center for Campus Life.
2. **Sport Clubs**
    a. Recreational Sports is responsible for the oversight of the Texas Tech Sports Clubs Program. This program exists to promote and develop interest in sports. Sport club members learn new skills, engage in competition and enjoy the recreational and social fellowship of sport.
    b. A group seeking sports club status must first be a registered student organization, subject to the rules and regulations of the University. Typically, a student organization must be registered with the Center for Campus Life for at least an academic year before full consideration for Sport Club status.
    c. Following the organization registration process, a group should request a meeting with Recreational Sports to initiate the application process for sports club affiliation. After obtaining Sport Clubs status, groups must also comply with the guidelines of Recreational Sports.
3. **Social Fraternities/Sororities**
    a. The Center for Campus Life is responsible for the oversight of Texas Tech Social Fraternities and Sororities. A group seeking single-sex social fraternity or sorority status must first be recognized by one of the four governing councils for social fraternities and sororities: Interfraternity Council, Multicultural Greek Council, National Pan-Hellenic Council, and Panhellenic Council.
    b. All student organizations registering as a single-sex social fraternity or social sorority must show proof of their Title IX exemption by attaching to their registration application a letter from their national affiliate with their IRS 501(c) 7 number.
4. **Conditions for Registration of New and Reforming Student Organizations**
    a. A student organization is eligible for registration if it does not deny membership on the basis of race, color, religion, national origin, gender, age, disability,

citizenship, veteran status, sexual orientation, gender identify, or gender expression, except that: a registered student organization created primarily for religious purposes may restrict the right to vote or hold office to persons who subscribe to the registered student organization's religious beliefs; and a registered student organization may restrict membership based on the provisions of Title IX of the Education Amendments of 1972.

b. Faculty and staff may hold associate memberships to the extent allowed by the student organization's constitution.
c. The organization shall not duplicate the purposes and functions of a previously or currently registered student organization unless the need for duplication is substantiated with the Center for Campus Life.
d. All funds allocated to a registered student organization from University-controlled sources must be maintained in a University account. Additional resources acquired by fundraising may be kept in an off-campus organizational account.
e. The student organization shall show initiative in effectively meeting its stated purpose and be lawful and peaceful in its activities. The Center for Campus Life is available to assist in organizational development.
f. The student organization shall be free from control by any other non-student individual or organization. Alumni and affiliate/ associate members should not be granted voting privileges nor can they hold executive officer positions. To preserve the governing integrity of a student organization, these privileges can only be vested in currently enrolled students at Texas Tech University.
g. Registered student organizations shall not use the name, logo or symbols of the University in print, online, and on social media as part of its name or in its publications. In addition, the organization shall not advertise or promote functions or activities in a manner that suggest sponsorship by the University. Registered student organizations are permitted to use the word "Tech" as a part of their names or to use the complete statement "a registered student organization at Texas Tech University." Approval of the use of logos or symbols protected by Texas Tech University is under the discretion of the Athletic Department External Operations, Texas Tech University.
h. Solicitation is prohibited on campus by registered student organizations that may abridge any contractual agreements of Texas Tech University. To avoid violations, registered student organizations should seek clarification on any solicitation initiatives or materials in the Center for Campus Life. Any student organization wishing to solicit on campus must follow the policies and procedures listed in the current Student Handbook.
i. All registered student organization resources must be used to advance and support the organization's purpose, identified goals, and/or mission.
j. Must comply with University rules, standards, and policies.
k. Student organization registration does not imply University approval of either the organization or its functions or activities.

5. Registration of New and Re-Registering Student Organization

a. A student may submit the "intent to form" request, a new student organization application on OrgSync. The student is then required to meet with the Student Organization Staff to discuss the registration process. After the form has been

submitted and the student has met with the Student Organization Staff the non-registered group will be placed on a 30 day temporary status, which will allow the group the privileges of the University facilities and publicity venues common to registered student organizations. The 30-day time period should be used to recruit new members, develop a constitution and by-laws and obtain a permanent full-time faculty/staff advisor. A student organization may choose to register within the 30-day time period if they have met all of the requirements to register.

b. Before the "intent to form" expiration deadline, students still interested in permanent status should complete the on-line registration process, and schedule an additional meeting with the Student Organization Staff, if necessary to discuss finalizing their status as a registered student organization. Extensions of the "intent" status are possible under extenuating circumstances and requests should be addressed to the Student Organization Staff. Although re-registration of current groups occurs during the spring, this does not mean that new or reforming groups have to wait until the spring to complete the process.
c. New and/or re-registering student organizations that desire the benefits of a registered student organization should attend request an appointment with the Student Organization staff to discuss the policy regulating the registration of student organizations.
d. After attending the meeting or individual appointment and reviewing the policy regulating student organization registration, students who are still interested in re-registering or forming an organization and are in a position to meet the requirements of registered student organizations, must complete the online registration process.
e. Registration occurs by going to the Student Organization website at http://ttu.orgsync.com and logging in to OrgSync. Students are guided through completing the registration process online. Students will be prompted to create an individual profile if they have not already created one.
f. To validate the online process, student organizations must provide:

    - List of Officers (must include president and treasurer).
    - List a member of the organization as the Student Organization Representative Council (SORC) representative (either an officer or a general member may be listed) or an Organization representative (for fraternities, sororities, and sport clubs).
    - List of membership, must have a minimum of two members in addition to a president, treasurer and SORC/Organization Representative (total minimum organization size of five).
    - List an on-campus address, also known as a Mail Stop or box number.
    - Submit updated copy of constitution and/or by-laws and constitution and/or by-laws of any other local, state or national affiliate organization (if applicable). An organization's constitution and/or by-laws should address a minimum of these areas: purpose, membership selection and removal, officer titles, duties, election and removal, departmental and/or external relationships, financial procedures, procedures for decision making, advisor selection and expectations, and parliamentary authority. It is recommended to include the organization's risk management policy

into the bylaws or upload it to the organization OrgSync files folder.

- New student organizations registering as a single-sex, social fraternity or social sorority must show proof of their Title IX exemption. Upon filing their registration application, groups must attach a letter from their national affiliate with their IRS 501(c) 7 (Internal Revenue Code) tax exemption number from the Internal Revenue Service. This is the mechanism the government uses to verify eligibility for single-sex exemption.
  - Provide the title, campus address, telephone number and e-mail address of a full-time Texas Tech University/Texas Tech Health Science Center faculty or staff member indicating their willingness to serve as the organization's advisor.
  - President, Treasurer, SORC or Organization representative, advisor(s) and two (2) members must sign a "University Policy Agreement" (found within registration in OrgSync and in the OrgSync "files" folder) stating they intend to comply with all University standards, rules and/or policies as well as all federal, state, and/or local laws.
  - Submit the signed University Policy Agreement page(s) to complete the registration process. These form(s) should be scanned and uploaded into the OrgSync registration application.

g. The registration process must be completed annually for student organizations and sport clubs to maintain registration status. Registration will open up in mid-spring and will need to be completed by the first day of the fall semester. The registration process for fraternities and sororities will take place twice a year needing to be completed by the first day of the fall and spring semesters.

6. <u>Benefits of Registered Student Organizations</u>

a. Benefits include: free space reservations in the Student Union, opportunity to reserve rooms in academic space (i.e. classrooms), free mailbox in the Student Union, organization information published online, posting on campus, use of University logo (with permission of Athletics Department External Operations), leadership training, student org resources, and access to Involvement Center, opportunity for free cubicle space through Student Union Main Office, and free webpage via OrgSync.

b. Registered student organizations may apply for funding through the Student Government Association (SGA) each year provided they are registered as a student organization with the Center for Campus Life and have completed the annual risk management requirement prior to the application deadline for reviewing registered student organization funding and meet other eligibility requirements.

c. Sport Clubs
Sport clubs are entitled to all of the benefits of a registered student organization. In addition, each club receives administrative and financial support from Recreational Sports. However, since the Sport Club program receives its funding from the Student Recreation Fee, organizations that affiliate with Recreational Sports are not eligible for SGA funding.

7. <u>Faculty or Staff Advisor</u>

a. Each registered student organization shall have a full-time University faculty or staff advisor available to the officers and members for consultation regarding the affairs of the organization. Attendance at organizational meetings and functions is encouraged to facilitate incorporating the advisor into the organization's program planning and decision-making. The advisor should certify the organization's expenditures by co-signing all checks or vouchers. The advisor must oversee adherence to University standards, rules and/or policies as well as the organization's constitution and by-laws.
b. Registered student organizations may have additional advisors, i.e. coaches (typical of sports clubs) or alumni advisors, to the extent permitted by their constitution and/or by-laws; however, one advisor must be a full-time Texas Tech University/Texas Tech Health Science Center faculty or staff member as required and identified in the registration packet.
c. Any individual who is a secondary advisor or coach who is not affiliated with the University or is not a full-time Texas Tech employee should also be included when filling out the registration application, complete with names, addresses, telephone numbers and emails.
d. Registered student organizations have ten (10) University working days to update their Org Profile at http://ttu.orgsync.com with the name, address, telephone number and email of any new or replacement full-time University faculty or staff member appointed as their advisor. Failure to do so may result in suspended privileges.
e. Certain student organizations do not choose their advisor(s); rather, they are assigned a full-time faculty or staff person by the department to oversee the administration of those areas, groups and resources.
f. Established full-time University faculty or staff members, who reduce employment hours below full-time status and maintain an office on-campus, may continue to function as the "Primary" advisor of a student organization with the approval of the Center for Campus Life.
g. Student organization advisors should complete advisor risk management training set by the Student Organization Staff.

8. Prerequisites for Maintaining Registration

To maintain its active registration status throughout the academic year, a registered student organization must meet the following criteria:

a. Organizations must update the "Org Profile" on OrgSync at http://ttu.orgsync.com within ten (10) University working days of any of the following:

b. Election of or change in officers and/or SORC/Organization representatives;
c. Change of full-time faculty or staff advisor;
d. Changes in organization documents (i.e. constitution, membership requirements);
e. Conduct its affairs in a lawful manner as a collaborative entity, in accordance with the constitution and by-laws it has on file, and applicable policies, rules, regulations and standards of the University and/or federal, state, and/or local statutes.
f. Solicitation on campus by registered student organizations may not abridge any contractual agreements of Texas Tech University. To avoid violations, registered student organizations should seek clarification on any solicitation

initiatives or materials with the Student Organization Staff or designee.

g. Ensure off-campus individuals or organizations whose appearance on campus is sponsored by the organization observe all applicable policies, rules, regulations and standards of the University.
h. In accordance with Texas Education Code, Section 51.9361, all registered student organizations are required to attend training sessions on the topic of risk management as it relates to individuals, organization functions, and/or activities. Social fraternities and sororities are required to attend the Clay R. Warren Risk Education Programming annually. The Student Organization Staff and/or other designated departments may require other student organizations to attend the Clay Warren Risk Education Programming in order to fulfill this requirement. Student organizations not required to attend will participate in an alternative risk management training opportunity identified by the Student Organization Staff.
i. Student organizations will be assigned a tier group based on the questions they answer in their student organization registration regarding risk.
j. The Student Organization Staff will determine any additional risk management training requirements for student organizations.

a. Student Organizations are expected to send at least their president to the Student Org Academy each spring to receive needed training to prepare them for next academic school year.
b. Center for Campus Life and/or Office of Student Conduct may suspend the registration of an organization for noncompliance with the regulations and/or standards as set forth in the Student Handbook, Part I, Section D

9. Conduct Procedures for Student Organizations

a. Student organization conduct procedures are outlined in Part 1 Code of Student Conduct, Section D, including processes for the temporary suspension and denial of registration for student organizations.

SECTION N. STUDENT RIGHT TO KNOW

In compliance with federal guidelines, Texas Tech University provides all students, employees, and prospective students up-to-date information about campus crime statistics, six-year graduation rates of students and student athletes, and campus services such as tuition and fee rates, housing options, withdrawal procedures, study abroad programs and disability services. Links to current information are available at http://www.depts.ttu.edu/studentconduct/right-to-know.php.

SECTION O. STUDENT RECORDS

1. **General Policy**
   Policies and procedures concerning student records are based on respect for the privacy of the individual. To minimize the risk of improper disclosure, academic records are maintained separately from disciplinary records. (During the time of disciplinary suspension or expulsion, the notice is placed in the student's permanent file.) The conditions for access to each are set forth in the Student Handbook and complies with federal and state statutes and with registered student organization guidelines. The procedures set forth below apply to all persons formerly or currently enrolled at Texas Tech University.
2. **Address of Record**
   Students must maintain an accurate permanent address with the Office of the Registrar. The address is used for official notifications including billing and notification of official University requirements. Students should maintain a current local address and telephone number that is used by University officials, and/or student organizations and the campus community. Students may update their contact information at www.raiderlink.ttu.edu via the MyTech (for Students) tab.
3. **Student Access to Educational Records**
   a. All current and former students of the University have the right to access their educational records as provided by law.
   b. Students may obtain copies of records relating to themselves at their expense. The reproduction charge shall not exceed the actual cost to the University.
   c. The University will respond to all requests for explanations and interpretations of records or information, if the response does not violate the Family Educational Rights and Privacy Act of 1974, as amended.
   d. A student may waive the right of access to confidential letters of recommendation in the areas of admissions, job placement and receipt of awards. A student seeking employment through the University Career Center may sign a waiver.
   e. Personally identifiable information such as classification, personal conduct, grade point average, academic progress, etc., shall not be released to non-authorized personnel without the consent of the student.
4. **Records Not Accessible to Students**
   The following are records not accessible to students:
   a. Instructional, supervisory and administrative personnel records and the student's educational personnel records in the sole possession of the author and not revealed to any person other than a substitute (i.e. grade books, notes of observation and notes for recollection purposes).
   b. Employment records of a University employee who is not a student.
   c. Medical records are maintained for students visiting Student Health Services. Information contained in the medical record is privileged and will not be released to another person or institution without written permission of the student, unless otherwise authorized by law. Medical records are kept on file indefinitely at the Student Wellness Center at the corner of Main and Flint, Lubbock, Texas 79430. Students needing to request a copy of their medical records may contact Student Health Services at (806) 743-2860. While not considered "education" records

under the Family Educational Rights and Privacy Act of 1974, as amended, the mentioned statue still allows the patient, in most instances, access to his/her records. The general rule of confidentially contains an exception when the patient or someone authorized to act on his/her behalf submits a written consent. Consent must be in writing and signed by the patient (or a parent or legal guardian if the patient is a minor). A physician shall furnish copies of medical records requested in accordance with the consent provided, except if the physician determines that access to the information would be harmful to the physical, mental or emotional health of the patient.

d. Medical and/or psychological information submitted to Student Disability Services for the purpose of determining eligibility and services are not releasable. Students may obtain the original information from the sources.

5. <u>Authorized Non-student Access to Student Records</u>

Educational records (or personally identifiable information within a record) may be released without the written consent of the students to:

a. Officials, faculty and staff employed by the University if they have a legitimate educational interest.
b. Officials of other educational institutions in which the student intends to enroll or seeks to enroll if the student is notified of what is being released and given a copy if desired.
c. Authorized representatives of the Comptroller General of the United States, the Secretary of Education and administrative heads of educational agencies or state educational authorities.
d. Individuals needing this information in connection with a student application for, or receipt of, financial aid.
e. Federal, state and local officials to whom laws (in effect on or before Nov.19, 1984) require information to be reported.
f. Organizations such as Educational Testing Service administering predictive tests, student aid programs and improving instruction. The organizations must not show the personally identifiable information to outsiders and the information must be destroyed when no longer needed for audit, evaluation or compliance with federal requirements.
g. Accrediting organizations.
h. Parents who certify a student is carried as a dependent for federal income tax purposes. This certification must be ascertained by the Office of the Registrar.
i. Appropriate persons, if necessary, to protect the health or safety of the student or other persons.
j. Individuals requiring such information by means of a judicial order or any lawfully issued subpoena, on condition that the student may be notified by the University of all such orders and subpoenas in advance of compliance.
k. Emergency contacts as listed in students' educational records may be notified by designated staff upon notice of student hospitalization or transport via emergency personnel.

6. <u>Students' Rights to Challenge Records</u>

Students have the right to challenge records and information directly relating to them. This section does not include procedures for students challenging individual grades.

Grade appeal procedures are described in the Student Handbook, Part VI, section A.7. The challenge is limited to inaccurate, misleading or otherwise inappropriate records and information. The procedures set forth below shall be followed for an appropriate challenge.

a. Any student wishing to challenge records or information directly relating to him or her must notify the individual responsible for maintaining the records. The notice must be in writing and specifically identify the item challenged and the basis for the custodian of the challenged records.
b. All initial meetings will be informal and participants will include: the custodian of the challenged records or information, the student and the author (if appropriate) of the material.
c. If any of the participants (record custodian, student or author) are not satisfied with the results of the informal meeting, a formal Hearing will be conducted under the following procedures:
    - The Hearing will be conducted within seven University working days following the request for the Hearing.
    - The Hearing will be conducted by an institutional official or other party who does not have direct interest in the outcome of the Hearing appointed by the Associate Vice Provost for Student Affairs.
    - The student may present evidence relevant to the content of the educational records to demonstrate how they are inaccurate, misleading or otherwise in violation of the privacy rights of the student. The Hearing also provides an opportunity for correction or deletion of any inaccurate, misleading or otherwise inappropriate data contained in the records and for insertion into the records a written explanation by the student requesting the content of the challenged records.
    - A written decision must be delivered in writing to all interested parties within seven University working days after the conclusion of the Hearing.

7. Release of Student Directory Information

a. The following student information is considered Texas Tech University Directory Information:
    - Student Name
    - Permanent and Local Addresses
    - Place of Birth
    - Classification
    - Major Field of Study
    - Dates of Attendance
    - Degrees, Awards, and Honors Received
    - Specific Enrollment Status
    - Full-time, Part-time, Half-time
    - Undergraduate, Graduate, Law
    - Participation in Officially Recognized Sports and Activities
    - Height/weight of members of Athletic Teams
    - Previous Institution(s) Attended

b. This information will be released by various campus offices periodically, or on request, unless the student stipulates that directory information (as defined above) be withheld. Students may request that directory information be withheld in writing in West Hall, room 103, or by restricting personal directory information at www.raiderlink.ttu.edu under the MyTech (for Students) tab. Students should select the Directory Profile link located under Personal Information and uncheck the box next to their name.
c. The publication known as the Texas Tech Campus Directory is one type of printed periodical containing data classified as "directory information." To restrict directory information from appearing in the directory, students must go to Raiderlink and restrict directory information prior to the 12th class day in the fall term. Restricted directory information will remain restricted until the student unrestricts the information.
d. The personal identifying information obtained from an individual for the purpose of the emergency alert system of an institution of higher education, including an e-mail address or telephone number, is confidential and not subject to disclosure under Section 552.021, Government Code.

8. Destruction of Records

The University constantly reviews the "educational records" it maintains and periodically destroys certain records. The University will not destroy records if prohibited by state or federal law. The student's basic scholastic record is kept and maintained permanently in the Office of the Registrar. Disciplinary records are maintained for at least seven years in the Office of Student Conduct. Student Disability Services records are maintained for three years after the last date of enrollment. In cases resulting in Time-Limited Disciplinary Suspension or Expulsion, records will be kept indefinitely.

9. Letters of Recommendation

a. Students may review recommendations used in application for employment or for admission to any educational agency or institution, or information concerning honors awarded, except when the student waives, in writing, the privilege of examination.
b. Appropriate forms are available in University Career Center for students using this service for future employment purposes. These forms are designed to provide the student with several options concerning the use and confidentially of future letters of reference and recommendation.
c. Under the Family Educational Rights and Privacy Act 1974, as amended, the student does not have access to confidential letters and statements of recommendation which were placed in the educational records before January 1, 1975, if the letters or statements are used for purposes for which they were specifically intended.

SECTION P. USE OF UNIVERSITY SPACE

1. **General Policy**
   With the exception of free expression activities outlined below, the space and facilities of the University are intended primarily for the support of the instructional programs of the institution. Second priority is given to programs sponsored and conducted by University academic and administrative departments or organizations affiliated with those departments. Beyond these two priorities, use of campus space and facilities is encouraged for activities that have as their purpose, service or benefit to the Texas Tech University community, and that are sponsored by registered student organizations. University buildings, grounds or property may not be used by individuals or organizations not connected with the University, with the exception of the use of Forum Areas for free expression as set forth in the section below or as otherwise permitted under Texas Tech University or Texas Tech University System policies. An individual who is not a student, faculty, or staff member may attend functions or activities held on University property, but to be eligible for the use of campus facilities, the function or activity must be sponsored by and affiliated with a University department or registered student organization. Sponsorship and/or co-sponsorship minimally include, but not limited to, direct participation in planning, coordination and implementation by members of the sponsoring organizations. A department, student or registered student organization may not reserve space or facilities on campus and permit it to be used by a non-registered organization or off-campus group or person. Except as otherwise permitted under Texas Tech University or Texas Tech University System policies, non-registered organizations or off-campus groups or persons not sponsored by a department or registered organization will not be permitted to reserve space on campus. State law requires that University facilities and property be used only for state purposes and not for private gain.
2. **Reservation Requirements**
   a. Reservations must be made for the use of buildings and grounds under the control of the University. Requests for reservations will be granted according to the priorities of the designated area. Requests must be made to the appropriate office. Requests from registered student organizations must be signed by the organization's president and full-time faculty/staff advisor. Requests from individuals must be signed by the person applying for the use of the space or facilities.
   b. If the use of facilities is for programs or activities involving minor children, the sponsoring group must comply with Texas Education Code 51.976, which requires sexual abuse and child molestation training, certification, and reporting for program employees. Documentation of timely reporting to the Texas Department of State Health Services of such training should be received before reservation of space or facility will be confirmed.
3. **Use of Facilities by Student Organizations**
   a. Student organizations must be registered to use University facilities or grounds.
   a. A student organization that has petitioned the Center for Campus Life for registration status may hold up to three meetings in the Student Union pending action on the petition.
   b. These meetings must be held within a 30 calendar-day time period from the date

the Center for Campus Life Staff notifies the Student Union for the petitioning organization's intent to register. Academic

campus facilities may be reserved by "-petitioning-" student organizations for one meeting only, if their full-time faculty or staff advisor agrees to be present at their event. Petitioning student organizations are also allowed to submit unlimited grounds use requests during the 30 day time period. If the petitioning student organization does not have a faculty/staff advisor yet the staff in the Center for Campus Life can sign off. Additional reservations will not be approved until the student organization is registered.

4. <u>Procedure and Priorities for Designated Facilities</u>

a. Student Union
Priority for use of space in the Student Union is given to programs and activities which are conducted by the various departments within the Student Union. Secondary priority is given to registered student organizations and University departments. Reservations must be made in the Student Union Office Room 203.

b. Academic Buildings
Any registered student organization may request the use of space in academic buildings for specific purposes. These purposes may include, but are not limited to, regular meetings of honorary or professional organizations, lectures, seminars or workshops and special programs and functions. The space must be reserved through the Operations Division Planning and Administration. All requests must be submitted by an active member of the student organization using the online request form in Ad Astra Schedule at http://academicscheduling.ttu.edu/Astra_Schedule or in person at the Operations Division Planning and Administration. A link to the scheduling site and complete instructions can be found on the department website at www.depts.ttu.edu/asfr/escheduling. All requests must include the full name, department, and phone number of the student organization's full-time faculty or staff advisor. Recurring space assignments may be made for one semester only. All space assignments are made on the basis of use consistent with the purposes of the University and of available space. Space assignments for student organizations will not be scheduled on weekends, holidays, or during final examination periods. Academic use by departments and colleges has priority over other uses and organizational assignments may be changed or canceled if conflicts with regular academic programs develop.
Academic space will be assigned on a limited basis if:
    - The intended use is in keeping with the educational purposes of the University.
    - The intended use does not conflict with the use by academic programs or academic organizations.
    - The intended use does not conflict with normal security and maintenance schedules.

c. Residence Halls
Currently enrolled students who live in the residence halls and participate in the residence hall governments have first priority for use of all residence hall facilities. Facilities may also be provided for individuals or groups whose

activities are sponsored by, or affiliated with, University Student Housing. University departments or registered student organizations may use residence hall facilities during the summer, or at times when space is available, for workshops, institutes, short courses and conferences. However, space availability is limited, and requests for the use of residence hall space must be made to the Managing Director of University Student Housing.

d. Intercollegiate Athletic Facilities
The Jones/AT&T Stadium Athletic Complex, Fuller Track and Field, Rip Griffin Park, McLeod Tennis Center, Rocky Johnson Field, John Walker Soccer and other athletic fields are owned and maintained by the University for the primary use and benefit of the intercollegiate athletic programs of the University, of allied non-University athletic activities consistent with such programs and of official academic events of the University. The use of these facilities shall be limited to these purposes unless otherwise authorized by the Intercollegiate Athletics Office. Requests for use of all intercollegiate athletic facilities must be made to the Intercollegiate Athletics Office.

e. Recreational Facilities
The Robert H. Ewalt Recreational Center, Aquatic Center, Leisure Pool, recreation fields, tennis courts, racquetball courts and basketball courts are intended primarily for student recreational and instructional use on an organized group and individual basis. Recreational Sports is responsible for scheduling the use of these facilities.

f. McKenzie-Merket Alumni Center
The McKenzie-Merket Alumni Center, located on the southeastern corner of the Texas Tech campus, directly west of the Kent R. Hance Chapel, is the home for all Texas Tech Alumni and friends. This facility boasts a ballroom that can seat 300-plus for a banquet and more than 500 in a theatre setting. Two separate courtyards provide space for outdoor events. Booking of this facility is coordinated by the Texas Tech Alumni Association at (806) 742-0400.

g. Frazier Alumni Pavilion
The Frazier Alumni Pavilion, situated just southwest of Jones AT&T Stadium is a 6,000-square foot facility designed to host large banquets but can be configured for weddings, press conferences, and other events. It also has a 10,000-square foot outdoor porch area that can be used to increase the size of your event. To book this venue, contact the Texas Tech Alumni Association at (806) 742-0400.

h. Kent R. Hance Chapel
A 6,879-square foot, 250-seat, non-denominational Spanish Renaissance chapel is capable of supporting a broad range of services and events. To book this venue, contact the Texas Tech Alumni Association at (806) 742-0400.

i. United Supermarket Arena
The United Supermarket Arena is a 15,000-seat multi-purpose facility and is host to a variety of entertainment and athletic events, including Texas Tech University basketball and volleyball, commencement ceremonies, concerts and numerous meeting room events. Facilities available for lease within the United Spirit Arena include the four meeting rooms in the City Bank Conference Center, Club Red, the arena concourse, the arena floor and the arena bowl area. Registered student

organizations receive rental discount for the City Bank Conference Center meeting rooms. Texas Tech University Commencement, Health Sciences Center Commencement, Texas Tech basketball and volleyball games and major arena events, such as concerts, have priority in booking the United Spirit Arena. Space in the United Spirit Arena is reserved through the Arena Management Office.

5. Use of Campus Grounds

a. Selected grounds area (other than those described above) are available for activities that are sponsored and approved by University departments, registered student organizations or individual faculty, students and employees. Academic use by departments and colleges has priority and assignments may be changed or canceled if conflicts with regular academic programs develop.

b. Students or registered student organizations desiring to use campus grounds must register for grounds use with the Outdoor Events Coordinating Committee (OECC) in Student Union Room 304. Faculty, staff, or departments of the University desiring to use campus grounds must register for grounds use with the Outdoor Events Coordinating Committee (OECC) in Student Union Room 304 as well. In accordance with the University's Operating Policy 61.02 regarding Use of University Grounds, Facilities and Amplification, each use must be approved in writing by the Outdoor Events Coordinating Committee (OECC). Requests must be submitted at least two (2) weeks before the intended use. Recurring use assignments shall not be permitted.

c. The Outdoor Events Coordinating Committee (OECC) will coordinate all grounds use applications and shall grant only grounds use requests that are consistent with applicable University regulations and local, state and federal law.

d. A permit granting grounds use shall specify the boundaries of the area to be used, the date for which the use is approved, the time at which the proposed activity may begin, the time at which the reservation for the use expires and any special provisions concerning the use of the space. No request will be approved for activities occurring during individual study days and/or final examination period.

e. Students or registered organizations using a designated area are subject to the following requirements:

- Use of amplification equipment must comply with the guidelines below.
- A structure may not be erected on campus grounds without prior written approval that will include arrangements for cleaning up after the event.
- If any expenses will be incurred in the course of an event, the sponsor or co-sponsor will be required to supply a University account number before the activity can be approved by the Outdoor Events Coordinating Committee.
- Violations of these campus grounds use regulations are subject to the disciplinary sanctions and procedures outlined in the *Code of Student Conduct*.
- Students or registered student organizations desiring grounds use may be required to provide evidence of appropriate liability insurance in accordance with recommendations from the General Counsel's Office, Risk Management Office, other University departments or others as

necessary prior to approval from the Outdoor Events Coordinating Committee.

- Participants in, and/or sponsors for, events may be required to sign a "Hold Harmless" release.
- The sponsor should contact the Environmental Health and Safety Department to make necessary arrangements for any event that includes concessions or a mobile concession stand. In order for any person, vendor, or organization to operate a temporary food service or mobile unit on Texas Tech property, the Environmental Health and Safety Department must issue a valid Temporary Food Service Permit.
- The sponsor should contact Transportation & Parking Services to make necessary parking arrangements for the event.
- If the use of University grounds is for programs or activities involving minor children, the sponsoring group must comply with Texas Education Code 51.976, which requires sexual abuse and child molestation training, certification, and reporting for program employees. Documentation of timely reporting to the Texas Department of State Health Services of such training should be received before reservation of space or facility will be confirmed.

6. <u>Freedom of Expression Activities and Forum Areas</u>

a. The open exchange of information, opinions, and ideas between students is an essential element of the campus experience. These policies are intended to protect the interests of all students as well as other members of the University community. These policies presume that students are generally free to engage in freedom of expression activities in those outdoor areas of campus that are common and accessible to all students (such as park-like areas and sidewalks) without the need of prior approval of the University.

b. Although the Texas Tech University campus is generally an open campus for purposes of student freedom of expression activities, students are encouraged, and persons and groups not affiliated with the University are required, to use the Forum Areas of the campus for freedom of expression activities.

c. The following are the Forum Areas as currently defined at Texas Tech University. Each location is marked with a plaque that reads, "Forum Area," and may be used on a first-come, first-serve basis.

- Southwest Collections – the outdoor gazebo and concrete octagon surrounding it located immediately east of the Southwest Collections building close to the corner of 15th Street and Boston Avenue.
- Engineering Key – the northern 1/3 of the grassy area of the Engineering Key from the diagonal sidewalk going north to the flowerbed and bound by the street curbs on the east and west sides.
- Student Union – northeast corner (15th Street and Akron Avenue).
- Student Union/Library Plaza – the southern 1/3 of the plaza between the Student Union and Library described as follows: From the southwest raised flowerbed in front of the Library on the west to the black brick border of the flowerbeds on the east; and from the black brick border that

stretches from the Library steps to the flowerbed outside the Student Union west entrance on the north to the bollards on the south end.

- College of Media and Communication – the western half of the courtyard between the College of Media and Communication building and the Architecture building as described by the midway sidewalk on the east to the inside of the Flint Avenue sidewalk on the west and the sidewalks on the north and south sides.

- Jerry S. Rawls College of Business Administration – the western half of the courtyard between the College of business Administration building and the Architecture building as described by the midway sidewalk on the east to the inside of the Flint Avenue sidewalk on the west and the sidewalks on the north and south sides.
- Urbanovsky Amphitheater – the Urbanovsky Amphitheater bound on the west by the second semicircular sidewalk, on the east by the inside of the sidewalk bordering Flint Avenue, and by the north and south sidewalks.

d. Students engaged in freedom of expression activities on campus may be required to relocate under the following circumstances:
   - The location selected for the activity is inadequate for the purpose for which it will be used (either too close to buildings, not big enough for the event, etc.);
   - The activity substantially interferes with either vehicular or pedestrian traffic;
   - The activity blocks the ingress or egress to buildings;
   - The space is not available due to prior reservation;
   - The activity conflicts with a previously planned University activity;
   - The activity creates a sustained or repeated noise disturbance that substantially interferes with the normal activities of the University;
   - The activity presents an unreasonable danger to the health or safety of the applicant or other individuals;
   - The activity is prohibited by local, state, or federal law; or
   - The activity prevents fire protection, law enforcement, or emergency medical service providers from access to areas on campus.

e. Students engaged in freedom of expression activities may be subject to discipline under the *Code of Student Conduct* for the following actions:
   - Activities which are illegal.
   - Activities that deny the rights of other students, faculty and staff of the University.
   - Activities that substantially obstruct or restrict the free movement of persons on any part of the University campus, including the free entry or exit from University facilities.
   - Activities that deny the use of office or other facilities to the students, faculty, staff or guests of the University.
   - Activities that threaten or endanger the health or safety of any person on the University campus.

- Activities that include the use of obscenities, libelous statements, or "fighting words," as defined by law.
- Activities that result in damage to or destruction of University property or;
- Activities that attempt to prevent a University event or other lawful assembly by the threat or use of force or violence.
- Signs, banners, posters, and other displays used for freedom of expression activities must be handheld and must remain in the hands of individuals engaged in the expressive activities at all times.

7. <u>Appeals of Ground Use Request Denials</u>

8. Students of registered student organizations, whose requests for the use of campus grounds or non-academic space are denied, may appeal to the Director of the Center for Campus Life as follows:

a. A written appeal describing the objections to the denial presented to the Director of the Center for Campus Life must be filed no later than five (5) University working days after the receipt of notice of the denial from the Outdoor Events Coordinating Committee.

b. The Director of the Center for Campus Life will convey the appeal decision, in writing, to the student or registered student organization and to the Outdoor Events Coordinating Committee within a reasonable time from the receipt of the written appeal.

9. <u>Use of Amplification Equipment</u>

a. Use of Amplification Equipment for Freedom of Expression Activities
   - Use of Amplification Equipment in Forum Areas. Students and registered student organizations may use amplification equipment for freedom of expression activities within the designated Forum Areas from 8:00 am to 5:00 pm Monday through Friday.
   - Use of Amplification Equipment in All Other Outdoor Areas. Students and registered student organizations may use amplification equipment for freedom of expression activities in all other outdoor areas of the campus after 5:00pm Monday through Friday.
   - Use of amplification equipment is subject to all rules concerning the time, place, and manner of freedom of expression activities and Forum Areas as set forth in section 7 of this policy.
   - Only handheld amplification devices are permitted.
   - No amplification of sound is permitted during the week prior to or the week of final exams.
   - The volume and direction of amplification equipment shall be controlled so as not to interfere with classes in session, examinations, or other campus community activities.
   - Use of amplification equipment shall not create a sustained or repeated noise disturbance that substantially interferes with the normal activities of the University community.

b. Other Use of Amplification Equipment
   - The use of loudspeakers, any other type of amplification equipment (e.g. portable stereo devices, portable studios, etc.), or amplified musical instruments on University grounds by students and/or registered student

organizations for any purpose other than expressive activities as set forth in section 7, above, is by permission only.

- Applications from individuals, departments, and organizations for permission to use amplification equipment must be made on the Grounds Use and Solicitation Request form provided by the Outdoor Events Coordinating Committee and the management of Operations Division Planning and Administration.
- Applications must be submitted at least two weeks before the intended use.
- The Outdoor Events Coordinating Committee and the Director of Academic Support & Facilities Resources may prescribe rules concerning scheduling, maximum sound levels, location and direction of speakers, and other rules to facilitate the use of amplified sound to mediate any conflict with University functions, classes in session, examinations, other nearby activities, and the campus environment.
- The use of amplification equipment for solicitation purposes must conform to all campus grounds use provisions, as well as policies governing solicitation and commercial activities.
- The use of such equipment or loudspeakers is not permitted in the vicinity of classrooms during regularly scheduled class hours without written permission from Operations Division Planning and Administration.
- Sound equipment must not be disruptive, and the volume and direction of amplification equipment shall be controlled so as not to interfere with classes in session, examinations, or other campus community activities.
- Special events such as dances, pep rallies, ceremonies, or recreational activities that include the use of bands or amplification equipment may be held in approved locations only with prior approval of the Outdoor Events Coordinating Committee (OECC).
- Outdoor dances utilizing sound amplification devices may be held only on Friday and Saturday nights, and must terminate by 1:00 a.m. Bands may use their own equipment on such dates.

c. Academic Use

- The appropriate use of loudspeakers for official University activities inside academic buildings, or on the campus as a part of the academic instructional program, is determined and approved by the Office of the Provost.
- Permission for use of the victory bells or carillon bells in the towers of the Administration Building must be requested through the Office of the Provost at least one University working day before time of intended use. Use of the bells must not interfere with the normal functions and programs of the University. See OP 30.21.

SECTION Q. WITHDRAWALS

1. **Voluntary Withdrawal from the University**
    a. According to the Undergraduate and Graduate Catalog and OP 34.05, students who find it necessary to withdraw from the University during a semester or summer term must apply to the Office of the Registrar prior to the term withdrawal deadline. A student wishing to drop to zero hours must withdraw from the institution. If a student withdraws on the 13th class day or after, a W will be recorded for all classes that semester or term, and these W's will not be counted toward the six state-defined permitted drops. International students must receive clearance from the Office of International Affairs as a part of the withdrawal procedure. Student athletes must receive clearance from their Athletic Academic Advisor. Withdrawal and reenrollment procedures vary for School of Law students. Students enrolled in the School of Law and seeking withdrawal information should contact the Associate Dean for Student Affairs at the School of Law for assistance.
    b. Students considering withdrawal for medical reasons may contact the Dean of Students to discuss additional University resources and services.
    c. There may be financial implications to withdrawal. If a student receives financial aid or is living in TTU student housing, he/she should first contact those offices before applying for the withdrawal. If a registration hold exists on the student's record, it must be cleared before the withdrawal can be processed. To check your student record for registration holds, log on at www.raiderlink.ttu.edu and select the MyTech (for Students) tab.
    d. Refunds
    The Undergraduate and Graduate Catalog indicate that students withdrawing to zero hours at their request or those who have been withdrawn due to University action may be eligible to receive a refund of paid tuition and fees. A tuition and fee refund schedule is listed in the Undergraduate and Graduate Catalog and at http://www.depts.ttu.edu/registrar/.
    e. Returning to the University after a Voluntary Withdrawal
    Application materials and deadlines for former Texas Tech students are available at www.gototexastech.com. Official transcripts from all institutions attended subsequent to Texas Tech reenrollment must be submitted by the application deadline. All returning students must have a minimum of a 2.0 GPA on work taken since leaving Texas Tech. Please visit the following for more information: http://www.depts.ttu.edu/formertech/.
2. **Involuntary Withdrawals**
    a. Texas Tech University seeks to balance the rights of individual students with the rights of the community. In order to maintain the safety of both, some behaviors require consultation among a network of campus professionals to determine the appropriate course of action to address the behavior.
    b. When a student poses a direct threat to the health or safety of others, and the direct threat cannot be eliminated or reduced to an acceptable level through the provision of reasonable accommodations where required, a student may be involuntarily withdrawn from the University.

c. Notice
Notice regarding students who may be direct threats (both self-reports and third-party reports) should be made to the Dean of Students or designee.

d. A "direct threat" means
    - There is a high probability (not just a slightly increased, speculative, or remote risk)
    - of substantial harm
    - Based on observation of a student's conduct, actions, and statements.

e. The Dean of Students or designee will review the information presented in the notice, including what attempts, if any, have been made to reduce or eliminate the direct threat, such as the student's voluntary compliance with medical or counseling assistance.

f. The Dean of Students or designee will notify the student of the concern.

g. The Dean of Students or designee will request a meeting with the student to inform the student that an initial individualized, objective assessment will be scheduled within five University working days in order to determine whether the student poses a direct threat to him/herself or others. The meeting may include, but is not limited to discussion of:
    - Involvement of parents or significant others;
    - Academic progress;
    - Living arrangements;
    - Previously granted accommodations;
    - Confidentiality waivers;
    - Other possible accommodations, care and support resources including medical or counseling assistance; and
    - Withdrawal implications such as financial aid, health insurance, visas, and academic timelines.

h. If the student does not respond to the request for a meeting or does not attend the meeting, written notice of the pending assessment will be sent via certified mail to the student's last known official, local address as provided by the student to the Registrar's Office and/or electronically to the student's University email account. Students not responding to requests for meetings or assessments may be referred to the Office of Student Conduct for allegations of failure to comply with reasonable directives and/or requests of a University official acting in the performance of their duties.

i. Temporary Suspensions
During the involuntary withdrawal process, if the Vice Provost, Undergraduate Education and Student Affairs or designee determines that an immediate direct threat exists others or an overt disruption of the campus community has occurred, the student may be temporarily suspended pending a final decision on the involuntary withdrawal as long as the student has received notice of the concern, and had an opportunity to address the concern, and the student is afforded a Hearing and right to appeal the final decision. During a temporary suspension, the student may not attend classes, use University services and/or resources (except those expressly permitted by the Vice Provost, Undergraduate Education and Student Affairs or designee), and may not be on campus until the proceedings

have been resolved. If the student needs to return to campus, the visit must be coordinated through the Vice Provost, Undergraduate Education and Student Affairs or designee and the Texas Tech Police Department.

j. Involuntary Withdrawal Assessment

An individualized, objective assessment will be completed to determine whether a direct threat exists, and if so, whether the student should be permitted to remain enrolled at the University.

The assessment will be based on reasonable medical judgment, using current medical knowledge, or the best available objective information, to assess the student's ability to safely participate in the University's programs. The assessment will be in the form of a written report containing the findings and recommendations of the medical and other professionals performing the assessment.

Within five (5) University working days from the initial meeting with the student or five University working days from the date of notice regarding the meeting, the student will be scheduled for an assessment with a medical doctor, a licensed counseling or clinical psychologist, and other professionals as appropriate. If applicable, this assessment would include a psychiatrist from Student Health Services and a psychologist from the Student Counseling Center.

The student may provide information from other medical professionals as part of the assessment.

If a student elects not to participate in this assessment, the process will continue with the information that is otherwise available to consider.

The assessment will determine:

- The nature, duration, and severity of the risk;
- The probability that the potentially threatening injury will actually occur; and
- Whether reasonable modifications of policies, practices, or procedures will sufficiently mitigate the risk.

k. Involuntary Withdrawal Committee

The assessment report will be forwarded to the Involuntary Withdrawal Committee for review.

The Involuntary Withdrawal Committee is comprised of the following voting members: the student's Associate Academic Dean, Director of the Student Counseling Center, Medical Director of Student Health Services, Director of Student Disability Services, and Dean of Students. If the student resides in campus housing, the Director of Student Housing will also serve as a voting member of the committee. The Dean of Students will chair the committee. A non-voting resource person may be assigned from the Vice Provost for Undergraduate Education and Student Affairs to present information and assist the committee.

The Involuntary University Withdrawal Committee will meet with the student in an informal, non-adversarial Hearing to review the information collected throughout the process, and discuss the assessment with the student. The student will be permitted an opportunity to address the evidence being considered by the Involuntary Withdrawal Committee.

The Hearing will be scheduled by the Dean of Students within five (5) University working days of the completion of the individualized assessment. The student will be provided the information to be considered at the Hearing by the Dean of Students in advance of the Hearing. The student may elect to attend the Involuntary Withdrawal Committee Hearing and present information on their behalf. The student may be accompanied by one or more advisors. A non-voting resource person will present information and act as a recorder for the committee. When deliberating a decision, the Involuntary Withdrawal Committee will meet in closed session with only voting members and the resource person present. Following the Hearing, the Involuntary Withdrawal Committee will recommend one of the following:

- the student may remain enrolled at the University with no restrictions;
- the student may remain enrolled at the University subject to specific conditions and/or restrictions as defined by the Involuntary Withdrawal Committee; or
- The student should be involuntarily withdrawn from the University upon a specific date.

l. Review of Committee Recommendation
The Dean of Students will notify the student in writing of the decision within five University working days.

m. Appeals Process
The student may appeal the decision of the Dean of Students by submitting a written appeal to the Associate Vice Provost for Student Affairs within five (5) University working days. The student will be notified in writing of the final decision within five (5) University working days of receipt of the appeal.

n. Final Decision
Upon completion of the appeal process or with no receipt of an appeal, the student who is involuntarily withdrawn may not attend class or use University facilities, must vacate University housing within 48 hours and may not return to campus unless approved by the Vice Provost, Undergraduate Education and Student Affairs. Referrals will be made for the student upon request to appropriate community resources, i.e. medical care and housing. The student may be entitled to refunds of prorated tuition, fees, and room and board charges as a result of involuntary withdrawal. A registration hold will be placed on the student's record at the direction of the Dean of Students, limiting any subsequent registration until approval is given by the Dean of Students.

o. Eligibility for Readmission
Students are eligible for consideration of readmission following an involuntary withdrawal after one calendar year. At that time, the student should present documentation to the Dean of Students for review. Documentation may include, but it is not limited to, current psychological evaluation, demonstration of ongoing medical care, and a plan for care upon reenrollment. The documentation shall be presented to the Involuntary Withdrawal Committee for recommendation to the Dean of Students. Readmission requests and documentation must be presented by February 1 for summer enrollment, May 1 for fall enrollment, and October 1 for spring enrollment. Readmission will be contingent upon

demonstration or documentation that the student is no longer a direct threat, and upon meeting admission deadlines and requirements.

APPENDIX A

DEFINITIONS

Academic Work, Test, Quiz, or Other Assignment
The terms "academic work, test, quiz, or other assignment" includes any required or optional academic work that is assigned. Examples include, but are not limited to, exams, quizzes, tests, homework, case studies, essays, research papers, group work, extra credit assignments, class attendance, experiential learning activities, internship or externship components, resumes, comprehensive exams, and thesis and dissertation drafts and submissions.

Administrative Hold
The term "administrative hold" refers to the indicator placed on a student's record preventing access to such University procedures as registration, release of transcripts, and course add/drops until the student meets the requirements of the University office placing the indicator as described in the Undergraduate/Graduate Catalogs.

Complainant
The term "Complainant" refers to the party reporting the complaint or concern against another party.

Conduct History
The term "conduct history" is a compilation of records related to any student or student organization's behavior that resulted in a finding of Responsible through the University conduct process outlined in the *Code of Student Conduct*.

Consent
The term "consent" means mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly convey permission for sexual activity.

Disciplinary Good Standing
The term "disciplinary good standing" is defined as a student not currently on disciplinary probation, deferred disciplinary suspension, or any level of disciplinary suspension/expulsion and who has fulfilled in a timely manner, if any, sanctions imposed.

Discipline Body
The term "discipline body" means any University official or group of officials authorized by the Director of the Office of Student Conduct to determine whether a student has violated the *Code of Student Conduct* and to recommend imposition of sanctions.

Hearing Body
A "hearing body" is the individual or individuals that make the determination of responsible or not responsible and issue sanctions upon a responsible finding in an Administrative Hearing or Panel Hearing.

Investigation Report
An "investigation report" is a formal or informal report of all of the evidence and/or information gathered by the Student Conduct Officer/Investigator.

Member of the University Community
The term "member of the University community" includes any person who is a student, faculty or staff member, University official or any person employed by the University or campus visitors.

Official Academic Record
The term "official academic record" includes, but is not limited to applications for admission, the awarding of a degree, grade reports, test papers, registration materials, grade change forms, and reporting forms used by the Office of the Registrar.

Policy
The term "policy" is defined as the written regulations, standards and/or rules of the University.

Policy Warning
The term "Policy Warning" refers to a verbal or written reminder to a student or student organization regarding a *Code of Student Conduct* provision.

Preponderance of Evidence
The term "preponderance of evidence" is the standard of proof used by Student Conduct Hearing Officers, Office of Student Conduct and University Student Housing. It is defined as a circumstance in which the evidence as a whole shows that the fact(s) for which proof is being sought are more likely than not.

Religious Holy Day
The term "religious holy day" means a holy day observed by a religion whose places of worship are exempt from property taxation under Texas Tax Code § 11.20.

Respondent
The term "Respondent" refers to the party responding to the complaint or concern reported regarding their behavior or actions.

Sponsorship and/or co-sponsorship
The term "sponsorship and/or co-sponsorship" is defined as minimally including, but not limited to, direct participation in planning, coordination and implementation by members of the sponsoring organizations.

Student
The term "student" includes all persons admitted to or enrolled in courses at the University, either full time or part time, pursuing undergraduate, graduate or professional studies, and/or those who attend postsecondary educational institutions other than Texas Tech University and

who reside in University residence halls. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered "students".

Student/Student Organization Conduct History
The term "student/student organization conduct history" includes, but is not limited to any responsible finding in a conduct proceeding.

Student Conduct Officer/Investigator
The term "Student Conduct Officer/Investigator" means a University designee authorized by the Director of the Office of Student Conduct, Dean of Students and/or the Director of University Student Housing pursuant to the *Code of Student Conduct* to adjudicate alleged violations of the *Code of Student Conduct*.

Student Organization
The term "student organization" means any number of students who have complied with the formal requirements for University registration.

University
The term "University" means Texas Tech University and Texas Tech University Health Sciences Center.

University Official
The term "University official" includes any person employed by Texas Tech University or Texas Tech University Health Sciences Center while performing assigned administrative or professional responsibilities.

University Premises
The term "University premises" includes all land, buildings, facilities and other property in the possession of or owned, used or controlled by the University (including adjacent streets and sidewalks)