



TEXAS TECH UNIVERSITY  
HEALTH SCIENCES CENTER™  
EL PASO

**Institutional Student  
Handbook:**

**Code of Professional and  
Academic Conduct**

**2020-2021**

**Approved by Texas Tech University  
System Board of Regents,  
May 15, 2020**

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## **STATEMENT OF ACCREDITATION**

Texas Tech University Health Sciences Center El Paso is accredited by the Southern Association of Colleges and Schools Commission on Colleges to award baccalaureate, masters, and doctoral degrees. Contact the Southern Association of Colleges and Schools Commission on Colleges at 1866 Southern Lane, Decatur, Georgia 30033-4097 or call 404-679-4500 for questions about the accreditation of Texas Tech University Health Sciences Center El Paso.

# PART I

## FOREWORD

### A. General Policy

1. The mission of Texas Tech University Health Sciences Center (TTUHSC) El Paso is to improve the lives of people in our State and our community by focusing on the unique health care needs of socially and culturally diverse border populations through excellence in integrated education, research, and patient care.

A University, like any community, must have regulations and standards by which its members abide and procedures by which its components function. The standards should provide order and an atmosphere conducive to intellectual and personal development. This Student Handbook, the TTUHSC El Paso Operating Policies and Procedures, and the Schools' catalogs and handbooks are intended to serve these purposes in the interest of all components of the Texas Tech University Health Sciences Center El Paso.

The University has a responsibility to maintain order within the University community and to discipline those who violate its standards, rules, and policies. Enrollment at TTUHSC El Paso requires students to share in this responsibility. Students agree to abide by the standards, rules, and policies outlined in this Student Handbook, the TTUHSC El Paso Operating Policies and Procedures, and the individual Schools' catalogs and any other official University publications. Registered student organizations are required to follow all of these standards, rules, and policies.

***The Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso or the University) reserves the right to change, modify, amend, or rescind, in whole or in part, this Handbook at any time without prior notice. This Handbook supersedes all previous editions. The provisions of this Handbook do not constitute a contract, expressed or implied, between any student or faculty member and Texas Tech University System, TTUHSC El Paso, Gayle Greve Hunt School of Nursing (GGHSON), Graduate School of Biomedical Sciences (GSBS), Paul L. Foster School of Medicine (PLFSOM), or Woody L. Hunt School of Dental Medicine. (WLHSDM).***

## **B. Authority**

The authority to enact and enforce the regulations of the University is vested in the Texas Tech University System Board of Regents. The responsibility for enforcing regulations and imposing penalties is delegated to the Chancellor and/or the President of the University and any University officials the President designates.

All references to the Chancellor and/or President of the University, the Provost and Vice President of Academic Affairs or Assistant Vice President for Student Services and Student Affairs (SSSA) or designee shall be interpreted to include persons designated to act on behalf of these officials.

## **C. Policy on Non-Discrimination**

TTUHSC El Paso does not tolerate discrimination or harassment of any employee or applicant for employment because of race, color, religion, sex, national origin, age, disability, genetic information, status as a protected veteran, or any other legally protected category, class, or characteristic. 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. Employment actions, such as hiring, promotion, demotion, transfer, rate of pay or other forms of compensation, selection for training, and termination, shall not be made based on an employee's protected status. Discriminatory behavior is prohibited regardless of how it is exhibited, whether verbally, in writing, or electronically displayed or conveyed.

Discriminatory behavior is prohibited by this policy, as well as by federal laws such as Title VII, which prohibits discrimination in employment, Title IX, which prohibits discrimination on the basis of sex in education program or activities, as well as the Equal Pay Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Rehabilitation Act of 1973, the Civil Rights Act of 1991, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, Title II of the Genetic Information Non-Discrimination Act, and state laws such as Chapter 21 of the Texas Labor Code. The University expects all members of the University Community to comply with the law. For more information, see HSCEP OP 51.01, Equal Employment Opportunity Policy and Affirmative Action Plan at <http://elpaso.ttuhs.edu/opp/ documents/51/op5101.pdf>, HSCEP 51.02, Non-Discrimination and Anti-Harassment Policy at <https://elpaso.ttuhs.edu/opp/ documents/51/op5102.pdf>, and Part IV of this Student Handbook below.

## **D. University Name, Documents, and Records**

The use by any person or organization of the University's name in connection with any program or activity, without the prior written permission of the Office of the Vice Chancellor for Institutional Advancement or designee, or any unauthorized use of University documents, records or seal is prohibited. See HSCEP OP 67.01, Publication Guidelines at <https://elpaso.ttuhs.edu/opp/ documents/67/op6701.pdf>.



## E. Clery Annual Security Report

In accordance with the guidelines established by Texas Tech University Health Sciences Center El Paso, the Texas Tech Police Department, and pursuant to the federal law identified as the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act," all currently enrolled students, campus employees and all prospective students and prospective employees are entitled to request and receive a copy of the Annual Campus Security Policy and Campus Crime Statistics Report. The report contains statistics about certain specified crimes and related incidents that have been reported to the Texas Tech Police Department and other campus security authorities over the past three calendar years (2016, 2017 and 2018). All incidents contained within the report have either occurred on-campus, in off-campus buildings, or on or near property owned or controlled by Texas Tech University Health Sciences Center El Paso. The report also contains policies and practices pertaining to campus security, crime reporting, alcohol and drugs, victims' assistance programs, student discipline policies, campus resources, community safety alerts, crime prevention, access to campus facilities and properties as well as personal safety tips.

Annual reports can be accessed at <https://el Paso.ttuhs c.edu/about/policies/annual-security-report.aspx>

To request a paper copy of this report, contact the Texas Tech Police Department by email at [police@ttuhsc.edu](mailto:police@ttuhsc.edu) or by phone at 915-215-7111 during normal business hours, 8 a.m. – 5 p.m., Monday through Friday.

## F. Drug and Alcohol Abuse Prevention Program

<https://el Paso.ttuhs c.edu/opp/ documents/10/op1003.pdf>

a. The Texas Tech University Health Sciences Center El Paso (TTUHSCEP) policy on drug and alcohol abuse prohibits the unlawful possession, use, or distribution of alcohol and illegal drugs on TTUHSCEP property or as a part of any officially sponsored TTUHSCEP activities.

b. The Drug-Free Schools and Communities Act Amendments of 1989, 20 U.S.C. § 7101 et seq., as amended, require that, as a condition of receiving funds or any other form of financial assistance under any federal program, an institution of higher education must adopt and implement a program designed to prevent the unlawful possession, use, or distribution of alcohol and illegal drugs by faculty, staff, and students. This OP also applies to residents. In addition to meeting the requirements of the federal law, TTUHSCEP also intends that this policy be part of a positive effort in alleviating alcohol abuse and other drug-related problems among members of the campus communities in all regional sites and components. Thus, the emphasis in program implementation will be on prevention, education, counseling, intervention, and treatment.

c. This policy is in addition to, and not in lieu of, any other TTUHSCEP policy. TTUHSCEP reserves the right to take disciplinary action against faculty, staff, residents, or students for violations under this or other applicable policies of TTUHSCEP.

(See complete text of HSCEP OP 10.03 at [https://el Paso.ttuhs c.edu/opp/\\_documents/10/op1003.pdf](https://el Paso.ttuhs c.edu/opp/_documents/10/op1003.pdf))

All TTUHSCEP students are required to complete a drug and alcohol training program each year. Students are notified of the method to complete this training by their respective Schools.

For TTUHSCEP students who are required to submit drug screening, please review HSCEP OP 77.15 at

[https://el Paso.ttuhs c.edu/opp/\\_documents/77/op7715.pdf](https://el Paso.ttuhs c.edu/opp/_documents/77/op7715.pdf) .

Student who are required to submit criminal background checks should review HSCEP OP 10.20

[https://el Paso.ttuhs c.edu/opp/\\_documents/10/op1020.pdf](https://el Paso.ttuhs c.edu/opp/_documents/10/op1020.pdf).

Student Counseling and Health Services are available for all enrolled students. Please see <https://el Paso.ttuhs c.edu/student services/SCS.aspx> for more information.

## **G. Tobacco-Free Environment**

According to the United States Surgeon General, tobacco use is the single largest preventable cause of premature death and disability. Tobacco users are at substantially increased risk of developing smoking-related cancers, cardiovascular disease, and lung disease. Environmental smoke can cause discomfort and disease in non-smokers. Institutions with smokers suffer from lost productivity, conflict, and plant deterioration (HSCEP OP 10.19 -Smoke-free and Tobacco-free Environment. [http://el Paso.ttuhs c.edu/opp/\\_documents/10/op1019.pdf](http://el Paso.ttuhs c.edu/opp/_documents/10/op1019.pdf)).

As a health care institution, TTUHSC El Paso is committed to the establishment and enforcement of a healthier tobacco-free environment. TTUHSC El Paso OP 10.19, Tobacco-Free Environment Policy, includes regulation and assessment. See [https://el Paso.ttuhs c.edu/opp/\\_documents/10/op1019.pdf](https://el Paso.ttuhs c.edu/opp/_documents/10/op1019.pdf)

## PART II

### CODE OF PROFESSIONAL AND ACADEMIC CONDUCT (“CODE”)

#### A. General Policy

1. An environment in which the privileges of citizenship are protected and the obligations of citizenship are understood fosters freedom of discussion, inquiry, and expression. Accordingly, the University community has developed standards of behavior for students and student organizations.
2. Students and student organizations are subject to disciplinary action according to the provisions of the Code and/or any other applicable University rules or regulations.
3. Each student is responsible for becoming familiar with the various regulations of the University and meeting the various requirements outlined below. Written policies are described in University publications such as this Handbook and the Schools’ catalogs and handbooks. Each student, in accepting admission, indicates a willingness to subscribe to and be governed by the rules and regulations of this institution, and for university officials to take such disciplinary action, including dismissal, as may be deemed appropriate for failure to abide by such rules and regulations.
4. Each student is responsible for their own integrity and for reporting possible violations of this Code by other students. Faculty, staff, and students shall take all reasonable steps to prevent violations and are responsible for reporting violations.

#### B. Disciplinary Jurisdiction

1. The Code of Professional and Academic Conduct shall apply to conduct that occurs on University premises, at University sponsored activities, and to off-campus conduct that adversely affects the University and/or pursuit of its objectives
2. All students are expected to subscribe to the Code which is implicit in accepting admission to the University. Each student shall be responsible for his/her conduct from the time of the application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and periods between terms of actual enrollment

3. Academic issues, such as grading and promotion, should be addressed under the respective School's policies and procedures.

### **C. Violation of Law and TTUHSC El Paso Discipline**

A disciplinary proceeding may be instituted against a student regardless of whether conduct allegedly violates both the criminal and/or civil law and/or this Student Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest or prosecution.

Proceedings under this Code may be carried out before, simultaneously, or following civil and/or criminal proceedings. Determinations made or sanctions imposed under the Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal and/or civil law defendant.

### **D. Misconduct**

Any student or student organization found to have committed the following misconduct is subject to disciplinary sanction(s), condition(s) and/or restriction(s). Misconduct or prohibited behavior includes, but is not limited to:

1. Alcoholic Beverages
  - a. The use, possession, sale, delivery or distribution of alcoholic beverages, except as expressly permitted by University policy as allowed by law.
  - b. Being under the influence of alcohol and/or intoxication except as allowed by law.

*NOTE: State law will be strictly enforced at all times on all property controlled by the University and is inclusive of all clinical and teaching sites and its components.*

2. Narcotics or Drugs
  - a. Use, possession, sale, delivery or distribution of any narcotic, drug or medicine prescribed to someone else, chemical compound or other controlled substance or drug-related paraphernalia, except as expressly permitted by the laws of the State of Texas; or,
  - b. Being under the influence of narcotics or drugs, except as permitted by law.
  - c. The failure of a drug test whether required by TTUHSC El Paso or any

health care facility to which a student is assigned or has any type of patient care, contact or responsibility.

### 3. Firearms, Weapons, and Explosives

- a. Use or possession of firearms, ammunition, explosive weapons, illegal knives, and other deadly weapons are prohibited on university property except as specifically authorized by federal, state, or local laws. HSCEP OP 10.30, Regulations for the carrying of concealed handguns by licensed holders  
<https://elpaso.ttuhs.edu/opp/documents/10/op1030.pdf> .  
 Regulations for the carrying of concealed handguns by licensed holders. As a health-related educational institution, TTUHSC El Paso facilitates a complex composition of activities, which include education, patient care, research, and community engagement. As such, TTUHSC El Paso campuses must accommodate the unique needs of diverse stakeholders, including patients, learners of all types, faculty, staff, contractors, and visitors. Within the context of this unique and complex composition, TTUHSC El Paso is committed to the following principles for the campus environment:
  - i. TTUHSC El Paso will comply with all necessary laws and regulatory requirements regarding safety and security on its campuses;
  - ii. Within reasonable effort, TTUHSC El Paso will create an environment in which all stakeholders can conduct their business with a sense of personal and collective safety and security;
  - iii. TTUHSC El Paso will communicate safety policies to stakeholders through all appropriate means.

### 4. Theft, Damage, or Unauthorized Use

- a. Attempted or actual theft of property of the University, students, of 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 of the University, University students, members of the University community or campus visitors; or,
- d. Attempted or actual unauthorized use of a credit card, debit card, automated teller machine card, telephone card and/or personal check; alteration, forgery or misrepresentation of any form of identification including, but not limited to, a social security number or driver's license number.

### 5. Actions against members of the University Community

- a. Physical harm or threat of harm to any person;
  - b. Intentional or reckless conduct which endangers the health or safety of any person, campus visitor, or volunteer;
  - c. Behavior that disrupts the normal operation of the University, including its students, faculty, staff, or volunteers; or conduct that otherwise interferes with or creates a hostile or intimidating environment for a student or students' academic pursuits or a faculty or staff's work environment. Such conduct does not necessarily have to be in violation of the law to violate this section.
  - d. Sexual conduct that involves:
    - i. Deliberate touching of another's sexual parts without consent;
    - ii. Deliberate sexual invasion of another without consent; or,
    - iii. Deliberate constraint or incapacitation of another, without that person's knowledge or consent, so as to put another at risk of sexual injury; see Part IV Anti-discrimination and Title IX.
  - e. Unwelcomed sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that expressly or implicitly imposes conditions upon, threatens, interferes with, or creates an intimidating, hostile or demeaning environment for an individual's:
    - i. Academic pursuits;
    - ii. University employment;
    - iii. Participation in activities sponsored by the University or organizations or groups related to the University; or,
    - iv. Opportunities to benefit from other aspects of University life; see Part IV Anti- discrimination and Title IX.
  - f. Excessive pressure, threats, or any form of conduct, coercive tactics or mind control techniques used to recruit, initiate, retain or otherwise intimidate a student for membership in an organization.
  - g. Actions involving free expression activities are covered in Parts VII and VIII of this Handbook.
6. Gambling, Wagering, or Bookmaking
- Gambling, wagering, or bookmaking on University premises is prohibited.

## 7. Hazing

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

- a. Any type of physical or emotional brutality, or the threat of such activity, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body or similar activity;
- b. Any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of a student;
- c. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug or other substance which subjects a student to an unreasonable risk or harm, or which adversely affects the mental, physical health or safety of a student;
- d. Any activity that intimidates or threatens a student with ostracism that subjects a student to extreme mental stress, shame or humiliation, or that adversely affects the mental health or dignity of a student, or that discourages a student from entering or remaining registered at this university, or that may reasonably be expected to cause a student to leave the organization or the university rather than submit to acts described above;
- e. Any activity in which a person engages in, solicits, encourages, directs, aids or attempts to aid another, directly or indirectly, in hazing; intentionally, knowingly or recklessly permits hazing to occur; having firsthand knowledge of the planning of a specific hazing incident which has occurred; and fails to report the incident in writing to the specific School's student affairs office;
- f. Any activity in which hazing is either condoned or encouraged or actions of any officer or combination of members, pledges, associates or alumni of the organization in committing or assisting in the commission of hazing; or,
- g. Any act that is unlawful as designated by local, state, or federal government.  
NOTE: See *Texas Education Code, Sections 37.151-37.157 and Section 51.936*

## 8. False Alarms or Terrorist Threats

Intentionally or recklessly sounding a false alarm of any kind or character; making a false emergency call or terrorist threat; issuing a bomb threat; constructing mock explosive devices; improperly possessing, tampering with or destroying fire equipment, Automatic External Defibrillator (AED) or emergency signs on University premises.

## 9. Financial Irresponsibility

Failure to meet financial obligations owed to the University, including, but not limited to, the writing of checks on accounts with insufficient funds. See also 4d above.

## 10. Unauthorized Entry, Possession or Use.

- a. Unauthorized entry into or use of University facilities;
- b. Unauthorized possession or duplication, processing, production, or manufacture of any key or unlocking device or access code for use in any University facility;
- c. Unauthorized use of the University name, logotype, registered marks or symbols of the University; or,
- d. Use of the University's name to advertise or promote events or activities in a manner which suggests sponsorship by the University without prior written permission.

## 11. Traffic and Parking

- a. Violation of University Traffic and Parking regulations; or,
- b. Obstruction of the free flow of vehicle, pedestrian or other traffic on University premises.

## 12. Student Recreation Regulations

Violation of rules, which govern behavior in the student lounges or exercise areas.

## 13. Failure to Comply with Reasonable Directions or Requests of University Officials.

Failure to comply with the reasonable directions or requests of a University official acting in the performance of his or her duties.



#### 14. Failure to Present Student Identification

The failure of a student to present their student identification to any University official upon request and identify himself/herself to any University official acting in the performance of his/her duties. The student identification card is the property of the university. Students shall neither allow their student identification card to be used by other persons, nor shall they alter their student identification in any way. A student must pay a replacement charge for lost, stolen or damaged student identification cards.

#### 15. Abuse, Misuse or Theft of University Computer Data, Programs, Time, Computer or Network Equipment

- a. Unauthorized or non-academic use of computing and/or networking resources;
- b. Unauthorized accessing copying, or removing of programs, records or data belonging to the University or another user or copyrighted software
- c. Attempted or actual breach of the security of another user's account and/or computing system, depriving another user of access to University computing and/or networking resources, compromising the privacy of another user or disrupting the intended use of computing or network resources;
- d. Attempted or actual use of the University's computing and/or networking resources for personal or financial gain;
- e. Attempted or actual transport of copies of University's programs, records or data to another person or computer without written authorization;
- f. Attempted or actual destruction or modification of programs, records or data belonging to the University or another user or destruction of the integrity of computer-based information;
- g. Attempted or actual use of the computing and/or networking facilities to interfere with the normal operation of the University's computing and/or networking systems; or through such actions, causing a waste of such resources (people, capacity, computer); or,
- h. Allowing another person, either through one's personal computer account, or by other means, to accomplish any of the above.
- i. Attempted or actual addition/modification/removal/circumventing of Institutionally- approved computer security products/processes.

j. Participate in any computer-related activity that may cause TTUHSC El Paso to incur legal liability or embarrassment.

k. Violate any policy defined in the TTUHSC El Paso IT Security Policies.

#### 16. Providing False, Misleading or Untrue Statements or Misuse of Records

Knowingly providing to the University, or to a University official in the performance of his/her duties, either verbally, or through forgery, alteration or misuse of any University document, record or instrument of identification.

#### 17. Skateboards, Roller Blades, or Similar Devices

Use of skateboards, roller blades, bikes, scooters, or other similar devices 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 or which disrupts the normal operation of the University.

NOTE: Also refer to TTUHSC El Paso OP 76.32, Traffic and Parking Regulations at <https://el Paso.ttuhsc.edu/opp/documents/76/op7632.pdf> .

#### 18. Academic Misconduct

a. A student who witnesses academic misconduct or who is approached with an offer to gain unfair advantage or commit academic misconduct is obligated to report that violation to the appropriate authority (See Part II.D). Failure to do so may result in disciplinary action. Faculty and staff are likewise responsible to report academic misconduct in accordance with Part II.D.

b. "Academic misconduct" involves any activity that tends to compromise the academic integrity of the University, or subvert the educational process, including, but not limited to, cheating, plagiarism, falsifying academic records, misrepresenting facts and any act designed to give unfair academic advantage to the student or the attempt to commit such an act.

c. "Cheating" includes, but is not limited to:

- i. Using any aid, sources and/or assistance beyond those authorized by the instructor in taking a course, laboratory, field work, quiz, test or examination; writing papers; preparing reports; solving problems; or carrying out assignments;
- ii. Failing to comply with instructions given by the person administering the test;

- iii. Using, buying, stealing, transporting or soliciting in whole or part the contents of an examination, test key, homework solution or computer program;
- iv. Seeking aid, receiving assistance from, or collaborating (collusion) with another student or individual during a course, quiz, test, examination or in conjunction with other assignments (including, but not limited to writing papers, preparing reports, solving problems or making presentations) unless specifically authorized by the instructor;
- v. Discussing the contents of an examination with another student who will take the examination;
- vi. Divulging the contents of an examination, for the purpose of preserving questions for use by another, when the instructor has designated that the examination is not to be removed from the examination room, be returned to or kept by the student;
- vii. Substituting for another person, or permitting another person to substitute for oneself to take a course, test or any course-related assignment;
- viii. Paying or offering money or other valuable things to, or coercing another person to obtain an examination, test key, homework solution or computer program, or information about an examination, test key, homework solution or computer program;
- ix. Falsifying research data, laboratory reports and/or other academic work offered for credit;
- x. Taking, keeping, misplacing or damaging the property of the University, or of another, if the student knows or reasonably should know that an unfair academic advantage would be gained by such conduct;
- xi. Possession at any time of current or previous test materials without the instructor's permission;
- xii. Acquisition or dissemination by any means, without written permission, of tests or other academic material belonging to a member of the University community;
- xiii. Alteration of grade records;
- xiv. Bribing, or attempting to bribe, a member of the University

community or any other individual to alter a grade;

- xv. Falsification, fabrication, or dishonesty in reporting laboratory and/or research results;
- xvi. Submitting substantially the same work to satisfy requirements for one course that has been submitted in satisfaction of requirements for another course, without specific permission of the instructor of the course for which the work is being submitted;
- xvii. Possession during an exam of prohibited materials, including but not limited to study/review materials, class notes, review questions, etc.

d. "Plagiarism" includes, but is not limited to, the appropriation, buying, receiving as a gift, or obtaining by any other means another's work (such as words, ideas, expressions, illustrations, or product of another), in whole or in part, and the submission of it as one's own work offered for an academic credit or requirement. When a student presents the works of another (published or unpublished) in his/her academic work, the student shall fully acknowledge the sources according to methods prescribed by his/her instructor.

e. "Falsifying academic records" includes, but is not limited to, altering or assisting in the altering, of any official record of the University and/or submitting false information or omitting requested information that is required for, or related to, any academic record of the University. Academic records include, but are not limited to, applications for admission, diplomas, official and unofficial transcripts, test scores, attendance and excused absence documents, grade reports, patient records, test papers, registration materials, any official forms, documents, or items related to academic performance.

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

g. Any other misconduct identified in School academic policies.

#### 19. Violation of Published University and School 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, applicable publications for each TTUHSC El Paso School, such as student handbooks,

catalogs, professional and ethical standards and course syllabi.

## 20. Violation of Federal, State, and/or Local Law

Misconduct which constitutes a violation of any provisions of federal, state and/or local laws.

## 21. Abuse of the Student Conduct Board or Administrator

- a. Failure by an Accused Student to comply with or respond to a notification to appear before the Student Conduct Board or the Student Conduct Administrator during any stage of a disciplinary proceeding. Failure to comply with or respond to a notice issued as part of a Student Conduct procedure and/or failure to appear will not prevent the Student Conduct Board from reviewing the complaint;
- b. Falsification, distortion or misrepresentation of information in Student Conduct proceedings;
- c. Disruption or interference with the orderly conduct of a Student Conduct 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 Student Conduct system;
- f. Influencing or attempting to influence the impartiality of a member of a Student Conduct Board prior to and/or during its proceeding;
- g. Harm, threat of harm, or intimidation either verbally, physically or written of a member of a Student Conduct Board prior to, during and/or after its proceeding;
- h. Failure to comply with the sanction(s), condition(s) and/or restriction(s) imposed under this Code or by a Student Conduct Board;
- i. Influencing or attempting to influence another person to commit an abuse of the Student Conduct system; or,
- j. Retaliation against any person or group who files a complaint accordance with the Code of Professional and Academic Conduct or files a grievance under the applicable institutional or School grievance policy.

## E. Other Professional and Ethical School Standards

In addition to the Misconduct identified in Part II.D, each TTUHSC El Paso School publishes its professional and ethical standards. School handbooks and catalogs should be consulted for these standards; alleged violations may be referred for institutional Student Conduct review. In addition, School committees may review the alleged conduct under the professionalism, ethical, and licensure requirements related to their academic discipline. NOTE: *Academic issues, such as grading and promotion issues, should be addressed under the respective School's policies and procedures.*

## F. Student Conduct Procedures

1. Nature of Proceedings. These proceedings are part of an educational process whereby the University applies its values to establishing the best possible learning environment for its students. These proceedings are not intended to follow, or be restricted by, courtroom or judicial procedures, including the rules of evidence. In addition, these proceedings are not intended for grading and promotions issues, which should be addressed under respective School policies.

2. Procedural Deviations. If the Student Conduct Board has not yet been appointed, or in the absence of the Chair of the Student Conduct Board, the parties and the Student Conduct Administrator may agree in advance and in writing to deviations from procedure. If a Student Conduct Board has been appointed, the parties and the Chair of the Student Conduct Board may mutually agree to procedural deviations, such as deadlines for submission of evidence and hearing dates and times.

NOTE: Any notices that are sent by email will be considered to have been received on the third calendar day after the date of emailing, excluding any intervening Saturday, Sunday or holiday.

### 3. Filing a Complaint

a. Any faculty, staff, or student of TTUHSC El Paso may file a Complaint(s) against a student(s) or a student organization(s) for violation(s) of the Code of Professional and Academic Conduct. When appropriate, a preliminary investigation/discussion with a supervisor (program director, chair, etc.) should be done prior to filing a Complaint. If a basis for the Complaint against a student or students exists, Attachment A should be completed and delivered by the Complainant to the Student Conduct Administrator. Attachment A should be used for complaints against student organizations. A Complaint shall be submitted no later than twenty (20) business days from the date of the event or when the Complainant becomes aware of the event. Complaints filed more than twenty business days after the event shall include a justification for the delay.

b. When a Complaint is filed, the Student Conduct Administrator will provide the Accused Student with the Complaint form filed by the Complainant and will notify the Accused Student via email that he or she shall appear before the Student Conduct Administrator to discuss the Complaint within five (5) business days from the date of the letter. It is recommended that the Accused Student meet with the Student Conduct Administrator prior to the Student Conduct Board.

c. If the Accused Student agrees, the Student Conduct Administrator may conduct an administrative review to determine if the complaint may be handled prior to a formal hearing. Any administrative review decision must be in writing and agreed to by all of the parties (complainant and accused student). Such disposition shall be final and there shall be no subsequent proceedings. The Student Conduct Administrator will send a written notification of the resolution to all parties involved.

d. If the Complaint is not handled administratively under Part II.F.3.c above, the following steps apply:

i. If the Accused Student admits violating institutional rules, but sanctions are not agreed to, a Student Conduct Board hearing shall be conducted in accordance with Part II.F.4 but shall be limited to recommending the appropriate sanction(s) Part II.G.

ii. If the Accused Student denies violating University rules, the allegations shall be referred by the Student Conduct Administrator for a hearing before the Student Conduct Board under Part II.F.4 below.

e. Student Conduct Board hearing shall be scheduled within thirty (30) business days after the Accused Student has met with the Student Conduct Administrator under Part II.F.3.d. seen above. In cases in which an examination period intervenes between the time of the notice to the Accused Student and the Student Conduct Board hearing date, such hearing will be held during the first week in which classes are again in session. In the case of inclement weather, the chair of the Student Conduct Board will notify all parties of any cancellations or schedule changes.

#### 4. Student Conduct Board Hearings

a. *Closed Hearing.* A Student Conduct Board hearing will be conducted in closed session with the complainant(s), accused student(s) or student organization representative(s), and Student Conduct Board members, and Student Conduct Administrator present. Requests for an advisor for the accused student and witnesses should be made in advance to the Student Conduct Administrator.

b. *Hearing Notice.* At least fifteen (15) business days prior to the Student

Conduct Board hearing, the Chair of the Student Conduct Board will provide written notice to the parties of the following:

- i. Date, time and place for the hearing,
- ii. Name of the members of the Student Conduct Board,
- iii. Summary statement of the charge(s), or a copy of the complaint and
- iv. Request in writing that at least five (5) business days prior to the Student Conduct Board Hearing, the Accused Student and the Complainant submit the information outlined below in d.

c. *Challenge.* An Accused Student and/or Complainant may challenge in writing the impartiality of any member of the Student Conduct Board up to three (3) business days after receiving the Hearing Notice by submitting their reasons for the challenge to the Student Conduct Administrator.

Any member of the Student Conduct Board whose participation is challenged shall be required to establish to the Student Conduct Board Administrator or his or her designee that the member can serve with fairness and objectivity. If the member cannot establish his or her fairness and objectivity to the satisfaction of the Student Conduct Board Administrator, the member in question shall be removed and a substitute will be appointed by the Student Conduct Administrator. If such member is removed the Student Conduct Administrator, may in his or her sole discretion choose to reschedule the hearing.

d. *Evidence Submission.* At least ten (10) business days prior to the date scheduled for the Student Conduct Board hearing, the Complainant and the Accused Student must submit to the Chair of the Student Conduct Board the following information, if applicable. Requests for extensions to file information with the Student Conduct Board shall be submitted to the Chair.

- i. All pertinent records and exhibits
- ii. Written statements must be notarized (including Impact or Position Statements);
- iii. A list of all witnesses, if any, who will be speaking on behalf of the Accused Student or Complainant; and
- iv. The name of the advisor, if any, who may be present in an advisory capacity at the hearing. See Part II.F.4. i below.

e. *Evidence Exchange.* At least five (5) business days prior to the hearing, the Chair will provide each party with the information, if any, submitted by the other party.

f. *Separate or Joint Hearings.* A Student Conduct Board Hearing involving two or more Accused Students, may be conducted separately or jointly as determined by the Student Conduct Administrator. An accused student may request in writing to the Student Conduct Administrator a separate hearing up to three (3) business days after receiving the notice of hearing. The Student Conduct Board



Administrator shall notify the student within three (3) business days the determination of the request.

g. *Recordings.* The University shall record all Student Conduct Board hearings. No recording will be made of the Board's discussion or deliberations. Deliberations shall not be recorded. The record is University property. Pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, the student will be allowed to review, but not to copy, the hearing record. 34 C.F.R. § 99.10 (2003). Neither the Complainant, the Accused Student nor any witnesses are permitted to make any independent record of the proceedings.

h. *Hearing Attendance.* The Complainant, Accused Student and their respective advisor, if any, shall be allowed to attend the portion of the Student Conduct Board Hearing at which information is received, excluding deliberations.

i. *Advisors.* The advisor must be a faculty, staff, or student of TTUHSC El Paso. However, if an Accused Student is also the subject of a pending criminal investigation, indictment or charge arising out of the same circumstances, he or she may be allowed to have an attorney serve as his or her advisor, at his or her own expense, to participate only in the same manner as any other advisor. If an advisor for the Accused Student is an attorney, an attorney from the Office of General Counsel may attend the Student Conduct Board Hearing on behalf of the University. TTUHSC El Paso will provide legal counsel for the Student Conduct Board as the Student Conduct Board Chair deems it necessary.

The Complainant and/or the Accused Student is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or to participate directly or indirectly in any Student Conduct Board hearing before a Student Conduct Board. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Student Conduct Board hearing, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of the Chair upon written request seven (7) calendar days in advance of the date scheduled for the Student Conduct Board Hearing.

j. *Witnesses.* Members of the Student Conduct Board may question all witnesses, followed by the parties. Questioning by the Complainant and the Accused Student may be limited in the sole discretion of the Chair of the Student Conduct Board for such issues as preserving the civility of the hearing, avoiding redundant and irrelevant questioning, and/or providing for the efficient administration of the Hearing. Witnesses are permitted to attend the Student Conduct Board Hearing only during the time they are providing testimony, they are being questioned by the complainant, the accused or the committee unless the Student Conduct Board Chair, in his/her sole discretion determines otherwise.

i. *Parties' Witnesses.* The Complainant and the Accused Student may arrange for witnesses to present pertinent information to the Student

Conduct Board. The Complainant and the Accused Student are responsible for arranging for the voluntary attendance of his or her own witnesses.

ii. *Board Witnesses.* In its sole discretion, the Student Conduct Board may call other witnesses not identified by the Accused Student or the Complainant. If prior to the hearing the Student Conduct Board anticipates calling additional witnesses, the Board shall notify the Chair of the Student Conduct Board. The Chair of the Student Conduct Board will then arrange for the voluntary attendance of the witnesses identified by the Student Conduct Board. The Chair of the Student Conduct Board shall notify the Accused Student and the Complainant of the additional witnesses. If any witness called by the Student Conduct Board intends to present written information to the Board, the Chair of the Student Conduct Board is responsible for forwarding such information to the Complainant, the Accused Student and the Student Conduct Board prior to the Hearing. No Board members shall have communication with any witnesses, except in the hearing with the Accused Student and Complainant present.

k. *Procedural Questions.* All procedural questions are subject to the final decision of the Chair of the Student Conduct Board. If a Student Conduct Board has not yet been appointed, the Student Conduct Administrator will issue a final decision in response to procedural questions.

l. *Deliberations.* If the Student Conduct Board concludes that all pertinent information has been received, the Student Conduct Board shall adjourn the Hearing to discuss, deliberate and prepare Findings and Recommendations. The Student Conduct Board will determine by a simple majority (more than half of the votes cast) of members present at a duly called meeting vote whether the Accused Student has violated any section of the Code which the student is charged with violating. If the Student Conduct Board finds a violation(s) of the Code, the Student Conduct Board may also recommend all or any of the sanctions identified in Part II.G below.

m. *Failure to Appear.* The Accused Student is expected to attend and participate in the Student Conduct Board Hearing. If the Accused Student or the Complainant elects not to attend a hearing after appropriate written notice Section II.F.4.b above, the charges will be reviewed as scheduled on the basis of the information available, and a recommendation will be made by the Board. Although no inference may be drawn against an Accused Student for failing to attend a hearing or remaining silent, the hearing will proceed and the conclusion will be based on the evidence presented. No decision shall be based solely on the failure of the Accused Student to attend the hearing or answer the charges.

n. *Findings and Recommendations.* The Chair is responsible to prepare the Student Conduct Board's Findings and Recommendations in writing. If the

Findings and Recommendations are not unanimous, opinion(s) may be written by those who differ with the Majority's Findings and Recommendations. The Chair will forward the Findings and Recommendations, including differing opinion(s), within ten (10) business days to the Assistant Vice President for SSSA, the Student Conduct Administrator, the Accused Student and the Complainant.

*o. Review of Findings and Recommendations.* The Assistant Vice President for SSSA for Student Services and Student Affairs will review the Findings and Recommendations of the record from the Student Conduct Hearing and supporting documents, and transmit his or her decision in writing within ten business days from receipt to the Accused Student, the Complainant, the Student Conduct Administrator, and the Chair of the Student Conduct Board.

*p. Appeal.* Within ten business days of receipt of the decision of the Student Conduct Board, if either party believes that the due process procedures have been violated, an appeal may be made, in writing, to the Provost/Vice President for Academic Affairs. The Provost will review the case and notify all parties of his or her decision within ten business days. If a written appeal is not submitted within ten business days following receipt of the Student Conduct Board decision letter, the right to appeal is thereby waived and said decision is final.

The Accused Student or Complainant may only raise, and the Provost shall only consider, the following:

- a. Whether a procedural deviation occurred that substantially affected the outcome of the case;
- b. Whether there is new information sufficient to alter the Findings or other relevant facts not available or mentioned in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original Student Conduct Board hearing.
- c. The Provost will review the Findings and Recommendations and, at his or her sole discretion, the record from the Student Conduct Board hearing and supporting documents, and transmit his or her decision in writing to the Accused Student, the Complainant, the Student Conduct Administrator, the Chair of the Student Conduct Board, and the Assistant Vice President. The Provost's decision shall be final.

## **G. Sanctions**

1. Sanctions which may be recommended by the Student Conduct Board, and imposed by the Assistant Vice President for SSSA, upon any student found to have violated this Code of Professional and Academic Conduct include but are not limited to the following:

- a. Failing Grade or Cancellation of Credit.* Failing grade for an

examination or assignment or for a course, and/or cancellation of all, or any portion, of a prior course credit.

b. *Censure*. A notice in writing to the student that the student is in violation or has violated institutional regulations. At the Student Conduct Board's discretion, the censure may remain permanently in the student's disciplinary file or be removed at graduation if certain conditions are met.

c. *Probation*. A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the likelihood of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period.

d. *Loss of Privileges*. Denial of specified privileges for a designated period of time.

e. *Restitution*. Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.

f. *Discretionary Sanctions*. Assignments may be made at the discretion of the Student Conduct Board, such as work assignments, essays, training, and service to the University, temporary suspension from a class or rotation site, an unexcused absence, a letter of unprofessional behavior in the student's disciplinary file or other related discretionary assignments.

g. *Suspension*. Separation of the student from University for a defined (or specific) period of time, after which the student is eligible to return. Conditions for re-enrollment or readmission must be specified. (During the time of disciplinary suspension, the notice is placed in the student's permanent file.)

h. *Institutional Dismissal*. Student Conduct Board decisions of dismissal of the student from the institution without the option to apply for readmission to any School in the University. The student's transcript will include a notation of dismissal for non-academic and non-financial reasons and the date of the action or appeal decision.

i. *Revocation of Admission*. Admission to the University may be revoked for fraud, misrepresentation or other violations of University standards.

j. *Revocation of Degree*. A degree awarded by the University may be revoked for fraud, misrepresentation or other serious violations committed by a student prior to graduation.

k. *Withholding Degree*. The University may withhold awarding a degree otherwise earned until the completion of the process set forth in a Student Conduct Board decision.

l. *Multiple Sanctions*. More than one of the sanctions listed above may be imposed for any single violation.

m. *Not eligible for re-enrollment*. The Student Conduct Board will specify whether the student is eligible for re-enrollment.

n. Any other sanction(s) which may be appropriate under the particular circumstances of the violation.

2. Other than dismissal from the University or revocation of a degree, Student Conduct Board decisions shall not be made part of the student's permanent education record, but shall become part of the student's disciplinary record which is maintained in the TTUHSC El Paso Student Services and Student Affairs office. Where professionalism matters are involved, a copy of a Student Conduct Board decision may be maintained in the disciplinary file of the respective school.
3. The following sanctions may be imposed upon registered student organizations and/or members thereof:
  - a. Those sanctions listed above in Part II.G.1 above.
  - b. Loss of selected rights and privileges for a specified period of time.
  - c. *Deactivation*. Loss of all privileges, including University recognition and/or registration, for a specified period of time.

## H. Interpretation and Revision

1. Any question of interpretation or application of this Code shall be referred to the Student Conduct Administrator or his or her designee for final determination.
2. The Code of Professional and Academic Conduct Review Committee (Review Committee) shall conduct an annual review of the Code and make recommendations to the Academic Council, Provost and President regarding omission, clarifications, constructive changes and other matters relevant to the interpretation and operation of the Code. The Review Committee is composed of the Assistant Vice President for SSSA for Student Services and Student Affairs (SSSA), the Student Conduct Administrator (if different than the AVP) for SSSA and Student Affairs representatives from each School. The Assistant Vice President for SSSA may invite recommendations by the President of the Student Government Association. A quorum for the Review Committee is four members.

## I. Definitions

1. "Accused Student" means any student accused of violating the TTUHSC El Paso Code of Professional and Academic Conduct set forth in Part II of this Handbook. This term may also may refer to a registered student organization.
2. "Business day" means a day in which the University normally carries on business or business operations, but excludes weekends and official University holidays.
3. "Complainant" means a member of the University community who submits a Complaint alleging that a student violated the Code of Professional and Academic Conduct. When a student believes that he or she has been a victim of another student's misconduct, the student who believes that he or she has been a victim will have the same rights under the Code as are provided to the Complainant, even if the victim is not acting as a Complainant.
4. "Complaint of Misconduct" or "Complaint" means a formal, written charge against a student(s) or student organization(s) alleging violation(s) of the Code of Professional and Academic Conduct. The incident form for a complaint against a student or students is attached to this Handbook as Attachment A. The incident form for a complaint against a student organization is attached to this Handbook as Attachment C. An anonymous complaint or a complaint filed by a person who is not a member of the University community shall not constitute a Complaint of Misconduct. However, such a complaint may initiate an investigation and/or filing of a formal complaint by an appropriate University official.
5. "Disciplinary good standing" is defined as relating to a student not currently on disciplinary probation or suspension.
6. "Faculty member" means any person hired by the University who is considered by the University to be a member of its faculty.
7. "Hold" means the indicator placed on a student's official academic record which prevents registration, financial aid, university services, and/or the issuance of an unofficial and/or official transcript until the student meets the requirements of the University office placing the hold, as described in this Handbook and/or in School's catalogs or handbooks.
8. "May" is used in the permissive sense.
9. "Member of the University community" means any person who is a campus visitor, volunteer including high school students, enrolled student, faculty or staff member, University official, any other person employed by the University.
10. "Policy" means the written regulations, standards and/or rules of the University as found in, but not limited to, the TTUHSC El Paso Institutional Student Handbook; School handbooks and/catalogs; and/or the TTUHSC El Paso Operating Policies and Procedures.
11. "Department Chair" means the Chair is charged with overseeing Department administrative support, and serving as an interface between faculty and the administration of the School and TTUHSC El Paso.
12. "Registered student organization" means any number of students who have complied with the formal requirements for University registration.
13. "Religious holy day" means a holy day observed by a religion whose places of worship are exempt from property taxation under Texas Tax Code - TAX § 11.20.

Religious Organizations. The term “Religious Holy Day” generally means a day on which the tenets of said religion prohibit class attendance or the completion of specific assignments on designated dates. See Texas Government Code section 62.112.

14. “Representative” means a University official authorized by the Provost or Assistant Vice President for Student Services and Student Affairs (SSSA) on a case-by-case basis to investigate and resolve alleged violations of the Code of Professional and Academic Conduct.
15. “School” means Gayle Greve Hunt School of Nursing, Graduate School of Biomedical Sciences, Paul L. Foster School of Medicine, or Woody L. Hunt School of Dental Medicine.
16. “Shall” is used in the imperative sense.
17. “Sponsorship and/or co-sponsorship” is defined as minimally including, but not limited to, participation in planning, coordination and implementation directed by members of the sponsoring organizations.
18. “Student” means any person enrolled in a degree program and/or for credit courses at the University, either full-time or part-time. In addition, for purposes of Part II of this Handbook, persons who withdraw or who are on a leave of absence (approved interruption of continuous enrollment) but have a continuing relationship with the University are considered to be students. Individuals who have been accepted for admission are also considered students under this Handbook. Foster School of Medicine House staff (residents) are considered employees and are not students for the purposes of this Handbook or the Code of Professional and Academic Conduct.
19. “Student Code” means the TTUHSC El Paso Code of Professional Conduct, which is set forth in Part II of this Handbook.
20. “Student Conduct Administrator” means a TTUHSC El Paso official authorized by the Assistant Vice President for Student Services and Student Affairs (SSSA) to receive complaints and administer the procedures outlined herein. The Student Conduct Administrator will provide technical assistance and support to the Student Conduct Board and may be present at the Student Conduct Board Hearing, but will not be present during the Board’s deliberations.
21. “Student Conduct Board” or “Board” means any person or persons authorized by the Student Conduct Administrator to determine whether a student has violated the Student Code and to recommend sanctions that may be imposed when a rules violation has been committed. All persons serving on the Student Conduct Board must acknowledge an ability to be able to serve objectively and shall decline to serve if there is a conflict of interest or an appearance of a conflict of interest with either the Accused Student or the Complainant. When a person declines to serve because of a conflict of interest, or appearance thereof, the Student Conduct Administrator shall appoint another person with the same or similar faculty/student status as the person declining to serve. Student Conduct Boards will include:
  - i. One (1) faculty member from the membership of a school other than that of the accused student, who shall serve as Chair;
  - ii. One(1) faculty member from the School of the accused student;

- iii. One (1) faculty member from a School other than that of the accused student; and,
  - iv. Two (2) students from Schools other than that of the accused student.
22. “Student Conduct Board Hearing” or “Hearing” refers to an administrative process whereby a student contests the facts upon which charges of inappropriate conduct, violations of the Code of Professional and Academic Conduct and/or sanctions resulting from an alleged violation(s) are based. At the hearing, information is presented to the Student Conduct Board in order to determine whether a student’s responsibility related to the alleged violation of the Code is valid and appropriate sanctions, if any.
  23. “Student Handbook” or “Handbook” means the TTUHSC El Paso Institutional Student Handbook. Schools also have “Handbooks” that are labeled specifically with the School title in front of “Handbook”.
  24. “Student organization” means any number of students who have complied with the formal requirements for TTUHSC El Paso registration.
  25. “University” means TTUHSC El Paso (inclusive of all teaching and clinical sites and their components).
  26. “University official” means any person employed by Texas Tech University System, Texas Tech University or TTHSC El Paso, while performing their assigned administrative or professional responsibilities.
  27. “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).
  28. “User” means any member of the University community who uses any University resources, including computing and/or networking resources.
  29. “Will” is used in the imperative sense

## **PART III**

### **WITHDRAWAL OF CONSENT TO BE IN ATTENDANCE OR PRESENT ON UNIVERSITY PREMISES**

#### **A. Recommendation to Withdraw Consent During Periods of Disruption**

1. The term “period of disruption” is any period in which it reasonably appears that there is any of the following (Texas Education Code § 51.231):
  - a. Threat(s) of destruction to University premises;
  - b. Threat(s) of physical or emotional injury to human life on University premises; or,
  - c. Threat(s) of willful disruption of the orderly operation of the University.
2. During periods of disruption, the Assistant Vice President for SSSA or designee may recommend to the Provost that prior to a Student Conduct Board hearing, and in accordance with Texas Education Code, Section 51.233, a student have



his/her consent to be in attendance at the University or on University premises be withdrawn when there is reasonable cause to believe that the student has willfully disrupted the orderly operation of University premises and that his/her presence on University premises will constitute a substantial and material threat to the orderly operation of the University premises.

3. Withdrawal of Consent shall not be longer than fourteen (14) days from the date on which consent was initially withdrawn.
4. Withdrawal of Consent is specifically provided by state statute (Texas Education Code § 51.233, et seq.). The provisions of Part III do not affect the power of the University to suspend or dismiss any student at the University in accordance with the procedures set forth in Part II of this Handbook. If a person is alleged to have violated the Code of Professional and Academic Conduct, and Withdrawal of Consent also occurs, the procedures set forth in Parts II and III may occur concurrently.

## **B. Concurrence by Provost**

1. If the Provost concurs with the Assistant Vice President for SSSA recommendation, the student will have his/her consent to be in attendance at the University or on University premises withdrawn in writing by the Provost. Texas Education Code § 51.233(a) & 51.234.
2. The written notice by the Provost shall contain all of the following:
  - a. That consent to remain on the campus has been withdrawn and the number of days for which consent has been withdrawn, not to exceed fourteen (14); Name and job title of the person withdrawing consent, along with an address where the person withdrawing consent can be contacted during regular working hours;
  - b. Brief statement of the activity or activities resulting in the Withdrawal of Consent; and,
  - c. Notification that the student is entitled to a hearing on the withdrawal not later than three (3) days from the date of receipt by the Assistant Vice President for SSSA of a request for hearing from the person.
3. Whenever consent is withdrawn by the Provost, the Provost shall submit a written report to the President within twenty-four (24) hours, unless the Provost has reinstated consent for the student. The report shall contain all of the following:
  - a. Description of the student, including, if available, the student's name, address, and phone number; and,
  - b. Statement of the facts giving rise to the Withdrawal of Consent.

### C. Confirmation by President

1. If the President or his/her designee upon reviewing the written report described above finds that there was reasonable cause to believe that the student has willfully disrupted the orderly operation of the University or University premises, and that his presence on University premises will constitute a substantial and material threat to the orderly operation of the campus or facility, he/she may enter written confirmation upon the report of the action taken by the Provost Texas Education Code §51.236 (b).
2. If the President or his/her designee does not confirm the action taken by the Provost within 24 hours after the time that consent was withdrawn, the Withdrawal of Consent shall be deemed void and of no force or effect, except that any arrest made during the period shall not for this reason be deemed not to have been made for probable cause.

### D. Hearing

1. The student from whom consent to remain on campus has been withdrawn may submit a written request for a hearing to the President, within the fourteen (14) day period of withdrawal. The written request must state the address to which notice of hearing is to be sent.
2. The student shall be entitled to the following procedures in accordance with the Texas Education Code, Sections 51.234 and 51.243.

a. *Hearing Notice.* Upon receipt of the request for hearing, the President shall grant the request and immediately mail a written notice of the time, place, and date of the hearing, along with pertinent records, exhibits and written statements to the student. A hearing will be conducted no later than three (3) days from the date that the President receives the request for hearing. The Hearing Committee will be appointed by the President and will be comprised of members from the respective schools other than the accused.

b. *Representation.* The student may be advised by counsel. The University will be represented by the Office of General Counsel.

c. *Witnesses.* The student, as well as the party who recommended consent be withdrawn, have the right to call and question witnesses and to cross-examine witnesses at the hearing. Members of the Hearing Committee may also question the witnesses. Witnesses are permitted to attend the Hearing only when they are providing information, unless the Hearing Committee, in its sole discretion, allows otherwise. The student shall be advised of the content of the statements, and the names of the persons who made them, at the hearing.

d. *Evidence.* All matters upon which the decision to withdraw consent may be based shall be introduced into evidence at the hearing. The decision to withdraw consent shall be based solely on the evidence presented at the hearing. At least one (1) day prior the date scheduled for the Hearing, the parties must submit to the Chair of the Hearing Committee the following information, if applicable.

- i. All pertinent records, exhibits and written statements (including Impact or Position Statements);
- ii. A list of witnesses, if any, who will be speaking on behalf of the Accused Student or Complainant, including a brief summary of the information to be given by each; and,
- iii. The name of the advisor, if any, who may be present in an advisory capacity at the hearing. See Part II.F.4.i.

e. *Procedural Questions.* All procedural questions are subject to the final decision of the chair.

f. *Recordings.* University shall record all Hearings. No recording will occur when the Hearing Committee is in discussion or deliberation. Deliberations shall not be recorded. The record is University property.

g. *Appeal to President.* The student may appeal the decision within three (3) days from the date of the decision by sending a written appeal to the President. If the student does not appeal the decision by the hearing committee, the decision is final. The president will review and render a decision within seven (7) days.

## **PART IV**

### **STUDENT COMPLAINT OR GRIEVANCE POLICIES AND PROCEDURES**

The following section summarizes TTUHSC El Paso's student complaint or grievance policies and procedures, other than those listed in Part IV of this Institutional Student Handbook (e.g. Title IX and discrimination). Links to specific policies and procedures are provided on the Student Services and Student Affairs web-page.

It is the policy of the Texas Tech University Health Sciences Center El Paso to affirm the right of its students to a prompt and fair resolution of a complaint or grievance involving allegations of inappropriate behavior by other TTUHSC El Paso students or by TTUHSC El Paso personnel toward students. Policies and procedures exist for the following areas of student complaints:

- Complaints regarding the general or academic misconduct of another student
- Complaints regarding discrimination
- Complaints regarding student records
- Complaints regarding employment at TTUHSC El Paso
- Complaints regarding grades or grading
- Complaints regarding other types of mistreatment
- Other institutional-level student complaint procedures

#### **A. Complaints regarding the general or academic misconduct of another student**

Policies and procedures governing complaints regarding the general or academic misconduct of students are defined in the Code of Professional and Academic Conduct (Code), which is published as Part II of this handbook. Students, faculty, and staff are all encouraged to report violations of the Student Code in accordance with the Disciplinary Procedures outlined in the Student Code.

#### **B. Complaints regarding discrimination**

This handbook identifies several policies intended to ensure the fair and equitable treatment of all members of the university community. The processes for filing complaints are detailed in the TTUHSC El Paso Operating Policies and Procedures. The following list identifies key institutional policies governing complaints regarding discrimination:

- OP 51.01, Equal Employment Opportunity Policy and Affirmative Action Plan, <https://el Paso.ttuhs c.edu/opp/ documents/51/op5101.pdf>

OP 51.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure, <https://el Paso.ttuhs c.edu/opp/ documents/51/op5103.pdf>

OP 51.04, Access for Individuals with Disabilities, <https://el Paso.ttuhs c.edu/opp/ documents/51/op5104.pdf>

#### **C. Complaints regarding student records**

HSCEP OP 77.13, Student Education Records, <https://el Paso.ttuhs c.edu/opp/ documents/77/op7713.pdf>, provides detailed information about filing complaints relating to student records.

#### **D. Complaints regarding employment at TTUHSC El Paso**

Information about employment grievances for students who are employed at TTUHSC El Paso is provided in HSCEP OP 70.10, Non-faculty Employee Complaint and Grievance Procedures, <https://el Paso.ttuhs c.edu/opp/ documents/70/op7010.pdf>. This policy covers

complaints concerning issues pertaining to wages, hours, working conditions, performance evaluations, merit raises, job promotions, job assignments, or similar matters involving management decisions concerning the employee.

### **E. Complaints regarding grades or grading**

The processing of formal grade appeal procedures is the responsibility of the school that administers the course. Relevant school policies are included in their catalogs and handbooks.

- Gayle Greve Hunt School of Nursing: Academic Grade Challenges/Appeals
- Graduate School of Biomedical Sciences: Grade Appeals
- Paul L. Foster School of Medicine: Challenging Student Records or Grades
- Woody L. Hunt School of Dental Medicine

### **F. Complaints regarding other types of mistreatment**

Students who feel that they have been mistreated in a manner that is not directly addressed by any of the specific policies identified above are encouraged to refer to the policies and procedures governing student complaints, grievances, and appeals within their school. Relevant school policies include the following:

- GGHSON : Academic Grade Challenges/Appeals and Complaint or Grievance Resolution (Non-Grade Related)
- Graduate School of Biomedical Sciences: Procedure for Grade and Non-Grade Complaints
- Paul L. Foster School of Medicine: Appropriate Treatment of Medical Students; Student – Faculty Dispute Resolution Policy; Student-Student Dispute Resolution Policy
- Woody L. Hunt School of Dental Medicine

Students should process their complaints or appeals through the appropriate channels. Procedures are delineated in the policies identified above. Students are required to bring their concerns to the designated student affairs officer of their school. The student affairs officer in each school is as follows:

- Gayle Greve Hunt School of Nursing: Associate Dean for Academic Programs
- Graduate School of Biomedical Sciences: Dean
- Paul L. Foster School of Medicine in El Paso: Associate Dean for Student Affairs
- Woody L. Hunt School of Dental Medicine: Associate Dean

The deans of the schools have final authority in resolving disputes related to academic issues, such as grading and promotion, and in non-academic issues involving the school's faculty and staff.

Every effort should be made to resolve complaints against faculty and other school personnel at the school level. If the complaint is about personnel or services at the institutional level, the student is advised to contact the TTUHSC El Paso Office of Student Services and Student Affairs in accordance with the following institutional-level student complaint procedures. These procedures are also published on the Office of Student Services and Student Affairs web page <https://elpaso.ttuhs.edu/studentservices/grievance.aspx>

## **G. Other Institutional-Level Student Complaint Procedures**

The procedures defined below apply to student complaints that fall outside the scope of other institutional and school-based policies and procedures governing specific types of student complaints, including, for example, student complaints against staff members employed at the institutional level or against TTUHSC El Paso administrators. The TTUHSC El Paso Office of Student Services and Student Affairs will administer this institutional policy and will insure that due process is afforded to all concerned.

### **1. Early Resolution**

Prior to contacting the TTUHSC El Paso Office of Student Services and Student Affairs, the student shall attempt to resolve the issue with the individual(s) involved. If the student is not satisfied with the outcome after meeting with the individual or does not feel comfortable talking to the administrator or staff member involved, the student may contact the Assistant Vice President for Student Services and Student Affairs. (SSSA). The student shall address the issue and initiate action under this policy within 30 days of the event-giving rise to the complaint.

The Assistant Vice President for Student Services and Student Affairs (SSSA) or designee may counsel the student to discuss the issue with the involved administrator or staff member. If the student does not feel comfortable talking to the person involved, the Assistant Vice President for SSSA for Student Services and Student Affairs or designee will investigate the complaint, attempt to reconcile differences, and propose a solution. The Assistant Vice President for Student Services and Student Affairs or designee will provide a written statement of his or her recommendation to all parties within ten business days following the initial receipt of the student's report of the complaint. All involved parties will then have ten business days to respond. Every effort should be made to resolve the issue without going beyond this level.

(If the complaint is against the Assistant Vice President for SSSA, the student should meet with the Provost and Vice President for Academic Affairs, who will follow the procedures outlined here.)

## 2. Filing a Hearing Request

- a. If the student is not satisfied with the recommendation of the Assistant Vice President Student Services and Student Affairs (SSSA) or designee, he/she may file a request for a hearing by submitting a written complaint to the Assistant Vice President Student Services and Student Affairs. (SSSA). The hearing request must include a specific statement of the student's complaint, an explanation of what remedy the student seeks, and a copy of the Assistant Vice President for Student Services and Student Affairs' or designee recommended resolution.
- b. If the student files a request for a hearing, a Student Hearing Committee as defined below must convene within 15 business days.

## 3. Hearing Procedure

Upon receipt of a written request for a hearing, the Assistant Vice President for Student Services and Student Affairs or designee will appoint a Hearing Committee according to the following procedure:

- a. Each party will propose in writing a list of four TTUHSC El Paso faculty, staff, and/or students to serve on the Hearing Committee. The Assistant Vice President for Student Services and Student Affairs or designee will contact one person from each list in order of the submitting party's preference to determine the person's willingness to serve. Through this process, one person will be selected from each list. The two people selected will then select a third member (a TTUHSC El Paso faculty or staff member) and these individuals will comprise the Hearing Committee. This group will select a chair from among themselves.
- b. The Assistant Vice President for Student Services and Student Affairs or designee will provide technical assistance and support to this committee.
- c. As soon as the hearing is scheduled, the chair of the Hearing Committee will send a written notice to all involved parties. The notice will specify the time, place, and nature of the hearing, plus a brief description of the complaint. The notice will also confirm the right of all involved parties to present witnesses and evidence and to be accompanied by counsel for advisory purposes only.
- d. At least three days prior to the hearing, all parties will provide to the chair of the Hearing Committee and the Assistant Vice President for Student Services and Student Affairs or designee a list of the names of any witnesses or counsel who will attend the hearing. If the student will be advised by counsel, the University may be represented by the Office of General Counsel. The student and the involved individual(s) shall have access to all information to be considered by the Hearing Committee, including the names of all persons giving evidence.
- e. The student and the involved parties shall attend the hearing and be offered an opportunity to state their positions and present testimony and other evidence relevant

to the case. The responsibility of establishing the validity of the complaint rests with the student.

f. The Hearing Committee chair shall keep a recording of the hearing, which shall include date, time, and location of the hearing, names of those present, and any evidence introduced (e.g., records, written testimony, duplicated materials). Deliberations will not be recorded.

#### 4. Committee Decision

After completion of the hearing, the Hearing Committee shall meet in closed session and prepare a written decision. Copies of the Hearing Committee chair's report shall be forwarded to the involved parties within five business days.

#### 5. Appeal

Within ten business days of receipt of the decision of the Hearing Committee, if either party believes that the due process procedures have been violated, an appeal may be made, in writing, to the Provost/Vice President for Academic Affairs. The Provost will review the case and notify all parties of his or her decision within ten business days. If a written appeal is not submitted within ten business days following receipt of the Hearing Committee decision letter, the right to appeal is thereby waived and said decision is final.

The Accused Student or Complainant may only raise, and the Provost shall only consider, the following:

- a. Whether a procedural deviation occurred that substantially affected the outcome of the case;
- b. Whether there is new information sufficient to alter the Findings or other relevant facts not available or mentioned in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original hearing.
- c. The Provost will review the Findings and Recommendations and, at his or her sole discretion, the record from the Hearing Committee and supporting documents, and transmit his or her decision in writing to the Complainant, the Hearing Committee chair, and the Assistant Vice President. The Provost's decision shall be final.
- d. If there is an appeal to decision, it must be made, in writing, within five business days, to the Provost and Vice President for Academic Affairs.
- e. The Provost will review the Hearing Committee decision and render a decision within five business days. The decision of the Provost and Vice President for Academic Affairs is final with the exception of d. below.



f. If the Provost and Vice President for Academic Affairs is serving as a mediator in the case, then the President or his designee will review the complaint resolution and render a decision within five business days. The decision of the President is final.

## **PART V**

### **STUDENT RECORDS**

#### **A. 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, the notice is placed in the student's permanent file.) The conditions for access to each are set forth in the Institutional 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 Health Sciences Center El Paso. See OP 77.13 Student Education Records <https://el Paso.ttuhscc.edu/opp/ documents/77/op7713.pdf> .

#### **B. Address of Record**

Students must maintain an accurate permanent and local physical address with the Office of the Registrar. The address and school issued email account is used for official notifications including, but not limited to, grade reports, billing and notification of official university requirements and other university correspondence. Students should also maintain a current telephone number with the Office of the Registrar.

#### **C. Student Access to Educational Records**

All current and former students of the university have the right to access their educational records as provided by law.

##### Notification of Rights under FERPA for Postsecondary Institutions

The Family Educational Rights and Privacy ACT (FERPA) affords eligible students certain rights with respect to their education records. (An "eligible student" under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution.) These rights include:

1. The right to inspect and review the student's education records within 45 days after the day Texas Tech University Health Sciences Center El Paso receives a request for

access.

A student should submit to the Office of the Registrar a written request that identifies the record(s) the student wishes to inspect by completing HSCEP OP 77.13 Attachment B *Student Request To Access His/Her Education Records* <https://el Paso.ttuhs.edu/opp/ documents/77/op7713b.pdf> The school official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the school official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

Generally, if the Education Record is covered under FERPA, the student may inspect or review the education record at the Office of the Registrar, but does not have the right to receive copies of the education record unless a student is effectively prevented from onsite inspection or review of his/her education record. The student may then have a right to receive copies of the education record at the student's expense after evaluation of the circumstances by the Office of the Registrar. Official copies of academic records or transcripts will not be released for students who have a delinquent or unpaid financial obligation to the University, have a "hold" at the University, or have an unresolved disciplinary action pending at the University, provided that applicable law does not otherwise require disclosure of the records.

2. The right to provide written consent before the university discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

The school discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by TTUHSC El Paso in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of TTUHSC El Paso who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for TTUHSC El Paso.

3. The right to file a complaint with the U.S. Department of Education concerning alleged failures by TTUHSC El Paso to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education

400 Maryland Avenue, SW  
Washington, DC 20202

4. Personally identifiable information related to academic outcomes such as rank in class, grade point average, academic progress, etc., shall not be released to non-authorized personnel without the written consent of the student.

#### **D. Records Not Accessible to Students**

The following are records not accessible to students:

1. Records of instructional, administrative and educational personnel that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
2. Records of the Texas Tech Police Department, subject to the provisions of 34 C.F.R. 99.8;
3. Records relating solely to an employee of TTUHSC El Paso in his/her capacity as an employee that are not available for any other purpose, unless the student is employed as a result of his/her status as a student;
4. Student medical and counseling records created, maintained, and/or used only in connection with providing medical treatment or counseling to the student, that are not disclosed to anyone other than the individuals providing the treatment; and
5. Alumni records or other records that contain information about an individual after he/she is no longer a student at that agency or institution (e.g., information gathered on the accomplishments of alumni).

#### **E. Disclosure of Education Records**

FERPA permits the disclosure of PII from students' education records, without consent of the student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, §99.32 of FERPA regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures. A postsecondary institution may disclose PII from the education records without obtaining prior written consent of the student –

- To other school officials, including teachers, within Texas Tech University Health Sciences Center El Paso whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31 (a)(1)(i)(B)(1) – (a)(1)(i)(B)(2) are met. (§99.31 (a)(1))

- To officials of another school where the student seeks or intends to enroll, or
- where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31 (a)(2))
- To authorized representatives of the U. S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the university's State-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal-or-State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31 (a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31 (a) (4)). To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31 (a) (6)).
- To accrediting organizations to carry out their accrediting functions. ((§99.31 (a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31 (a)(8))
- To comply with a judicial order or lawfully issued subpoena (§99.31 (a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31 (a)(10))
- Information the school has designated as "directory information" under §99.37. (§99.31 (a)(11))
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of §99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§99.31 (a)(13))
- To the general public, the final results of a disciplinary proceeding, subject to the requirements of §99.39, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the school's rules or policies with respect to the allegation made against him or her (§99.31 (a) (14)).
- To parents of a student regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use of possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(a)(15))

## F. Student's Request to Amend Records

Students have the right to request an amendment of their educational records and information directly relating to them.

1. Student who believes that his/her Education Records are inaccurate or misleading, or that the records violate his/her privacy rights, must first request an informal discussion regarding the questionable item with the Office of the Registrar, who may or may not honor the request.
2. Written Request to Amend Records: If the result of the informal discussion with the Office of the Registrar (Records Custodian) is not satisfactory to the student, and the student still wishes to have the record corrected, the student should submit a Student Request to Amend Education Records form HSCEP OP 77.13, Attachment C, Student Request To Amend Education Record, <https://el Paso.ttuhs.edu/opp/ documents/77/op7713c.pdf> to the Provost or designee, the Assistant Vice President for SSSA . The request shall clearly identify the part of the record the student believes should be changed, and specify why it should be changed. [Note: The substantive judgment of a faculty member regarding a student's work, expressed in grades or evaluations, is not within the purview of the right to seek amendment of Education Records under this section. This section does not include procedures for challenging individual grades. Grade appeal and grievance procedures are set forth in the individual student handbooks for each School.]
3. Review: After receiving the written request from the Student for a change in his/her Education Records, the Assistant Vice President for SSSA for Student Services or designee shall request, and the Office of the Registrar shall provide, a written statement that explains why the request for the change in the Education Record was denied at the informal stage. After reviewing the request by the Student and the response of the Office of the Registrar (Records Custodian), the Assistant Vice President for SSSA for Student Services or designee will provide written notification to the student whether or not TTUHSC El Paso will implement the change. If not, the Provost or designee will notify the student of the right to a hearing to challenge the information believed by the student to be inaccurate, misleading, or in violation of the student's rights.
4. Hearing Procedure: Upon receiving a written request from the student for a hearing, the Assistant Vice President for Student Services or designee shall arrange for a hearing and provide written notice to the student reasonably in advance of the date, time and place of the hearing. The hearing will be conducted according to the following procedures:
  - a. The hearing shall be conducted by a hearing official or committee appointed by the Provost or designee. Such individual(s) must have no direct interest in the outcome of the case and shall decline to serve if a conflict of interest, or an appearance of a conflict of interest, exists with either the student or the Records Custodian.

- b. At least five (5) days prior to the date scheduled for the hearing, the student and the Records Custodian, shall submit to each other, as well as to the hearing official or committee, any and all pertinent documents and a list of witnesses and advisors who are to be involved in the hearing process. The student may, at his/her own expense, be assisted or represented by one or more individuals of his/her own choice, including an attorney for advisory purposes only. If the student is advised by an advisor, the Office of General Counsel shall represent the University. The student and the Records Custodian are each responsible for presenting relevant information. Therefore, the advisors and/or attorneys for the parties are not permitted to speak or participate directly in the hearing.
- c. At the hearing, the student shall have the opportunity to present evidence to support his/her position that the content of the relevant educational record is inaccurate, misleading and/or otherwise in violation of the privacy rights of the student.
- d. Any additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
- e. Within seven (7) business days after the conclusion of the hearing, the hearing officer or chair of the hearing committee, if applicable, will transmit the decision in writing to the student, the Office of the Registrar, and the Assistant VP for SSSA or designee. The decision must include a summary of the evidence and the reasons for the decision. If, as a result of the hearing, the hearing official or committee determines that the information in the Education Record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the student will be notified of the right to place a statement in the record contesting the information in the record or stating why the student disagrees with the decision of the agency or institution, or both. Any statement provided by the student shall be maintained with the contested portion of the record for as long as the record is maintained. In the event the contested portion of the record is later requested, the statement shall be disclosed with the record to the extent it pertains to the contested portion.

### **G. Release of Student Directory Information**

The following student information is considered Texas Tech University Health Sciences Center El Paso Directory Information:

1. Student Name
2. Address
3. Previous Institutions Attended
4. Major Field of Study
5. Dates of Attendance
6. Enrollment Status (undergraduate or graduate, full-time or part-time)

7. Classification
8. Degrees Conferred (included degrees from previous institutions)
9. Awards, and Honors Received (including scholarships)
10. Participation in Officially Recognized Activities
11. Postgraduate Training/Clinical sites for R.N., M.D., or Ph.D. graduates and degree candidates

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 by submitting a completed HSCEP OP 77.13 Attachment A, Student Consent to Release Education Records <https://el Paso.ttuhs c.edu/opp/ documents/77/op7713a.pdf> , or by restricting personal directory information at <https://portal.texastech.edu/web/elp/my-tech> on the MyTech-El Paso tab. Students should select the Directory Profile link located under Personal Information and uncheck the box next to their name.

## H. 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 see HSCEP OP 77.11 Permanent Student Record (<https://el Paso.ttuhs c.edu/opp/ documents/77/op7711.pdf>) for designated permanent records. 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 Assistant Vice President for SSSA office. Student disability records are maintained for three years after the last date of enrollment. Record retention follows the TTUHSC EP Records Retention Schedule, see TTUHSC EP OP 10.09 Records Retention for detailed information (<https://el Paso.ttuhs c.edu/opp/ documents/10/op1009.pdf>).

## I. Letters of Recommendation

1. 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.
2. 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.

## J. Medical Records

TTUHSC El Paso community is guided by 52.02 *Privacy and Security of Health Information* (<https://el Paso.ttuhs c.edu/opp/ documents/52/op5202.pdf>) to ensure

compliance with the provision of the Health Insurance Portability and Accountability Act of 1996 (HIPPA) and state laws and regulations for the privacy and security of health information. Medical records of students seen by a TTUHSC El Paso faculty member at Texas Tech Physicians are completely confidential and will not be released to another person or institution without written permission of the student unless otherwise authorized by law. Students needing to request a copy of their medical records should contact the office where they received care. See also HSCEP OP 52.09, Confidential Information <https://el Paso.ttuhs c.edu/opp/ documents/52/op5209.pdf> and OP 52.02, Privacy and Security of Health Care Information <https://el Paso.ttuhs c.edu/opp/ documents/52/op5202.pdf> .

## **PART VI**

### **REGISTRATION OF STUDENT ORGANIZATIONS**

#### **A. Conditions for Registration**

1. Student organizations wishing to register with the TTUHSC El Paso must file an online application with the office of Student Affairs and Wellness. The purposes and activities of the organization shall be lawful and not in conflict with regulations published by the Texas Tech University Health Sciences Center El Paso.
  
2. This application shall be submitted electronically through the Tech Engage student organization management platform and shall contain, but not be limited to, the following information:
  - a. Organization name
  - b. A statement of the organization's purposes;
  - c. Any present or intended relation the organization may have to any other local, state, or national organization;
  - d. A list of the organization's officers; and on-campus advisor(s)
  - e. A copy of the organization's constitution/bylaws;
  - f. A copy of the constitution/bylaws of any related organization if applicable;; and,
  - g. A completed Advisor Acknowledgement form a full-time member of the faculty or staff indicating their willingness to serve as the advisor to the organization.
  - h. Completed Risk Management Modules for all listed officers acknowledging their review and acceptance of office and institutional policies.
  
3. Membership in the organization shall be open only to enrolled students TTUHSC El Paso without regard to race, religion, sex, handicap, or national origin. Faculty and staff may hold adjunct memberships in accordance with the organization's constitution.
  
4. The organization shall not duplicate the purposes and for functions of a previously registered organization unless the need for such duplication is substantiated.
  
5. All funds allocated to the organization from TTUHSC El Paso controlled sources must be maintained in a TTUHSC El Paso account.



6. The organization shall show promise of effectively meeting its stated objectives, be free from control by any other organization, and be lawful and peaceful in its activities.

7. The organization shall not use the name of the Texas Tech University Health Sciences Center El Paso, logotype, or symbols of TTUHSC El Paso as part of its name in its publications. In addition, the organization shall not advertise or promote events or activities in a manner, which suggests sponsorship by TTUHSC El Paso. The organization is permitted to use the word "TTUHSC El Paso Chapter" as part of its name or to use the complete statement "a registered student organization at TTUHSC El Paso." Requests to use logos or symbols protected by TTUHSC El Paso, Texas Tech University or the Texas Tech University System shall be submitted to Office of Institutional Advancement.

Registration of an organization results from compliance with these regulations; it does not imply TTUHSC El Paso approval of the organization or its activities. The organization shall agree to adhere to the policies, rules, and regulations of TTUHSC El Paso.

## **B. Faculty or Staff Advisor**

Each registered organization shall have a TTUHSC El Paso full-time faculty or staff advisor to be available to the officers and members for consultation about the organization's affairs, to attend organization meetings and functions as often as possible, to certify the expenditures of the organization, to offer suggestions regarding the operations of the organization, and to oversee adherence to TTUHSC El Paso regulations and the organization's constitution and bylaws. Advisors are limited to advising two registered student organizations at any given time.

## **C. Conditions for Maintaining Registration**

1. In order to maintain its registration, a student organization shall comply with the following requirements:

a. The organization shall submit an electronic re-registration form through Tech Engage each academic year. The current president of the organization or designated representative shall file a notification of subsequent changes when they occur and keep rosters up-to-date in the Tech Engage system.

b. The organization shall submit to the TTUHSC El Paso Office of Student Affairs and Wellness for approval, all changes in documents on file in that office relating to the organization, such as revisions in its constitution, changes in its statement of purpose, changes in procedures for handling organization funds, or changes in membership requirements through Tech Engage.

c. The organization shall maintain its funds in accordance with Section A of this part and be in good standing with the Texas Tech University Health Sciences Center El Paso.

d. The organization shall demonstrate by its activities that it is conducting business to achieve its purpose as stated on the application.

e. The organization shall conduct its affairs in a lawful manner, in accordance with the constitution and bylaws it has on file, and in accordance with applicable Texas Tech University Health Sciences Center El Paso regulations and state statutes.

f. The organization shall be responsible for the observance of all applicable TTUHSC El Paso regulations by off-campus individuals or organizations whose appearance on campus is sponsored by the organization.

g. The TTUHSC El Paso Office of Student Services and Student Affairs (SSSA) may withdraw the registration of an organization for non-compliance with University policies and procedures.

#### **D. Denial of Registration**

1. No student organization will be officially registered with the Texas Tech University Health Sciences Center El Paso if the Office of Student Affairs and Wellness determines that the organization's actions or activities are detrimental to the educational purposes of the University or not in accordance to the Student Handbook.
2. If registration is denied, the designated president and advisor of the applying organization shall be notified of the decision through Tech Engage. The applying organization may appeal in writing to the Assistant Vice President for Student Services and Student Affairs within five (5) business days from the date of the denial letter. The decision of the Assistant Vice President for Student Services and Student Affairs (SSSA) is final.

## **PART VII**

### **USE OF UNIVERSITY SPACE, FACILITIES AND AMPLIFICATION EQUIPMENT**

1. Space and Facilities
  - a. Expressive Activities
    - i. TTUHSC El Paso recognizes freedom of speech and expression as a fundamental right and seeks to ensure free, robust, and uninhibited debate and deliberation by students enrolled at TTUHSC El Paso as well as other persons.

- ii. Expressive activities on the TTUHSC El Paso campus are governed by Texas Tech University System Regulation 07.04, which can be found at [www.texastech.edu/offices/cfo/system-regulation-07.04-freedom-of-expression.pdf](http://www.texastech.edu/offices/cfo/system-regulation-07.04-freedom-of-expression.pdf)
  - iii. In the event of any conflict between this Section VII (1)(a) and any other provision of this Handbook, the provisions of this Section shall control.
- b. All Other Uses of TTUHSC Space and Facilities
- i. The provisions of this Section VII(1)(b) shall apply to all uses of TTUHSC El Paso facilities for purposes other than expressive activities conducted in outdoor common areas.
  - ii. The space and facilities of the University are intended primarily for the support of the instructional program of the institution. See HSCEP OP 61.23, Classroom Scheduling <https://el Paso.ttuhs.c.edu/opp/ documents/61/op6123.pdf>.
  - iii. Permission to use campus space facilities may be granted only by the offices designated by HSCEP OP 61.07, *Use of TTUHSC El Paso Premises and Amplification Equipment*, <https://el Paso.ttuhs.c.edu/opp/ documents/61/op6107.pdf>.

## PART VIII

### SOLICITATIONS, ADVERTISEMENTS AND PRINTED MATERIALS

Solicitation, sales, and services on University premises or in University-owned or University-controlled buildings are prohibited without prior written approval from the Office of Student Services and Student Affairs (SSSA). This includes financial planners, mortgage vendors and other financial services. The distribution of advertising leaflets or handbills or the use of sound trucks and equipment to promote sales on University premises is also prohibited without prior approval from the Office of Student Services and Student Affairs.

## PART IX

### STUDENT TRAVEL POLICY

#### A. HSCEP OP 77.08, Student Travel Policy

HSCEP OP 77.08 [https://el Paso.ttuhs c.edu/opp/\\_documents/77/op7708.pdf](https://el Paso.ttuhs c.edu/opp/_documents/77/op7708.pdf) regulates any travel undertaken by one or more students presently enrolled at TTUHSC El Paso to an activity or event that is located more than 25 miles from the campus of TTUHSC El Paso. This Operating Policy (OP) applies to any event or activity which is organized, sponsored and/or funded by TTUHSC El Paso, is undertaken using a vehicle owned or leased by the university or is a required event or activity by a student organization registered at TTUHSC El Paso.

Each student who travels by any form of transportation to participate in a University-related activity, including but not limited to academically-related field trips, courses, competitions, or contests, or non-academic activities, must, prior to such activities, execute a copy of the [Travel Release and Indemnification Agreement](#) and the [Authorization for Emergency Medical Treatment](#).

Please refer to the TTUHSC El Paso Travel Office and the Office of Global Health for information regarding travel abroad.

## PART X

### MISCELLANEOUS POLICIES

A. Policies and procedures for certain items, including, but not limited to, academic advisement, academic review, appeals, attendance in academic courses, auditing courses, clinical attire, grades, promotions/dismissal, grievance procedures and student employment may be referenced in the various Schools' student handbooks and/or catalogs.

#### 1. Absences

Please refer to the individual School's catalogs and/or handbooks for more specific details relating to your program.

#### 2. Academic Requirements

Academic requirements vary with each TTUHSC El Paso School and particular degree program in which the student is enrolled. Students should consult with their respective School's academic/program advisor and/or School's catalog and/or handbook for specific details.

### 3. Academic and Personal Support

Academic support services are available to all TTUHSC El Paso students through the Office of Academic Support <https://elpaso.ttuhs.edu/gsbs/student-handbook/academic-support.aspx> . The Academic Support web-site provides information about workshops and resources to support student success.

Personal counseling services are available to all TTUHSC El Paso students; providers are listed at <https://elpaso.ttuhs.edu/gsbs/student-handbook/academic-support.aspx>. For emergency, please call Emergence Health Network at (915) 779-1800.

### 4. Admissions and Applicants

The educational policies of the TTUHSC El Paso are founded upon the regulations of the Board of Regents of the Texas Tech University System. TTUHSC El Paso is a health related institution that offers upper-level undergraduate, graduate professional academic programs. The application and admissions policies for TTUHSC El Paso are outlined in the individual Schools' catalogs and/or handbooks.

Most programs at TTUHSC El Paso have a deadline for the receipt of applications and supporting documents. These deadlines vary by program and application year. Applicants are advised to contact the program to which they are seeking admission for specific deadline dates.

### 5. Adding and Dropping Courses

See the Office of the Registrar web-page for all related academic policies, <https://www.elpaso.ttuhs.edu/opp/ documents/77/op7719.pdf>

Also, consult the academic catalog and/or handbook for school policies. Students should make an appointment with his/her advisor to complete appropriate documentation. Students dropping a course to the point of zero hours of enrollment are considered to be withdrawing from the institution.

### 6. Affiliation

The Student Government Association is the official organization representing students. Students may identify with off-campus programs and activities as individuals, but not as representatives of the student body.

### 7. Alcohol and Illegal Drugs

See OP 10.03 at <https://elpaso.ttuhs.edu/opp/ documents/10/op1003.pdf>

## 8. Attendance

The faculty member responsible for the course determines attendance requirements for each course. A student who fails to attend any class for any reason is responsible for the material presented in class, assignments, examinations, announcements, etc. to the same extent as though the student had attended the class. Please refer to the individual School's catalogs and/or handbooks for more specific details relating to your program.

## 9. Student Drug Screenings, see HSCEP OP 77.15, <https://el Paso.ttuhs.edu/opp/ documents/77/op7715.pdf>

## 10. Credit by Exam

See OP 77.07, Credit by Examination,  
<https://el Paso.ttuhs.edu/opp/ documents/77/op7707.pdf>

## 11. Death of a Student

The Office of Student Services and Affairs is the Office of the President's liaison regarding the notification of any student deaths. Schools must notify the Assistant Vice President for SSSA for Student Services and Student immediately in the event of any student death.

## 12. Students with Disabilities

HSCEP OP 77.14, Establishing Reasonable Accommodations for Students with Disabilities, <https://el Paso.ttuhs.edu/opp/ documents/77/op7714.pdf> provides policy related to the American with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, and state and local requirements regarding students with disabilities. Under these laws, no otherwise qualified individual with a disability shall be denied access to or participation in services, programs, and activities of TTUHSC El Paso solely based on the disability. Students with questions about disability services, documentation, and accommodations should review the Student Disability Resource Manual at: <https://el Paso.ttuhs.edu/student services/office-of-academic-and-disability-support-services/ documents/Resource-Manual-for-Students-with-Disabilities.pdf>

Any student seeking accommodations on the basis of disability must register with the Office of Academic and Disability Support in Student Services and Student Affairs. The process to request accommodations includes an application for services, appropriate documentation of the disability, and an intake interview.

Students with grievances related to discrimination on the basis of a disability should review this Institutional Student Handbook, Appendix A on Anti-Discrimination policies

and procedures.

### 13. Discrimination/Equal Opportunity

No person shall be excluded from participation in, denied the benefits of, or be subject to discrimination under any program or activity sponsored by TTUHSC El Paso on any basis prohibited by applicable law, including but not limited to, race, color, national origin, religion, sex, veteran status or disability. Grievances related to discrimination on the basis of race, religion, national origin or age should be pursued through regular administrative channels. Academic problems are to be handled in the academic administrative structure culminating in review by the individual School's Dean. Non-academic matters are handled by the Office of Student Services and Student Affairs. For more information, visit <https://elpaso.ttuhs.edu/opp/documents/51/op5101.pdf>, Equal Employment Opportunity Policy and Affirmative Action Plan

### 14. Emergency - Student Emergency Contact Information

Students must keep their Emergency Contact Information current. To do so, visit El Paso <https://portal.texastech.edu/web/elp/my.tech> and sign in. Select the "MyTech-El Paso (for Students)" tab and look in the "Personal Information" box. Click "Update Emergency Contacts" and fill in your information.

### 15. Employment Grievance

A student wishing to pursue a grievance concerning employment with the University and who has not found satisfaction or resolution with his or her immediate supervisor or the person in charge of that department may contact the Office of Equal Employment Opportunity in accordance with the grievance procedures outlined in the TTUHSC El Paso OP 70.10, Non-faculty Employee Complaint and Grievance Procedures, <https://elpaso.ttuhs.edu/opp/documents/70/op7010.pdf>. The procedures manual may be reviewed in the Office of Equal Employment Opportunity.

### 16. Exams – Bring Your Own Device Policy, HSCEP OP 56.06

<https://elpaso.ttuhs.edu/opp/documents/56/op5606.pdf>

Please refer to the individual School's catalogs, handbooks, and web-pages for more specific exam details relating to your program. Any student seeking exam accommodations on the basis of disability must register as a disabled student with the Office of Academic and Disability Support in the Office of Student Services and Student Affairs and must provide all required documentation of disability. Appropriate and reasonable accommodations, if any, will be determined by the Office of Academic and Disability Support in Student Services and Student Affairs.

### 17. Financial Policies

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 non-payment or delinquent payment of outstanding loans, and failure to meet any other financial obligations to the University, (including failure to return Title IV funds), are considered a lack of financial responsibility. Financial irresponsibility may subject the student to additional fees, fines, suspension of check writing privileges, denial of registration, withholding of grades and transcripts and possible adjudication under the Code of Professional and Academic Conduct. A student who fails to make full payment of tuition and mandatory fees, including any incidental fees, by the due date, may be prohibited from registering for classes until full payment is made. Generally, failure to meet financial obligations to the University may result in:

- a. Cancellations of the student's registration if tuition and registration fees are not paid by the 20th class day (15th class day in summer), or if a returned check given in payment of tuition and fees is not redeemed by that time;
- c. Loss of University check writing privileges and possible criminal prosecution for writing insufficient fund checks and for failure to pick up a returned check;
- c. A hold placed on a student's academic records preventing future registration (before registering or requesting a transcript, students may check on the presence of holds by accessing their records at <https://portal.texas-tech.edu> under the MyTech – El Paso tab).
- d. Reporting of financial problems to a credit agency or a collection agent. For more information, please visit the Student Business Services website at <http://el-paso.ttu-hsc.edu/fiscal/business-affairs/student-busserv/>.

## 18. Grades/Grading

- a. See OP 77.19, Grading Procedures and Academic Regulations, <https://www.el-paso.ttu-hsc.edu/opp/documents/77/op7719.pdf>
- b. The instructor assigned to a course has the responsibility for determining a grade and for judging the quality of academic performance.
- c. The processing of formal appeal procedures is the responsibility of the School which administers the course. A copy of the grade appeal procedures may be found in the individual Schools' catalogs and/or handbooks. 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. Only final course grades may be formally appealed to the responsible academic dean. Earlier grades and other academic grievances may be discussed with the instructor involved and with the chair of the department or division involved.

## 19. Graduation Procedures



- a. Degree requirements are published in the individual School's catalogs.
- b. Prior to graduation, all candidates for TTUHSC El Paso degrees are required to:
  - i. Complete all graduation requirements set forth by the applicable School;
  - ii. Complete and return to the Office of Student Services the University's *Intent to Graduate* form in the semester before anticipated graduation (the student's "diploma name" as requested in the *Intent to Graduate* form is printed on her/his diploma, and information provided by the student is used in commencement programs – note if student has requested that directory information is confidential – specific request to release information for commencement bulletin must be confirmed via the Graduation application process.);
  - iii. Be registered in the semester the certificate or degree is to be conferred unless the student is granted an exception by the dean of their school;
  - iv. Pay the graduation application fee of \$75 at the time of submission of Intent to Graduate form;
  - v. Attend an Exit Interview session scheduled by the Student Financial Aid Office for students who have received financial assistance, which must be repaid after graduation.

## 20 Student Health Services

- a. The Texas Tech Physicians at Hague provides health services to TTUHSC El Paso students who are currently enrolled and have paid the Medical Services Fee as part of tuition and fees. To receive health services, you must present a Student I.D. card and co-payment at the time of the appointment. Students may contact their insurance provider to determine if they qualify for co-payment reimbursement.

The Medical Services Fee covers only those services provided by the Texas Tech Physicians at Hague Clinic and specific laboratory and radiology service performed at cooperating locations. All other charges incurred are the student's responsibility.

- b. Clinic Procedures

Please call to make an appointment. at (915) 215-5810, If you need to be seen for a sudden illness, please call that day as early as possible. If you need to be seen after hours, call the office at Hague and ask to leave a message for the on-call physician. When you check in, please inform the receptionist that you are a TTUHSC El Paso student. If you come to the office without an appointment, it may be necessary for you to wait for a physician. Immunizations, paperwork, and routine procedures are not ordinarily considered urgent care, and may not be taken care of on the same day as requested. If you have a health emergency that requires you to be seen at a hospital emergency room, go to the hospital listed as

a provider on your insurance. *Visits to an emergency room that generate a charge from either TTUHSC El Paso or the hospital are your responsibility.*

- c. If the student receives a bill from the Texas Tech Physicians at Hague for services covered by the medical service fees, please contact the Office of Student Services and Student Affairs.

## 21. Student Health Insurance

- a. Students are expected to have hospitalization insurance coverage for each semester enrolled throughout the duration of their academic program. Students are required to provide proof of coverage at the time of registration orientation, and/or clinical rotations. Information on how to submit proof of coverage will be sent to each enrolled student.
- b. The Texas Tech University System (TTUS) works with Academic Health Plans (AHP) to offer and administer health insurance coverage options to all students. Students have the option to investigate alternative insurance plans. Insurance information can be found in Health and Safety Resources on the Office of Student Services and Student Affairs web-page at <https://el Paso.ttuhscc.edu/som/studentaffairs/healthresources.aspx>

## 22. Immunizations - Required

NOTE: See COVID-19 Screening Processes for return to school – As of April 2020, regular communications are provided to students and employees at <https://ttuhscep.edu/coronavirus/students-and-employees/default.aspx> . Please consult this site for regular updates for the 2020-2021 academic year. Additional updates will be provided by each School regarding classroom and clinical requirements.

In order to protect the health of our students and the health of the patients with whom they come in contact, TTUHSC El Paso requires all entering students to provide documentation of all immunizations as required by their respective schools. Immunization requirements are stipulated by each School and students should consult their School catalogs and handbooks.

<https://el Paso.ttuhscc.edu/opp/ documents/EP-7/ep-7-01.pdf>

For GGHSON Student Handbook, see <https://el Paso.ttuhscc.edu/son/handbooks-and-catalogs/ documents/GGHSON-Student-Catalog-2019-2020.pdf>

For GSBS Student Handbook, see <https://el Paso.ttuhscc.edu/gsbs/student-handbook/ documents/GSBS-Student-Handbook-2019-2020.pdf>

For PLFSOM Student Handbook, see <https://el Paso.ttuhscc.edu/som/studentaffairs/student-handbook/section-one/immunization.aspx>

Exclusions for Immunization Requirements in Texas Institutions of Higher Education. See <https://www.dshs.texas.gov/immunize/school/rules.aspx>

23. Inter-Professional Education

Depending upon the school affiliation, TTUHSC El Paso students may be required to complete a non-credit, online course in inter-professional education. Implementation of this requirement will vary across schools and degree programs. Students should consult their academic/program advisor and/or school catalog and/or handbook for additional information.

24. Registration

See the Office of the Registrar web-page for official information related to registration: <https://el Paso.ttuhs c.edu/student services/registrar/> .

25. Religious Holy Days

See OP 77.12, Religious Holy Day Observance and Need for Student Absence, <https://el Paso.ttuhs c.edu/opp/ documents/77/op7712.pdf> .

26. State Residency Classification

Residency is established at the time of application to TTUHSC El Paso. Some students may be eligible for Border County waivers; see OP 77.18, *Border County Waiver*, <https://el Paso.ttuhs c.edu/opp/ documents/77/op7718.pdf> .

Students are responsible for registering under the proper residence classification and for providing documentation as required by the institution. If there is any question about the right to classification as a resident of Texas, it is the student's obligation, prior to the time of enrollment, to ask for an official determination by the Office of the Registrar. Non-residents who live in Texas taking only online courses are charged non-resident tuition and fees. An applicant whose classification as a resident of the State of Texas is not clearly established should request a Residency Questionnaire from the Office of the Registrar. The Oath of Residency information can be found at <https://el Paso.ttuhs c.edu/student services/registrar/policies-and-procedures.aspx>

27. Student Government Association

The Student Government Association (SGA) promotes, directs and coordinates student activities at Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso). The executive council and senators are elected from each of the three schools and act to voice student concerns to the TTUHSC El Paso Faculty and Staff and encourage interdisciplinary communication and participation among the individual schools that compose TTUHSC El Paso. The office of Student Services and Student Affairs (SSSA) provides administrative support for SGA. See the SGA web-page at <https://el Paso.ttuhs c.edu/student services/student-organizations/SGA/default.aspx>.

## 28. Student Publications

See OP 77.03, Official Student Publications,  
<https://el Paso.ttuhs c.edu/opp/ documents/77/op7703.pdf>

## 29. Tuition and Fees Payment

See the Student Business Services web-page at  
<https://el Paso.ttuhs c.edu/fiscal/businessaffairs/studentbusserv/default.aspx>

- a. Texas Education Code, Section 54.007, provides that state-supported institutions of higher education shall provide students with the election to pay tuition and fees during the fall, spring, or long (10 weeks or longer) summer semesters in installments. TTUHSC El Paso offers the following payment alternatives:
  - i. Full payment of tuition and fees in advance of the beginning of the semester; or
  - ii. One-half payment of tuition and fees in advance of the beginning of the semester and separate one-fourth payments prior to the sixth and eleventh class weeks, respectively.
- b. TTUHSC El Paso shall develop procedures that will provide that students may elect to pay tuition and fees using the payment alternative.
- c. TTUHSC El Paso is authorized to establish payment due dates in advance of the beginning of a semester and prior to the sixth and eleventh class weeks respectively so that required payments have been received and student records have been appropriately updated on the dates required by law.
- d. If a student elects to pay tuition and fees using the payment alternative, he or she shall be assessed an installment option fee in addition to the required payment of tuition and fees. The fee developed and recommended for approval shall reflect all costs incurred in operating and handling payments under the installment alternative. The Board of Regents has delegated to the President of Texas Tech University Health Sciences Center El Paso, the authority to approve all discretionary, incidental fees.
- e. If a student who has elected to pay tuition by installment fails to pay in full all amounts of tuition, other registration fees, installment option fee, late payment fees, and other authorized fees by the end of the business day of the last day of the semester, then he or she will be dropped from School for failure to pay.
- f. TTUHSC El Paso shall develop procedures so that students are notified of the requirements, provisions, and penalties of the installment payment options.

- g. Approval of Student Fees: The Board of Regents shall approve the assessment and collection of fees from Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso). The amounts to be collected are presented in a Global Fee Document to the Board of Regents for approval.

### 30. Tuition and Fees Refund Policies

See the Student Business Services web-page under Student Resources/Financial Information.

<https://el Paso.ttuhs c.edu/fiscal/businessaffairs/studentbusserv/default.aspx>

Detailed information about the impact of decreasing course load on:

- Institutional Refund Policy - All students who withdraw from TTUHSC El Paso or drop all courses during a term
- Additional considerations for students who received financial aid and withdraw from TTUHSC El Paso or drop all courses during a term

Institutional Refund Policy:

Texas Education Code, Section 54.006, provides the amount of tuition and fees to be refunded to students who drop courses or withdraw from the institution. Class day count is based on the official institution academic calendar for the school, not the specific course dates.

Students who drop a course, but remain enrolled at the institution will be refunded at the following rate:

Term	Class Day	Percent of Refund of Charges
<b>Summer - More than 5 weeks but less than 10 weeks in duration</b>	1st class day through 4th class day	100%
	After the 4th day of class	None
<b>Fall, Spring or Summer - Duration of 10 weeks or longer</b>	1st class day through 12th class day	100%
	After the 12th day of class	None

Students who withdraw from the institution (zero semester credit hours) are required to pay tuition and fees according to the following schedule based on their official withdrawal date:

Term	Class Day	Percent of Refund of Charges
<b>Summer - More than 5 weeks but less than 10 weeks in duration</b>	Before the 1st class day	100%
	1st, 2nd, or 3rd class day	80%
	4th, 5th, or 6th class day	50%
	7th class day of later	None
<b>Fall, Spring or Summer - duration of 10 weeks or longer</b>	Before the 1st class day	100%
	1st five class days	80%
	2nd five class days	70%
	3rd five class days	50%
	4th five class days	25%
	21st class day and after	None

Students who withdraw from TTUHSC El Paso or drop all courses during a term that receive(d) financial aid, be aware of the refund policies and to understand the impact they will have on the aid released and the continued financial aid eligibility. Current refund policies for students who withdraw or drop all courses during a term are determined by the Higher Education Title IV refund regulations.

Any refund due to a student will be after calculation of the amount of tuition and fees due at the time of withdrawal. If the student has paid less than the amount due at the time of withdrawal, the student will be required to pay the percentage due.

Federal Refund and Repayment calculations must be performed for students who receive Title IV (Pell, FSEOG, Perkins and/or Stafford Loans) funds and officially withdraw from all courses, drop out of all courses, are expelled, take an unapproved leave of absence, or fail to return from an approved leave of absence prior to the 60% date of the term. All "unearned aid" must be returned to the federal aid programs as determined by the Federal Refund and Repayment calculations. Failure to return Title IV funds constitutes a failure to meet a financial responsibility due to the University which is subject to any of the actions stated in the Tuition and Fees Payment section above.

- a. The requirements for Title IV program funds are separate from the university refund policy. As such, you are responsible for unpaid institutional charges remaining after the refund calculation. You are also responsible for charges/balances created by the returning of Title IV program funds that the school was required to return.

- b. If you have questions about your Title IV program funds, you can call the Federal Student Aid Information Center at 1-800-4-FEDAID (1-800-433-3243). TTY users may call 1-800-730-8913. Information is also available on Student Aid on the Web at <https://studentaid.ed.gov/sa/>.

In order to keep all the financial aid issued in each term, students must be enrollment for at least 60% of the term. After this point in the term students have earned 100% of the Title IV funds released for the term. Therefore, it is in your best interest to maintain attendance and complete at least one class each term that you receive federal aid to avoid repayment of funds.

How the calculation works:

1. Number of days attended ÷ Days in semester = % of semester completed
2. Total \$ disbursed X % completed = Earned \$
3. Total \$ disbursed - Earned \$ = \$ to be returned

An example calculation is available on the Student Business Services web page:

<https://el Paso.ttuhs c.edu/fiscal/businessaffairs/studentbusserv/resources/financial-information/default.aspx>

Once it is determined that you owe money back to any of the federal aid programs, you will be ineligible to receive further federal aid at TTUHSC El Paso or any other institution, until this debt is cleared.

Please note, your failure to complete a semester or term could impact your Satisfactory Academic Progress (SAP) and your future eligibility for financial aid. To remain eligible for financial aid, a student must maintain satisfactory academic progress. This consists of three categories: (1) grade point average on hours attempted (qualitative), 2 hours successfully completed (quantitative) based on hours enrolled and (3) time to degree. You must complete your program of study within 150% of the normal time required for the program.

The complete policy is available on the Financial Aid website under Satisfactory Academic Progress <https://el Paso.ttuhs c.edu/student services/Financial-Aid/consumer-information-disclosures.aspx>

## **PART XI**

### **CONTACT INFORMATION FOR STUDENT SERVICES and STUDENT AFFAIRS PERSONNEL**

Student Services and Student Affairs	(915) 215-4370
Registrar	(915) 215-4370
Student Financial Aid	(915) 215-4370
Student Business Services	(915) 215-5680
Academic and Disability Services	(915) 215-6018
Student Affairs and Wellness	(915) 215-5378
Deputy Title IX Coordinator for Students	(915) 215-5439
Title IX Coordinator for TTUHSC El Paso	(915) 215-5461
Gayle Greve Hunt School of Nursing Student Affairs	(915) 215-6124
Graduate School for Biomedical Sciences Student Affairs	(915) 215-4157
Paul L. Foster School of Medicine Student Affairs	(915) 215-4817
Woody L. Hunt School of Dental Medicine Student Affairs	(915) 215-4207



## ATTACHMENT A:

### TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO (TTUHSC EP)

#### Student Conduct Incident Form

This form is to be used for an official complaint that involves a person who is or students who are enrolled at TTUHSC El Paso for alleged violations of the Code of Professional and Academic Conduct. The student(s) could be the accused or the complainant. This form is to be submitted to the Executive Associate or Assistant Vice President for SSSA for Student Services and Student Affairs at TTUHSC El Paso. A separate form must be completed for each individual student accused of violations of the Code. Use Attachment C for complaints against a student organization.

*{Please note that students' matters related to grades or academic evaluation should follow the guidelines published in the specific School catalogue or handbook}*

#### **Please complete the following:**

Name of Accused:

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Organizational Affiliation: Institutional, School, Department and Program of Accused (*if known*):

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List the course name, number, and section (*if applicable*) in which the alleged misconduct occurred:

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Please provide a clear and concise explanation of the circumstances of the complaint. Include all relevant information, including, but not limited to, the name of the person(s) who witnessed the incident(s) and where the incident(s) occurred. Use additional pages if necessary. Please attach relevant supporting documents, e.g., copy of assignment, source of plagiarism, etc:

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Date of discovery of alleged violation *(please report within 20 business days of discovery)*:

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Date of alleged violation *(if different from above)*:

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Please cite the Professional and Academic Code(s) that the Accused allegedly violated:

**I certify that all information provided herein is accurate and complete.**

---

**Printed Name**

---

**Complainant Date**

---

**Complainant's Signature**

**Complainant's Contact Information: Address, Email, and Phone Number**

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*The following notice is provided in accordance with Texas Government Code § 559.003(a) of the Texas Government Code: (1) with few exceptions, you are entitled on your request to be informed about the information TTUHSC El Paso collects about you; (2) under Sections 552.021 and 552.023 of the Texas Government Code, you are entitled to receive and review the information; and (3) under Section 559.004 of the Texas Government Code, you are entitled to have TTUHSC El Paso correct information that is incorrect in accordance with TTUHSC El Paso policies and procedures.*

**Please Email Completed Form to Hilda Alarcon at [hilda.alarcon@ttuhsc.edu](mailto:hilda.alarcon@ttuhsc.edu)  
For more information please call (915) 215-4786.**

## ATTACHMENT B:

### TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO (TTUHSC El Paso)

#### Student Organization Incident Form

*TTUHSC El Paso understands that reporting violations against a student organization can be difficult and will provide options for reporting parties to assist with concerns such as retaliation. Upon receipt of this online form, a TTUHSC El Paso staff member will contact you to discuss options and resources based on your report. While you can report anonymously, the inability to validate the source of the complaint does limit TTUHSC El Paso's ability to investigate and respond.*

Please complete the following:

Your Full Name: \_\_\_\_\_

Your Phone Number: \_\_\_\_\_

Your Email Address: \_\_\_\_\_

Nature of Report: *(Check those that apply)*

- Hazing    Alcohol Concern    Drug Concern    Social Event Concern    Financial  
 Other \_\_\_\_\_

Date of Incident: \_\_\_\_\_

Time of Incident: \_\_\_\_\_

Location of Incident: \_\_\_\_\_

Name of Involved Individuals/Organization:

\_\_\_\_\_  
 \_\_\_\_\_

Provide detailed information about what misconduct occurred.

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*If you have any pictures, video, email or other supporting documents of this misconduct please include it with this form and turn it into the Hilda Alarcon at [hilda.alarcon@ttuhsc.edu](mailto:hilda.alarcon@ttuhsc.edu) in the TTUHSC El Paso Office of Student Services and Student Affairs-(915) 215-4786.*

## APPENDIX A:

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# Anti-Discrimination and Sexual Misconduct Policy and Procedures (Including Title IX)

The University is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from sex discrimination of any kind. The University prohibits discrimination based on sex, which includes pregnancy, sexual orientation, gender identity, gender expression, and other types of Sexual Misconduct. Sexual Misconduct is a broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature, Sexual Harassment, Sexual Assault, Sexual Exploitation, Stalking, Public Indecency, Interpersonal (Dating, Domestic, or Family) Violence, Dating Violence, Sexual Violence, and any other misconduct based on sex. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, by actions, or electronically conveyed.

### A. Introduction

This provides information regarding the University's response and prevention efforts related to sex discrimination and Sexual Misconduct. In conjunction with Texas Tech University [System Regulation 07.10 Non-Discrimination and Anti-Harassment Policy and Complaint Procedure](#), TTUHSC El Paso [OP 51.02](#), Texas Tech University [System Regulation 07.06 Sexual Misconduct](#), and TTUHSC El Paso [OP 51.03](#), the policies set forth here apply to all members of the University Community, provide students with their rights and options, and also explain how the University will proceed once it is made aware of allegations of prohibited conduct in keeping with the University's values and in order to meet the legal obligations of Title IX, the Violence Against Women Act (VAWA), the Campus Sexual Violence Elimination Act (SaVE), the Clery Act, Texas Education Code, 34 CFR Part 106, and other applicable law.

The University expects all members of the University Community to comply with the law. Members of the University Community who violate these policies and laws may be subject to disciplinary action or sanctions, up to and including termination of employment, expulsion from the university, or being barred from University premises and events.

### B. Non-Discrimination and Anti-Harassment Policy

The University does not tolerate discrimination or harassment based on or related to sex (including pregnancy), race, color, religion, national origin, age, disability, genetic

information, protected veteran status, genetic information, sexual orientation, gender identity, gender expression, or other protected categories, classes, or characteristics. Texas Tech University [System Regulation 07.10 Non-Discrimination and Anti-Harassment Policy and Complaint Procedure](#), adopted by Texas Tech University Health Sciences Center El Paso in [OP 51.02](#), applies to all University students and University employees, visitors, applicants for admission to or employment with the University, as well as University affiliates and others conducting business on University campuses.

If a student has a complaint of discrimination or harassment by an employee, whether faculty, staff, or student employee (other than for Sexual Misconduct, which is addressed under Section C below), the provisions relating to the complaint process set forth in Texas Tech University [System Regulation 07.10](#) and TTUHSC El Paso [OP 51.02](#) shall apply. Students with such complaints of discrimination or harassment by an employee should contact the System Office of Equal Opportunity (OEO) and/or submit a completed Complaint of Discrimination or Harassment form to OEO, which is available at:

<https://www.texastech.edu/offices/equal-employment/>. OEO's complete contact information is as follows:

Contact	Phone	Address	Email
Charlotte Bingham Assistant Vice Chancellor of Administration, Texas Tech University System Office of Equal Opportunity	806.742.3627	TTU System Administration Building 1508 Knoxville Avenue Suite 309 TTUS Office of Equal Opportunity Box 41073 Lubbock, TX 79409	<a href="mailto:eeo@ttu.edu">eeo@ttu.edu</a>

If a student has a complaint of discrimination or harassment by a student or a student organization, such complaints are guided by the Student Conduct Procedures set forth in Part II of this Student Handbook. Students with complaints of discrimination or harassment by a student or student organization should contact the TTUHSC El Paso Student Services and Student Affairs and/or utilize the online Incident Report Form available at <https://www.ttuhs.edu/student-affairs/grievances.aspx>. TTUHSC El Paso Student Services and Student Affairs' complete contact information is as follows:

Contact	Phone	Address	Email
Linda Ellis TTUHSC El Paso Title IX Coordinator	915.215.5439	PLFSOM Office of Student Affairs Medical Education Bldg, 2140 5001 El Paso Drive, MSC 21013 El Paso, TX 79905	<a href="mailto:linda.s.ellis@ttuhsc.edu">linda.s.ellis@ttuhsc.edu</a>

In instances of complaints of sex/gender discrimination, the complainants may contact the University's Title IX Coordinator, whose complete contact information is as follows:

Contact	Phone	Address	Email
Linda Ellis TTUHSC El Paso Title IX Coordinator	915.215.5439	PLFSOM Office of Student Affairs Medical Education Bldg, 2140 5001 El Paso Drive, MSC 21013 El Paso, TX 79905	<a href="mailto:linda.s.ellis@ttuhsc.edu">linda.s.ellis@ttuhsc.edu</a>

While Sexual Harassment, Sexual Assault, and other forms of Sexual Misconduct may constitute prohibited acts of discrimination under this Section B, such behavior is prohibited under TTU System Regulation 07.06 and TTUHSC El Paso OP 51.03, as discussed in Section C below.

### c. Sexual Misconduct

Sexual Misconduct in the TTUHSC El Paso community is prohibited pursuant to Texas Tech University [System Regulation 07.06 Sexual Misconduct](#) (adopted by TTUHSC El Paso as [OP 51.03](#)).

#### 1. Separate Policies for Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct

While all Sexual Misconduct is prohibited, in accordance with applicable federal and state law, the University has adopted two distinct policies and grievance procedures for Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct. These policies are available at the following links:

- [Texas Tech University System Regulation 07.06.A Title IX Sexual Misconduct](#); and
- [Texas Tech University System Regulation 07.06.B Non-Title IX Sexual Misconduct](#).

The University Title IX Coordinator will assist those making reports or complaints of Sexual Misconduct with understanding which policy may apply based on the nature, context, and location of the alleged conduct. The Flowchart available [here](#) visually depicts the applicability of these two policies and their respective grievance processes. In the event of any conflict between this Student Handbook and System Regulations 07.06.A, 07.06.B, and 07.10, the system regulations will control.

The University Title IX Coordinator oversees the University's compliance with the Sexual Misconduct policies, including both Title IX and Non-Title IX Sexual Misconduct. The University has also designated a Title IX Deputy Coordinator for employees. Contact information for the Coordinator and Deputy Coordinator is as follows:

Contact	Phone	Address	Email & Website
Linda Ellis TTUHSC El Paso Title IX Coordinator	915.215.5439	PLFSOM Office of Student Affairs Medical Education Bldg, 2140 5001 El Paso Drive, MSC 21013 El Paso, TX 79905	<a href="mailto:linda.s.ellis@ttuhsc.edu">linda.s.ellis@ttuhsc.edu</a> <a href="https://el Paso.ttuhsc.edu/gsbs/catalog/title-IX.aspx">https://el Paso.ttuhsc.edu/gsbs/catalog/title-IX.aspx</a>
Charlotte Bingham TTUHSC Title IX Deputy Coordinator for Employees	806.742.3627	System Administration Building 1508 Knoxville Ave., Suite 309 Box 41073 Lubbock, TX 79409	<a href="mailto:eeo@ttu.edu">eeo@ttu.edu</a> <a href="http://www.texastech.edu/offices/equal-employment/">http://www.texastech.edu/offices/equal-employment/</a>

## 2. Title IX Sexual Misconduct

Title IX Sexual Misconduct is governed by Texas Tech University System Regulation 07.06.A. Generally, only sexual assault; stalking; dating violence; domestic violence; *quid pro quo* conduct; and conduct that is severe, pervasive, and objectionably offensive will constitute Title IX Sexual Misconduct, and be governed by such policy. The procedure for reporting and filing a formal complaint of Title IX Sexual Misconduct, and the grievance process for addressing such complaints, is set forth in [System Regulation 07.06.A](#). The provisions of the remainder of this Section C may not apply to reports and complaints of Title IX Sexual Misconduct. The University's Title IX Coordinator will assist students in navigating these policies.

All other forms of Sexual Misconduct are addressed pursuant to the Non-Title IX Sexual Misconduct policy, set forth in this Student Handbook and governed by [System Regulation 07.06.B](#).

## 3. Non-Title IX Sexual Misconduct

All Sexual Misconduct that does meet the threshold of Title IX Sexual Misconduct will proceed under the Non-Title IX Sexual Misconduct policy set forth in this Student Handbook.

All investigations and procedures under this policy will be conducted in a reasonably prompt timeframe and in an equitable and impartial manner. Investigations conducted hereunder are not criminal investigations. For all complaints, the burden of proof shall be a preponderance of the evidence, which means more likely than not.

The Title IX Coordinator or designee will investigate complaints of Sexual Misconduct by or between students. The Texas Tech University System Office of Equal Opportunity (OEO) will investigate complaints of Sexual Misconduct by or between employees. Student complaints of Sexual Misconduct by an employee will be investigated jointly by the Title IX Coordinator or designee and the Office of Equal Opportunity.

Students with complaints of Sexual Misconduct by an employee should contact the Title IX Coordinator or Office of Equal Opportunity, and/or utilize the online reporting tool available on the University's website at [www.ttuhs.edu/title-ix/default.aspx](http://www.ttuhs.edu/title-ix/default.aspx). Students with complaints of Sexual Misconduct by a student or student organization should contact the Title IX Coordinator and/or utilize the online reporting tool available on the University's website at [www.ttuhs.edu/title-ix/default.aspx](http://www.ttuhs.edu/title-ix/default.aspx).

Individuals wishing to remain anonymous can report Sexual Misconduct in any manner, including by telephone or written communication, with the University Title IX Coordinator or Office of Equal Opportunity. However, electing to remain anonymous may greatly limit the University's ability to investigate an alleged incident, collect evidence, and/or take effective action against individuals or organizations accused of violating the TTUHSC El Paso Sexual Misconduct policies.

#### **4. Employees are Mandatory Reporters**

Pursuant to Texas law, all employees, including student employees, who in the course and scope of employment, witness or receive information regarding the occurrence of an incident that the employee reasonably believes constitutes Sexual Misconduct and is alleged to have been committed by or against a person who was a student enrolled at or an employee of the University at the time of the incident shall promptly report the incident to the University's Title IX Coordinator or Deputy Title IX Coordinators. An Employee is required to report an incident regardless of where or when the incident occurred. Failure to report Sexual Harassment, Sexual Assault, Dating Violence, or Stalking is a violation of state Texas that shall result in termination of employment and may result in criminal penalties.

Reports by mandatory reporters must include all information concerning the incident known to the Reporting Party, including the involved parties' names, regardless of whether the Complainant has expressed a desire for confidentiality; however, the Reporting Party may also state whether the Complainant has expressed a desire for confidentiality.

Disclosures to a healthcare provider, mental health care provider, or other medical provider acting in the course and scope of their employment with the University are not subject to the foregoing mandatory reporting requirements and are considered Confidential Resources. These employees are encouraged to provide students or employees with information and



guidance regarding University reporting options and available resources but absent consent from the Complainant, disclosures to a healthcare provider, mental health care provider, or other medical provider acting in the course and scope of their employment with the University shall only state the type of incident reported and may not include any information that would violate an expectation of privacy.

## **5. Making a Report**

Any individual may inquire or make a report or complaint of Sexual Misconduct of any kind. Any person may submit a report in person, by mail, by phone, by email, or by online form, using the contact information set forth in Section 1 above, or by any other means that results in the University's Title IX Coordinator or System Office of Equal Opportunity receiving the verbal or written report. Such a report may be made at any time (including during non-business hours) by using the phone number or email address, or by mail to the office address. Persons other than Employees wishing to remain anonymous may do so by submitting a report in an anonymous manner; however, electing to remain anonymous may limit the ability to investigate an alleged incident, collect evidence, and/or take effective action against individuals accused of violating the University's Sexual Misconduct policies.

While not required, students are strongly encouraged to report any incident of Sexual Misconduct to the University, including incidents in which the student was a victim. Students may also report incidents of Sexual Misconduct to law enforcement, including on-campus and local police. Complainant may choose to notify law enforcement and will be provided the assistance of the Title IX Coordinator if the individual wishes. Parties may also choose not to notify law enforcement of incidents of Sexual Misconduct. A student who experiences sexual or dating violence is encouraged to seek medical care for treatment and preservation of evidence, if applicable, as soon as possible after the incident. Preserving DNA evidence can be key to a sexual violence case. Students can undergo a sexual assault forensic exam (SAFE) performed by a sexual assault nurse examiner (SANE) to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, a SANE may still collect evidence up to 4 days following a sexual assault. With the examinee's consent, the physical evidence collected during this medical exam can be used in a criminal investigation.

Anyone who experiences any form of Sexual Misconduct should also preserve other evidence relevant to the incident reported, such as items of clothing, photographs, phone records, text messages, social media activity, computer records, and other documents.

## **6. Confidentiality**

TTUHSC El Paso is committed to ensuring confidentiality during all stages of a grievance process. The confidentiality of the Complainant, the Respondent, the Reporting Party, any individuals who have sought guidance about this policy or have participated in an investigation or incident will be honored by the University to the extent possible without compromising the University's commitment and obligation to investigate allegations of misconduct, to protect the University Community, and to the extent allowed by law. Unless

waived in writing by the individual, the identity of aforementioned individuals:

- a. Is confidential and not subject to disclosure under Chapter 552, Government Code; and
- b. May be disclosed only to:
  1. University Employees or individuals under contract with the University to which the report is made who are necessary for an investigation of the report or other related hearings;
  2. a law enforcement officer as necessary to conduct a criminal investigation of the report;
  3. a health care provider in an emergency, as determined necessary by the University;
  4. the Respondent, to the extent required by other law or regulation; and
  5. potential witnesses to the incident as necessary to conduct an investigation of the report and to the extent required by other law or regulation.

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

However, because the University also has an obligation to maintain an environment free of sex discrimination and Sexual Misconduct, all University employees have mandatory reporting and response obligations and may not be able to honor a Complainant's request for confidentiality. The Title IX Coordinator or designee will evaluate requests for confidentiality. The willful and unnecessary disclosure of confidential information by anyone, including the Complainant or Respondent, may affect the integrity of the investigation. Students may make confidential reports to TTUHSC El Paso Student Counseling Services. Complainants may also make confidential reports to licensed clinical and/or mental health professionals acting in their professional role of providing those services, including medical providers employed by the University. Information may be shared by the clinical and/or medical provider only with the Complainant's or Respondent's consent.

Absent consent from the Complainant, disclosures to a healthcare provider, mental health care provider, or other medical provider acting in the course and scope of their employment with the University shall only state the type of incident reported and may not include any information that would violate an expectation of privacy. These Employees are encouraged to provide Complainants with information and guidance regarding University reporting options and available resources.

The following Confidential Resources are available to TTUHSC El Paso students:

Resources	Phone
TTUHSC Counseling Center	806.743.1327
Employee Assistance Program	806-743-1327
TTUHSC 24-Hour Crisis Helpline	800-327-0328
RAINN Helpline	800-656-HOPE

*Note:* Access local advocacy groups and services through any of the above resources.

## 7. Interim and Supportive Measures

The University may take immediate action to eliminate hostile environments and address any effects on the Complainant and community prior to the initiation of any Investigation and/or formal Grievance Process. These measures will be taken to minimize the burden on the Complainant while respecting due process rights of the Respondent. Supportive Measures for involved students may include, but are not limited to, counseling services, medical assistance, modifications to on-campus housing, modifications to parking permissions, academic support referrals, modifications to academic or work situations, instituting a No Contact Order between the parties in a complaint, and reporting criminal behavior to the Texas Tech Police Department or local law enforcement agencies. Additionally, the University may pursue Emergency Removal, altering the University status of the Respondent. Supportive Measures may be implemented and will be evaluated on a case-by-case basis. Supportive Measures may be kept in place through the conclusion of any review, investigation, resolution, or appeal process. Supportive Measures can be implemented regardless of whether or not the Complainant pursues a Formal Complaint or criminal action. The Title IX Coordinator is available to help students understand the Grievance Process and identify resources. Remedies may be implemented after a determination regarding responsibility in the Grievance Process to restore and preserve equal educational opportunities to the Complainant.

- a. *Supportive Measures.* Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to a Complainant or Respondent. The range of Supportive Measures available includes, but is not limited to: separation or modification of Complainant and Respondent's academic or working situations; mutual restrictions on contact; one-way restrictions on contact, where justified by the specific facts and circumstances; permissive withdrawal from or retake of a class without penalty; counseling; extensions of deadlines or other course-related adjustments; campus escort services; leaves of absence; increased security and monitoring of certain areas of campus; or any other similar measures tailored to the individualized needs of the parties. Consistent with Texas law, a Complainant or Respondent who is the subject of an alleged incident of Title IX Sexual Misconduct will be allowed to drop a course in which they are both enrolled without any academic penalty. Supportive Measures may be kept in place through or beyond the conclusion of any review, investigation, or appeal process and may be implemented regardless of whether Complainant files a complaint of Sexual Misconduct.

- b. *No Contact Order.* When initial inquiry indicates persistent and potentially escalating conflict between members of the University Community, a No Contact Order may be issued as a remedial, non-punitive deterrent to further conflict or situational complication. A No Contact Order will be issued by the Title IX Coordinator via the student's official TTUHSC El Paso 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 Title IX Coordinator. This notice may also come with other information related to changes in class schedule or other restrictions to facilitate the No Contact Order. Failure to comply with the No Contact Order may result in disciplinary action, including possible suspension or expulsion. Violations of No Contact Orders may also result in Emergency Removal pending the completion of a Grievance Process. The term of a No Contact Order is one year from the date of issuance, or the graduation of one or both parties, whichever comes first.
- c. *Emergency Removal.* The University may conduct an individualized safety and risk analysis to determine if an individual poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Misconduct that justifies removal. Where the University finds that a Respondent poses an immediate threat to the physical health or safety of any student or individual, the University may remove the Respondent prior to the conclusion of the Grievance Process to protect the safety of the University Community where an immediate threat exists. The University shall provide the Respondent with notice and an immediate opportunity to challenge the decision in writing to the Title IX Coordinator immediately following the removal.

Through an Emergency Removal, a student may be denied access to the University's campus, facilities, and events. This restriction may include classes and/or all other University activities or privileges for which the student might otherwise be eligible. At the discretion of the Title IX Coordinator or designee and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the Respondent.

Emergency Removal is not a sanction. It is taken in an effort to protect the safety and well-being of the Complainant, Respondent, and/or other members of the University Community. Emergency Removal is preliminary in nature; it is in effect only until the Grievance Process has been completed. However, violations of Emergency Removal may result in additional allegations of this Student Handbook. A student who receives an Emergency Removal may request a meeting with an Appeals Officer or designee to challenge an Emergency Removal. Regardless of the outcome of this meeting, the University may still proceed with an Investigation and adjudication.

- d. *Non-Student Supportive Measures.* TTUHSC El Paso, in conjunction with the Texas Tech Police Department, may issue a Criminal Trespass to any individual(s) or guest

of the University whose presence could significantly disrupt the normal operations of the University, or who is alleged to have violated University policies and/or is deemed to pose a threat to the physical and/or emotional well-being of a student or other members of the University Community.

## **8. Student 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. The Student Rights and Responsibilities document informs the student of their rights to be exercised before and during the Grievance Process.

Subject to applicable law, information gathered by the University during the course of the Investigation and Grievance Process may only be shared with faculty, staff, students, and/or advisors who are directly involved in the incident or necessary to the Grievance Process. Information gathered may also be disclosed in compliance with a judicial order or lawfully issued subpoena.

Involved parties have the right to, and are encouraged to, be accompanied by an advisor of the individual's choosing during all meetings, proceedings, and/or disciplinary hearings at which the individual is present. In Non-Title IX Sexual Misconduct Hearings, the role of the advisor will be limited to advising only and will not be allowed to actively participate in the Hearing. CARE Coordinators may also attend any meeting or Hearing in addition to the student's advisor.

## **9. Amnesty**

- a. Subject to the exceptions noted below, the University will not take any disciplinary action against a student enrolled at the University who in good faith reports to the University being the victim of, or a witness to, an incident of Sexual Harassment, Sexual Assault, Interpersonal Violence, or Stalking for a violation by the student of this Student Handbook, occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the University's disciplinary process regarding the incident, if any.
- b. The University reserves the right to investigate to determine whether a report of an incident of Sexual Harassment, Sexual Assault, Interpersonal Violence, or Stalking was made in good faith. After such investigation, the Title IX Coordinator or their designee will make a determination as to whether a student is entitled to amnesty. Once a determination is made regarding amnesty for a student, such determination is final and may not be revoked.
- c. Notwithstanding the forgoing, amnesty does not apply to a student who reports the student's own commission or assistance in the commission of Sexual Harassment, Sexual Assault, Interpersonal Violence, or Stalking.

- d. Although students eligible for amnesty may avoid disciplinary action under these amnesty provisions, amnesty does not preclude the University from encouraging students to participate in directives such as counseling or educational opportunities relating to the conduct students were engaged in.
- e. Abuse of these amnesty provisions by a student may result in a violation of this Student Handbook. The amnesty provisions do not impact criminal proceedings or charges, mandatory reporting to state licensing boards, legal actions, or actions required to comply with professional ethic requirements.

## **10. Interference with an Investigation**

Any person who knowingly and intentionally interferes with a Grievance Process conducted under this Student Handbook is subject to disciplinary action up to and including dismissal or separation from the University. Interference with a Grievance Process may include, but is not limited to:

- Attempting to coerce, compel, influence, or prevent an individual from providing testimony or relevant information;
- Divulging confidential information;
- Removing, destroying, or altering documentation relevant to the investigation;
- Providing false or misleading information to the investigator, or encouraging others to do so; or
- Making a report under this policy that, after investigation is found not to have been made in good faith.

## **11. Retaliation and False Information**

Retaliation against an individual who reports a potential violation in good faith under this policy, assists someone with a report of a violation, or participates or refuses to participate in any manner in an investigation or in the resolution of a complaint made under this policy is strictly prohibited and will not be tolerated. Retaliation includes, but is not limited to threats, intimidation, coercion, discrimination, reprisals, or adverse actions related to an individual's employment or education. The University will take appropriate steps to ensure that an individual who, in good faith, reports, complains about, or participates or refuses to participate in an investigation pursuant to this policy will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to report the incident to the Title IX Coordinator using the same procedure outlined in this section.

Individuals who are found to have retaliated under this policy will be subject to disciplinary action, up to and including termination of employment, expulsion from the University, or being barred from University premises and events.

An individual found to have knowingly and in bad faith provided false or malicious information may be subject to disciplinary action up to and including dismissal or separation

from the University. A determination that a Respondent is not responsible for allegations of Sexual Misconduct does not imply information provided was false. Similarly, a determination that a Respondent is responsible for a policy violation does not imply that a Respondent's statements disclaiming responsibility were false.

## D. Grievance Process for Non-Title IX Sexual Misconduct

This Section D sets forth the Grievance Process for Non-Title IX Sexual Misconduct. The process for Title IX Sexual Misconduct is set forth in [System Regulation 07.06.A](#). The University Title IX Coordinator will assist parties in determining which process applies to the particular alleged conduct.

### 1. Intake and Initial Inquiry

Upon receipt of a report of Sexual Misconduct, the Title IX Coordinator, or designee, will review the allegations. As reported allegations of Sexual Misconduct have varying degrees of complexity and severity, the investigation and resolution procedures described below may vary. The Title IX Coordinator or designee will inquire, gather, and review information and will evaluate the accuracy, credibility, and sufficiency of the information received. If a formal complaint is not filed, the Title IX Coordinator may nonetheless conduct an investigation if the University learns of alleged Sexual Misconduct through other means depending on the source and nature of the information provided, the seriousness of the alleged incident, the specificity of the information, the objectivity and credibility of the source of the report, whether any individuals can be identified who were subjected to the alleged Sexual Misconduct, and whether those individuals want to pursue the matter.

The Title IX Coordinator may conduct an initial meeting with the Reporting Party and/or Complainant to gather additional information regarding the allegation; inform him/her of on and off-campus resources, procedural options, and the University's policy regarding retaliation; and to determine safety, security, or other interim measures. Additional meetings may be necessary depending on the complexity of the reported allegations.

Incidents will not be investigated unless there is reasonable cause to believe a policy has been violated. Reasonable cause includes some credible information to support a policy violation. If it is determined that an investigation will be conducted, the Respondent will be given notice of the complaint and an opportunity to respond. If it is determined that an investigation will not be conducted, the Title IX Coordinator may contact the Respondent to discuss the reported concern.

When a Complainant is reluctant, and/or refuses to participate in the investigation process, the Title IX Coordinator may investigate the allegations to the fullest extent possible given the information made available. The University will make every attempt to follow the wishes of the Complainant while protecting the University Community.

## 2. Filing a Formal Complaint

A Formal Complaint is a document signed by a Complainant or the Title IX Coordinator alleging Sexual Misconduct against a Respondent requesting that the University investigate the allegation(s) of Sexual Misconduct. While incidents may be reported by any third party, only the Complainant or Title IX Coordinator may initiate the Grievance Process through the Formal Complaint. A Formal Complaint is also required for any individuals wishing to pursue an Informal Resolution.

When a Formal Complaint is filed, the Title IX Coordinator provides written notice to the Respondent with sufficient time for the Respondent to prepare a response before an initial interview. The Notice of Formal Complaint includes information about the Grievance Process, the Informal Resolution Process, the allegations and any details known at the time, such as the name of the Complainant, the location, date and time of the alleged incident(s), and the specific section(s) of the policy that the Respondent is alleged to have violated. The Complainant also receives a copy of the Notice of Formal Complaint.

## 3. Review of Formal Complaints

When a Formal Complaint is received, the Title IX Coordinator will evaluate jurisdiction and mandatory and discretionary dismissal described below, assess appropriate Supportive Measures for both parties, evaluate the need for Emergency Removal, and initiate the Grievance Process.

*Mandatory and Permissive Dismissal.* The Title IX Coordinator shall dismiss a Formal Complaint of Non-Title IX Sexual Misconduct in the following situations: (1) the allegation describes conduct that would not constitute Non-Title IX Sexual Misconduct as defined, even if proven; or (2) the Respondent is not a member of the University Community. The Title IX Coordinator may dismiss a Formal Complaint in the following situations: (1) the Complainant notifies the Title IX Coordinator in writing that they wish to withdraw the Formal Complaint or some allegations in the Formal Complaint; (2) the Respondent is no longer enrolled in or employed by the University; or (3) circumstances exist that prevent the University from gathering sufficient evidence to reach a determination as to the Formal Complaint or the allegations.

*Application of Other Policies Upon Dismissal.* If the Title IX Coordinator dismisses a Formal Complaint or any of the allegations in the Complaint, the Title IX Coordinator must promptly send written notice of the dismissal and the reason(s) for the dismissal simultaneously to the Complainant and Respondent. Dismissal of a Formal Complaint does not preclude action under other policies, such as Title IX Sexual Misconduct.

*Appeal of Dismissal Decision.* Any party can appeal the dismissal decision following the criteria and procedures listed below under *Appeal Procedures*.



*Right to Consolidate Complaints.* The University may consolidate Formal Complaints as to allegations of Sexual Misconduct: (1) against more than one Respondent, (2) by more than one Complainant against one or more Respondents, or (3) by one party against the other party, where the allegations of Sexual Misconduct arise out of the same facts or circumstances.

#### **4. Investigation Process**

If the Title IX Coordinator or designee conducts an investigation of the reported allegation, the investigation may consist of the review of the complaint, any relevant documentation, and interviews with relevant individuals. Each party will be given the opportunity to share information regarding the allegation, as well as any response to such, and identify witnesses and other relevant evidence. The extent of the investigation and its procedures will be determined by the Title IX Coordinator. During the investigative process, it is expected that the Complainant and the Respondent will cooperate with the University in providing all information or evidence that they believe should be considered. Additionally, other administrators may be consulted to assist with the investigation.

Prior to an investigative interview, the Complainants and Respondents will be provided a student rights and responsibilities document to review and sign. The student rights and responsibilities document informs the student of their rights to be exercised before and during the course of the investigation and student conduct 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, lawfully issued subpoena, or otherwise required by law.

During the Investigation, the burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility is on the University and not on the parties. Complainants and Respondents are encouraged to present witnesses and evidence, including fact and expert witnesses, and other inculpatory and exculpatory evidence that they believe should be considered. The University will make all reasonable efforts to obtain relevant information such as surveillance video footage, University card swipe access and other information that may be available to the Institution. The University cannot obtain information that is protected by a legally recognized privilege without the party's voluntary written consent. The University shall not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, therapist/mental health professional, or other professional/paraprofessional providing treatment to the party, unless the party gives voluntary written consent.

After the investigation is complete, the Title IX Coordinator will prepare a written investigation report. Complainants and Respondents will have access to the completed investigation report and/or investigative materials relevant to the allegation(s) after the formal investigative process has concluded. In order to protect confidentiality, Complainants and Respondents are not given copies or investigation reports and/or investigative materials, but will have an opportunity to inspect and review any evidence obtained as part

of the Investigation that is directly related to the allegations raised in the Formal Complaint.

*Withdraw During a Formal Complaint.* In accordance with state law, if a student withdraws or graduates from the University pending a Formal Complaint alleging the student violated the *Student Code of Conduct* by committing sexual harassment, sexual assault, dating violence, or stalking, the institution:

- a. May not end the disciplinary process or issue a transcript to the student until the institution makes a final determination of responsibility; and
- b. Shall expedite the institution's disciplinary process as necessary to accommodate both the Respondent's and Complainant's interest in a speedy resolution.
- c. On request from another institution, the University shall provide to the requesting institution information relating to a determination that a student enrolled violated the institution's Student Code of Conduct by committing sexual harassment, sexual assault, dating violence, or stalking.

Should students not participate in the Investigative Process, the Grievance Process may continue without their participation. The Investigator may assign allegation(s) to the Respondent based on the information that the Investigator collected without the student's participation, if appropriate.

## 5. Resolution Process

Options for resolving Formal Complaints under the Grievance Process include:

- a. *Informal Resolution.* Prior to the formal Hearing, either the Complainant or the Respondent may make a request, either orally or in writing, for informal resolution to the Title IX Coordinator. The Title IX Coordinator will assess the severity of the alleged harassment and the potential risk of a hostile environment for others in the University Community to determine whether informal resolution may be appropriate. Mediation will not be used to resolve complaints of Sexual Assault and Interpersonal Violence.

Upon determining that informal resolution is appropriate, the Title IX Coordinator will consult further with the person initiating the request, inform the other party, and gather additional relevant information from the parties and others as useful to assist in the informal resolution process. The Title IX Coordinator may also put in place any appropriate interim measures to protect the educational and work environment of the parties and the University Community.

The University will not compel the Complainant or Respondent to engage in mediation, to directly confront the other party, or to participate in any particular form of informal resolution. Participation in informal resolution is voluntary, and the Complainant and Respondent have the option to discontinue the informal process at

any time and request a formal investigation. If at any point during the informal resolution process, the Complainant, the Respondent, or the University wishes to cease the informal resolution process and to proceed through the formal resolution process, the informal resolution process will stop and the formal resolution process outlined in this of the Student Handbook below will proceed.

- b. *Administrative Resolution.* At any point in the student conduct process, if the Respondent accepts responsibility for the alleged violations of policy, the Parties may choose to resolve the issue through the Administrative Resolution process outlined below. The Administrative Resolution process is voluntary.

The Title IX Coordinator will, in consultation with the appropriate University dean, or if the allegation involves a student organization, the appropriate University staff member advisor of the organization, review the complaint and information gathered about the reported Sexual Misconduct, and if applicable, propose findings and specify appropriate sanctions. The Title IX Coordinator will send written notice to both the Complainant and the Respondent of the proposed findings and sanctions. The Parties will have five (5) business days to review the Administrative Resolution and decide whether they would like to accept or decline the proposed findings and recommended sanctions. Agreement with the terms of the Administrative Resolution is established by one of the two following ways:

- i. A signature, or an electronic signature, by a Party or the Parties attesting to agreement with the findings and sanctions; or
- ii. No written objection by the Complainant or the Respondent to the findings and sanctions within five (5) business days of the date the proposed findings and recommended sanctions were sent to the Parties.

If both the Complainant and the Respondent agree with the proposed findings and recommended sanctions, the matter is considered concluded. Additionally, if accepted, the Parties waive their right to a hearing, the process ends, the finding is final, and there is no appeal. The complaint will only be reopened if new material, previously unavailable is presented.

If either Party disagrees with or does not accept the proposed findings and/or recommended sanctions, then the complaint will proceed, and a hearing will take place.

- c. *Hearing.* See Section E below for Hearing Procedures.

## 6. Sanctions

A Hearing Officer or a Hearing Panel may impose sanctions as a result of an Informal Resolution, or formal hearing, when a student is found responsible. Implementation of the

disciplinary Sanction(s) will begin when the time period to file an appeal has expired or when the appeal decision has been sent to the parties.

Both the Complainant and Respondent will be simultaneously notified of the Appeal Officer's decision and Sanctions as appropriate. When sanctions are final, appropriate University Administrators may be notified of the student's sanctions. Findings and Sanctions agreed upon through the Informal Resolution are final and cannot be appealed.

All records related to the disciplinary process will remain on file with the Title IX Coordinator for a minimum of seven (7) years from the date the case is completed through an Informal Resolution, formal hearing and/or the Appeal Procedures. All records related to the Grievance Process resulting in suspension and/or expulsion will remain on file indefinitely.

If a student is found responsible for violating the University Sexual Misconduct policies, 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 this section 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.
- c. *Time-Limited Disciplinary Suspension*. Time-Limited Disciplinary Suspension is a specific period of time in which a student is not allowed to participate in class, University related activities, or be present on campus property. The status of Disciplinary Suspension will be shown on the student's academic record, including the transcript. Disciplinary Suspension is noted on the student's transcript by the phrase "Disciplinary Suspension" and will include the period of time in which the student is/was suspended from the University. In most instances, the notation of Disciplinary Suspension will remain on the transcript permanently. A student has the ability to petition to remove a Disciplinary Suspension notation in the following instances: 1) the student is eligible to reenroll in the institution or 2) the Title IX Coordinator or designee determines that good cause exists to remove the notation. A Disciplinary Suspension of a student will indicate the date on which the suspension period begins and the earliest date the application for student readmission will be considered. The Title IX Coordinator or designee may deny a student's readmission, if the student's Misconduct during the suspension would have warranted additional disciplinary action. If the student has failed to satisfy any Sanction that was imposed prior to application for readmission, the Title IX Coordinator or designee may recommend denial of readmission of a student. On denial of a student's readmission, the Title IX Coordinator or designee will set a date when another application for readmission may again be made. An administrative hold will be placed on the student's record to prevent registration during the Disciplinary Suspension.

- d. **Disciplinary Expulsion:** Disciplinary Expulsion occurs when the student is permanently withdrawn and separated from the university. This status of Disciplinary Expulsion will be shown permanently on the student's academic record, including the transcript. Disciplinary Expulsion is noted on the student's transcript by the phrase, "Expulsion" and the date in which the student's expulsion became effective. In most instances, the notation of Disciplinary Expulsion will remain on the transcript permanently. A student has the ability to petition to remove a Disciplinary Expulsion notation in the following instances: 1) the student is eligible to reenroll in the institution or 2) the Title IX Coordinator or designee determines that good cause exists to remove the notation. An administrative hold will be placed on the student's record to prevent future registration.

## 7. Appeal Procedures

Either the Complainant or Respondent may appeal the decision, or the sanction(s), condition(s) and restriction(s) imposed by the Hearing Officers by submitting a written appeal to the Provost or their designee within three (3) business days of receiving the written decision. The appeal must clearly set forth the grounds for the appeal, together with the evidence upon which the appeal is based. A disagreement with the decision alone shall not constitute grounds for appeal. The only proper grounds for appeal and the only issues that may be considered on appeal are as follows:

- a. A procedural irregularity that affected the outcome of the matter;
- b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- c. The Title IX Coordinator, Investigator(s), or Hearing Panel Members had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; or
- d. The sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions.

The appeal process is initiated upon a party's filing of a written appeal within three (3) University business days after University's delivery of the written decision regarding responsibility. The written appeal must be filed with the University's Title IX Coordinator or System Office of Equal Opportunity, as directed in the written determination regarding responsibility, and the party's written appeal must set forth the grounds for the appeal and any supporting information.

Upon the filing of a written appeal, University will give written notice of the filed appeal to the non-appealing party. The non-appealing party will have three (3) University business days after University's delivery of the written notice to respond to the appeal.

The Provost or their designee will review the appeal to determine if the appeal is timely and properly sets forth the appropriate grounds for appeal. If any of these requirements are not

met, the appeal will be dismissed, and the original decision of the Hearing Officers will be final. If the grounds for an appeal are determined proper by the Provost or their designee, the Title IX Coordinator will provide the request for appeal to the other party and provide opportunity for response. Any responses must be provided to the Provost or their designee within five (5) business days after receiving a copy of the request for appeal.

If the Provost or their designee determines that a procedural [or substantive] error occurred that significantly impacted the outcome of the hearing, they may order a new hearing. If a new hearing is ordered, all hearing procedures in will be followed. The Title IX Coordinator will notify the Complainant and Respondent of the outcome within five (5) business days of the decision of the Hearing Officers. The decision of the Hearing Officers is final and may not be appealed.

If the Provost or their designee determines that new evidence should be considered, they may return the complaint to the original Hearing Officers to reconsider the new evidence or may order a new hearing. If new evidence is considered, the Hearing Officers may increase, decrease, or otherwise modify the findings, sanctions, conditions, and/or restrictions. The Title IX Coordinator will notify the student of the outcome within five (5) business days of the decision of the Hearing Officers. The decision is final and may not be appealed. If a new hearing is ordered, all hearing procedures will be followed. The Title IX Coordinator will notify the Complainant and Respondent of the outcome within five (5) business days of their decision. The decision of the Hearing Officers is final and may not be appealed.

If the Provost or their designee determines that the sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions, they may then increase, decrease or otherwise modify the sanctions, conditions, and/or restrictions instead of returning the case to the original Hearing Officers or ordering a new hearing. If the Provost or their designee makes a decision regarding the sanctions, conditions, and/or restrictions without returning the case to the original Hearing Officers, they will notify the student in writing of the outcome within five (5) business days of their decision. The decision of the Provost or their designee is final and cannot be appealed. If the Provost or their designee returns the case to the original Hearing Officers, the Hearing Officers may increase, decrease, or otherwise modify the findings, sanctions, conditions, and/or restrictions. The Title IX Coordinator will notify the student of the outcome within five (5) business days of their decision. The decision is final and may not be appealed. If a new hearing is ordered, all hearing procedures in Part IV, Section C(3)(e), will be followed. The Title IX Coordinator will notify the Complainant and Respondent of the outcome within five (5) business days of their decision. The decision of the Hearing Officers is final and may not be appealed.

In those cases, in which the error cannot be cured by the original Hearing Officers (i.e., some cases of bias), the Provost or their designee may order a new hearing with a new panel of Hearing Officers.

After the findings(s) and sanctions become final and all appeals, if any, are exhausted, the Complainant shall be advised that if the complained activity persists, they should contact the

Title IX Coordinator. Likewise, in the event the Complainant believes retaliation for filing a complaint has taken place, they should contact the Title IX Coordinator.

The Title IX Coordinator will follow up with the Complainant within sixty (60) calendar days after conclusion of the matter to ensure that the complained of behavior has ceased.

## E. Non-Title IX Sexual Misconduct Hearing Procedure

This Section E sets forth the Hearing Procedure for Non-Title IX Sexual Misconduct. The Hearing Procedure for Title IX Sexual Misconduct is set forth in [System Regulation 07.06.A](#) and its [Attachment 2](#).

### 1. Prehearing/Formal Allegations Assigned

Once the investigation is complete, if the complaint is not otherwise resolved, the Complainant and the Respondent will be given notice of a pre-hearing meeting. Should the Complainant or the Respondent not participate in the pre-hearing meeting, the conduct process may continue without their participation through resolution. During this meeting, the Complainant and the Respondent will be given the opportunity to review the investigation report, relevant evidence, and other documents to be used in the hearing. Other documents may include Complainant's allegations, list of potential Hearing Officers, and hearing script. Following the pre-hearing, the Complainant and the Respondent will be notified of a date, time, and location of the hearing.

While the Complainant and the Respondent 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 Title IX Coordinator, was unavailable during the investigative process and is pertinent to the complaint. If a Complainant or Respondent discovers new, previously unavailable information during the time after the pre-hearing but before the hearing, the party should inform the Title IX Coordinator immediately. If the new information is pertinent to the consideration of the complaint, the Title IX Coordinator will determine whether the new information should be included in the investigation report or presented verbally during the hearing. If there is new evidence introduced, the Complainant and the Respondent will be given the opportunity to provide a response to any such evidence that will be presented in the hearing.

The Title IX Coordinator or designee will schedule the hearing no sooner than five (5) business days from the date of the last pre-hearing meeting. The five-day period can be waived by the Title IX Coordinator with agreement by the involved Parties.

### 2. Hearing

After notice has been given to the Complainant and the Respondent, the University may proceed to conduct a hearing and render a finding of Responsible or Not Responsible for the Respondent's alleged misconduct and, in the event of a responsible finding, decide

appropriate sanctions, conditions, and/or restrictions. The Provost or their designee shall appoint a panel of three (3) Hearing Officers to conduct the hearing. All persons serving as Hearing Officers shall be oriented and trained to adjudicate a Sexual Misconduct case in accordance with this Student Handbook. If there is a conflict of interest, or appearance thereof, with one of the selected Hearing Officers, that person will recuse themselves and the Provost or their designee shall appoint another person to the panel. Additionally, both the Complainant and the Respondent may raise issues of conflicts of interest with regard to the potential Hearing Officer panel to the Provost or their designee within three (3) business days after notice has been given to the Parties of the panel members. The Provost or their designee will weigh these issues and resolve them accordingly. No party has a right to disqualify a Hearing Officer panel member absent a demonstrated bias.

The hearing may be held and a decision or recommendation made, regardless of whether the Complainant or the Respondent fail to respond or fail to attend the hearing. Should the Complainant or the Respondent fail to respond or fail to attend the hearing, the Hearing Officers may consider the available information and render a decision.

Hearings are closed to the public. Both the Complainant and Respondent have the right to be present at the hearing; however, they do not have the right to be present during the deliberation of the Hearing Officers. Arrangements can be made so that Complainant and Respondent do not have to be in the hearing room at the same time. To request changes in the scheduled hearing time, the parties should contact the Title IX Coordinator not less than five (5) business days prior to the scheduled hearing.

During the hearing, the Title IX Coordinator or designee presents the allegations, investigation report, evidence, witnesses, and questions for deliberation in the hearing. The Hearing Officers may question the Title IX Coordinator, Title IX Investigator, Complainant, Respondent, and any witnesses. The Complainant and Respondent do not have the right to question each other nor witnesses directly but may do so through the Title IX Coordinator or designee. The Complainant and Respondent have the right to add or make additional comments about the facts of the complaint. Should new evidence be presented without prior discussion with the Title IX Coordinator, 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 Hearing Officers remove a student due to misconduct in the hearing process, the alleged misconduct in the hearing process will be forwarded to the appropriate student conduct administrator, who will follow the conduct process in Part II of this Student Handbook.

Following the hearing, the Hearing Officers will deliberate and will render a finding of responsible or not responsible for the Respondent's alleged misconduct as well as decide any sanctions, conditions and/or restrictions if applicable. Any findings of the investigation will be based upon a preponderance of the evidence, which means more likely than not. The Hearing Officers will inform the Complainant and the Respondent in writing within five (5) business days of their decision(s).

Either the Complainant or Respondent may utilize the Appeal Procedures.



## F. Pregnancy

Discrimination based on pregnancy is a form of discrimination based on sex. Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all educational opportunities as other persons not so affected but similar in their ability or inability to participate in education programs or activities.

If a pregnant or parenting student feels that they require flexibility or an accommodation in order to be successful at TTUHSC El Paso, it is the student's obligation to make the request initially through their appropriate school's student affairs personnel. Students requesting a pregnancy or parenting related accommodation should do so as soon as they become aware that an accommodation may be needed. If the student and school are unable to come to a mutually agreeable decision in relation to reasonable flexibility and adjustments, the student should contact the TTUHSC El Paso Title IX Coordinator. The Title IX Coordinator will consult with the student and school administrator(s) to begin the interactive process and ultimately, reasonable flexibility and adjustments will be determined.

If a student disagrees with the determination and/or proposed accommodation after engaging in the interactive process, the student may file a complaint with the Title IX Coordinator.

In certain situations, if there is a medical condition due to pregnancy, it may be protected under the Americans with Disabilities Act (ADA), entitling the student to a reasonable accommodation. Accommodation requests due to pregnancy-related complications should be directed to Student Disability Services.