

APPENDIX

APPENDIX – OFFICIAL POLICY

STATEMENTS

AIDS, HIV and Hepatitis B Infection

UTB and TSC recognize Acquired Immune Deficiency Syndrome (AIDS), Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV) as serious public health threats and is committed to encouraging an informed and educated response to issues and questions concerning AIDS, HIV and HBV. In furtherance to its commitment, UTB and TSC have adopted a policy and procedural steps to protect both the rights and well-being of those students, employees and patients who may be infected with HIV or HBV as well as to prevent the spread of infection. No individual with HIV or HBV infection will be discriminated against in employment, admission to academic programs, health benefits, or access to facilities. Students with HIV or HBV infection may attend all classes without restriction, as long as they are physically and mentally able to participate and perform assigned work and pose no health risks to others. All information regarding the medical status of UTB and TSC faculty, staff, and students is confidential.

A complete copy of the “AIDS, HIV and Hepatitis B Infection” policy can be found in the institutional Handbook of Operating Procedures available in the Dean’s office of each school, college and division, the library and most UTB/TSC departments. This policy is applicable to all students of UTB and TSC as they pursue their academic and clinical endeavors. Several brochures are available to all students on request by calling Student Health Services at 882-8951.

Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA), 20 U.S §1232g, and the Texas Public Information Act, Texas Government Code §552.001 et. seq., are respectively a federal and state law that provide for the review and disclosure of student educational records. In accordance with these laws the University has adopted the following policy. Individuals are informed of their rights under these laws through this policy which is included in the University Handbook of Operating Procedures (HOOP) and Catalog. The catalog will be made available for inspection through the Vice President of Student Affairs Office and HOOPs are available in the Library and most administrative offices.

UTB/TSC will not permit access to or the release of personally identifiable information contained in student education records without the written consent of the student to any party, excepts as follows:

1. To appropriate UTB/TSC officials who require access to educational records in order to perform their legitimate educational duties;
2. To officials of other schools in which the student seeks or intends to enroll, upon request of these officials, and upon the condition that the student be notified and receive a copy of the record if desired;
3. To federal, state, or local officials or agencies authorized by law;
4. In connection with a student’s application for, or receipt of, financial aid;
5. To accrediting organizations or organizations conducting educational studies, provided that these organizations do not release personally identifiable data and destroy such data when it is no longer needed for the purpose it was obtained;
6. To the parents of a dependent student as defined in §152 of the Internal Revenue Code of 1954, provided a reasonable effort is made

to notify the student in advance;

7. In compliance with a judicial order or subpoena, provided a reasonable effort is made to notify the student in advance unless such subpoena specifically directs the institution not to disclose the existence of a subpoena;
8. In an emergency situation if the information is necessary to protect the health or safety of the students or of other persons; or
9. To an alleged victim of any crime of violence, the results of the alleged perpetrator’s disciplinary proceeding may be released.

The University will release information in student education records to appropriate University officials as indicated in (1) above when such records are needed by administrators, faculty or staff in furtherance of the educational or business purposes of the student or University.

A record of requests for disclosure and such disclosure of personally identifiable information from student education records shall be maintained by the Corporate Compliance Office for each student and will also be made available for inspection pursuant to this policy. If the institution discovers that a third party who has received student records from the institution has released or failed to destroy such records in violation of this policy, it will prohibit access to educational records for five years. Respective records no longer subject to audit nor presently under request for access may be purged according to regular schedules.

Directory Information

At its discretion, UTB/TSC may release directory information which shall include:

1. name, address, telephone number
2. date and place of birth
3. major field of study
4. participation in officially recognized activities and sports
5. dates of attendance
6. most recent previous educational institutions attended
7. classification
8. degrees and awards received
9. date of graduation
10. physical factors (height and weight) of athletes
11. e-mail addresses
12. photographs

Students may withhold directory information by notifying the Office of the Registrar in writing each semester during the first 12 days of class of a fall or spring semester, the first four class days of a summer semester, or the first three days of any quarter. Request for nondisclosure will be honored by the institution for only the current enrollment period; therefore, a request to withhold directory information must be filed each semester or term in the Office of the Registrar.

Access to Files

Upon written request, UTB/TSC shall provide a student with access to his/her educational records. The Vice President for Business Affairs at Tandy Hall has been designated by the institution to coordinate the inspection and review procedures for student education records, which include admissions files, academic files, and financial files. Students wishing to review their education records must make written requests to the Vice President for Business Affairs listing the item or items of interest. Education records covered by the Act will be made available within 45 days of the request.

A list of education records and those officials responsible for the records shall be maintained at the Enrollment Office. They include:

Academic Records

- Office of Admissions: Director of Admissions
- Office of the Registrar: Registrar
- Department and Faculty Offices

Student Service Records

- Counseling Office: Director of Counseling
- Student Activities Office: Director of Student Activities
- Student Affairs: Vice President for Student Affairs
- Testing: Director of Testing

Financial Records

- Business Office: Vice President of Business Affairs
- Financial Aid Office: Director of Financial Aid

Educational records do not include:

1. financial records of the student's parent or guardian;
2. confidential letters of recommendation which were placed in the educational records of a student prior to January 1, 1975;
3. records of instructional, administrative and educational personnel which are kept in the sole possession of the maker and are not accessible or revealed to any other individual except a temporary substitute for maker;
4. records of law enforcement units;
5. employment records related exclusively to an individual's employment capacity;
6. medical and psychological records;
7. thesis or research papers; or
8. records that only contain information about an individual after the individual is no longer a student at the institution.

Challenge to Record

Students may challenge the accuracy of their educational records. Students who believe that their education records contain information that is inaccurate or misleading, or is otherwise in violation of their privacy or other rights may discuss their problems informally with the V.P. for Student Affairs. If the decisions are in agreement with the student's request, the appropriate records will be amended. If not, the student will be notified within a reasonable period of time that the records will not be amended, and they will be informed by the V.P. for Student Affairs of their right to a formal hearing.

Student requests for a formal hearing must be made in writing to the Vice President for Student Affairs who, within a reasonable period of time after receiving such requests, will inform students of the date, place and the time of the hearing. Students may present evidence relevant to the issues raised and may be assisted or represented at the hearings by one or more persons of their choice, including attorneys, at the student's expense. The hearing officer that will adjudicate such challenges will be appointed by the V.P. for Student Affairs in nonacademic matters and by the V.P. for Academic Affairs in academic matters.

Decisions of the hearing officer will be final, will be based solely on the evidence presented at the hearing, will consist of the written statements summarizing the evidence and stating the reasons for the decisions, and will be delivered to all parties concerned.

The education records will be corrected or amended in accordance with the decision of the hearing officer, if the decision is in favor of the student. If the decision is unsatisfactory to the student, the student may place with the education records statements commenting to the information in the records or statements setting forth any reasons for disagreeing with the decision of the hearing officer, or both.

The statements will be placed in the education records, maintained as part of the student's records, and released whenever the records in question are disclosed.

Students who believe that the adjudications of their challenges were unfair or not in keeping with the provisions of the act may request in writing, assistance from the President of the institution.

Change of Address and Change of Name

Students are responsible for providing accurate and current mailing address information and legal name changes to the Graduate Office and the Office of Admissions.

Complaints

Complaints regarding alleged failures to comply with the provisions of the FERPA may be submitted in writing to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D 20202-4605.

Copies

Students may have copies of their educational records and this policy. These copies will be made at the student's expense at rates authorized in the Texas Open Records Act except that official transcripts will be \$1.00. Official copies of academic records or transcripts will not be released for students who have an outstanding institutional debts or institutional holds on academic records at UTB/TSC. Institutional holds may be placed on student records if the student is not in compliance with federal financial aid requirements or other institutional policies.

Hazing Policy

Hazing in state educational institutions is prohibited by both state law (§51.936 and 37.151 et seq, Texas Education Code) and by the Regents' *Rules and Regulations* Series 50101. Individuals or organizations engaging in hazing could be subject to fines and charged with criminal offenses. Additionally, the law does not affect or in any way restrict the right of the University to enforce its own rules against hazing.

Individuals

A person commits an offense if the person:

1. engages in hazing;
2. solicits, encourages, directs, aids or attempts to aid another engaging in hazing;
3. recklessly permits hazing to occur; or
4. has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or has firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge in writing to the Vice President for Student Affairs or other appropriate official of the institution.

Organizations

An organization commits an offense if the organization condones or encourages hazing or if an officer of any combination of members, pledges, or alumni of the organization commits or assists in the commission of hazing.

Definition

The term "hazing" is broadly defined by statute to mean any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student, that endangers the mental or physical health of safety or a student

for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization. Hazing includes, but is not limited to:

- a. Any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;
- b. any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
- c. any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance which subjects the student to an unreasonable risk of harm or which adversely affects the mental or physical health or safety of the student;
- d. any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, or that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described in this subdivision; and
- e. Any activity that induces, causes, or requires the student to perform a duty or task which involves a violation of the Penal Code. The fact that a person consented to or acquiesced in a hazing activity is not a defense to prosecution.

Immunity

In an effort to encourage reporting of hazing incidents, the law grants immunity from civil or criminal liability to any person who reports a specific hazing event in good faith and without malice to the Vice President for Student Affairs or other appropriate official of the institution and immunizes that person for participation in any judicial proceeding resulting from that report. Additionally, a doctor or other medical practitioner who treats a student who may have been subjected to hazing may make a good faith report of the suspected hazing activities to police or other law enforcement officials and is immune from civil or other liability that might otherwise be imposed or incurred as a result of the report. The penalty for failure to report is a fine of up to \$1,000, up to 180 days in jail, or both. Penalties for other hazing offenses vary according to the severity of the injury which results and include fines from \$500 to \$10,000 and/or confinement for up to two years.

Immunization Requirements

The following immunizations are required for all students enrolled in health related courses which will involve direct patient contact or who come in contact with human biological fluids or tissue. Students for whom these immunizations are not required by the institution are strongly urged to obtain these immunizations for their own protection.

- Measles: proof of two doses of measles vaccine administered on or after the first birthday and at least 30 days apart or proof of immunity.
- Mumps: proof of one dose of mumps vaccine administered on or after the first birthday or proof of immunity.
- Rubella: proof of one dose administered on or after the first birthday or proof of immunity.
- Tetanus/diphtheria: proof of one “booster” dose of tetanus/diphtheria (within 10 years).
- Hepatitis B virus (HBV): proof of serologic immunity to HBV or

certification of immunization with a complete series of Hepatitis B vaccine.

Certain exemptions are allowed from immunization requirement; students should contact the Office of the Vice President for Student Affairs for information. Inquiries concerning supplemental immunization requirements should be directed to Student Health Services.

Illicit Drug Use and Alcohol Abuse Program and Policy

In compliance with the Drug Free Schools and Communities Act Amendment of 1989, Regents’ *Rules and Regulations* Series 50101 provides for disciplinary action against any student who engages in conduct that is prohibited by state, federal, or local law. This includes those laws prohibiting the use, possession, or distribution of drugs and alcohol.

UTB and TSC will impose at least a minimum disciplinary penalty of suspension for a specified period of time or suspension of rights and privileges, or both, for conduct related to the use, possession, or distribution of drugs that are prohibited by state, federal, or local law. Other penalties that may be imposed for conduct related to the unlawful use, possession, or distribution of drugs or alcohol include disciplinary probation, payment for damage to or misappropriation of property, suspension of rights and privileges, suspension for a specified period of time, expulsion, or such other penalty as may be deemed appropriate under the circumstances.

Information is distributed to each student annually concerning standards of conduct prohibiting unlawful possession, use, or distribution of illicit drugs and alcohol, health risks associated with their use and abuse, institutional penalties, state and federal criminal penalties, and counseling and rehabilitation programs available in the area. Additional information is also available in the Student Health Services Office.

Sexual Harassment Policy

UTB/TSC is committed to provide a professional working and learning environment free from sexual harassment. Sexual harassment has been declared a form of sex discrimination under Title VII of the Civil Rights Act of 1964, and Title IX of the Civil Rights Act of 1972 and the Texas Commission on Human Rights Act. UTB/TSC maintains a strict policy prohibiting unlawful harassment of any kind including sexual harassment. Any person who engages in such conduct will be subject to disciplinary action, including termination.

Sexual Harassment

The unwelcome sexual advances, requests for sexual favors, verbal and written comments, or physical conduct of a sexual nature that may constitute sexual harassment when such conduct:

- is made, either explicitly or implicitly, a term or condition of instruction, employment, participation in a university activity; or
- is used to be a basis for evaluation in making academic or personnel decisions affecting an individual; or
- creates an intimidating, hostile, or offensive university environment.

In addition to the above definition, sexual harassment may include and is not limited to the following:

- Unwelcome sexual flirtations, advances or propositions.
- Verbal remarks of a sexual nature (whether directed to an individual or a group, including sexually explicit or offensive jokes).
- Graphic or degrading verbal or written comments of a sexual nature about an individual or the individual’s appearance.

- Suggestive or unwelcome physical contact.
- Physical assault.

Sexual harassment is not limited by gender of either party, nor by superior-subordinate relationships. This policy is applicable to all employees, faculty and students of UTB/TSC.

All sexual harassment complaints are filed with the Office of the Vice President for Business Affairs, located at Tandy Hall #109. Procedures for filing complaints are found in the Handbook of Operating Procedures, §3.3, page 2 of 6.

Consensual Relationships

Consensual relationships that result in Sexual Harassment is found in the HOOP, §3.5, which prohibits such relationships between faculty or staff members in positions of authority with their subordinates or their students.

Reporting inappropriate consensual relationships that contain elements of sexual harassment are reported to the EEO Officer. Consensual relationships not resulting in sexual harassment involving students are reported to the Vice President of Student Affairs.

Sexual Offense

Sexual offense is found in the HOOP, §3.6, page 1 of 5, and may be found at the Library. This section applies to complaints of sexual assault by any member of the UTB/TSC community against any other member, including students, staff members, and faculty. Complaints involving sexual assault that are not of a sexual harassment nature are reported to Campus Police, the Brownsville Police Department, or the Office of the Vice President for Student Affairs. Services such as pre-complaint counseling are available for students in the Counseling and Guidance Center.

Review

This policy shall be reviewed annually by the Vice President for Business Affairs/EEO/AA.

Religious Holy Days

The institution will allow a student who is absent from classes for the observance of a religious holy day to take an examination or complete an assignment scheduled for that day within a reasonable time after the absence if, not later than the 15th day after the first day of the semester, the student notifies the instructor of each class the student has scheduled on that date that the student will be absent for a religious holy day. "Religious holy day" means a holy day observed by a religion whose places of worship are exempt from property taxation under §11.20, Tax Code.

The student's notification must be in writing and must be delivered by the student personally to the instructor of each class, with receipt of the notification acknowledged and dated by the instructor or by certified mail, return receipt requested, addressed to the instructor of each class.

Solicitation Policy

Regents' *Rules and Regulations* Series 80103 states that no solicitation shall be conducted on the grounds, sidewalks, or streets of the UTB/TSC campus, except by the agents, servants, or employees of this institution acting in the course and scope of their employment, or by the Student Government Association, or by a registered student, faculty, or staff organization of UTB/TSC. Such solicitation must adhere to the following rules:

- Academic or institutional programs being carried on in the buildings shall not be disturbed or interfered with.
- The free and unimpeded flow of pedestrian or vehicular traffic on

sidewalks and streets and at places of ingress and egress to and from campus buildings shall not be interrupted.

- The person(s) being solicited shall not be harassed, embarrassed or intimidated.

Non-University groups, individuals or associations are not permitted to solicit, distribute, or circulate any petition, handbill, or other literature in University buildings or on the grounds.

Newspaper vending is permitted only in the areas designated in advance by the President or his delegate. Any request for other

newspapers or additional distribution areas should be directed in writing to the Vice President for Business Affairs.

Prior authorization to conduct solicitations or distribution of materials on campus by registered student organizations or by registered faculty or staff organizations must be obtained through the Office of the Vice President for Student Affairs (student organizations) or through the Office of the Vice President for Business Affairs (faculty or staff organizations). Persons desiring to conduct solicitations or to distribute materials strictly for personal reasons or for personal profit or gain will under no circumstances be granted permission to do so.

Any violation of the above policy should be reported to the Office of the Vice President for Business Affairs.

Student Right-to-Know Act and Campus Security Act

In compliance with the Student Right-to-Know and Campus Security Act (the Act) 20USC §§1092(a), (e) and (f), as amended, the university collects specified information on campus crime statistics, campus security policies, and institutional completion or graduation rates. Pursuant to the federal law, alleged victims of violent crime are entitled to know results of campus student disciplinary proceedings concerning the alleged perpetrators.

The university will make timely reports to the campus community on crimes considered to be a threat to students and employees and those reported to campus police or local police agencies. Every September, UTB/TSC will publish and distribute an annual report of campus security policies and crime statistics to all current students and employees; provide copies of the report to applicants for enrollment or employment upon request; and submit a copy of the report to the Secretary of Education upon request. This report will reference crimes which occur on property owned or controlled by the university and may be supplemented by listing crimes which occur off of campus in buildings or on property owned or controlled by student organizations that are registered by the institution when such statistics are available from local police departments.

The university will annually calculate and disclose institutional completion or graduation rates for undergraduate students to all prospective and current students.

UTB/TSC will also publish the annual security report which includes its policy regarding sex-related offenses, sexual assault prevention programs, education programs to promote awareness of sex offenses, administrative disciplinary procedures and sanctions for offenders, and counseling and student affairs for victims.

Prior to the offer of athletically-related student aid to a potential student athlete, the university will provide certain information on graduation rates specified by the Act to the prospective student and to the student's parents, guidance counselor, and coach.

Student Criminal Background Checks

Recognizing a sound character is vital to health care professions, UTB/TSC may require applicants or students admitted to clinical degree programs undergo criminal background checks. Applicants or students shall conform to the specific policy and procedure adopted by each specific program/school for which the students apply or admitted.

The School of Education also requires criminal background checks for admission into the Teacher Education and the Alternative Certification Programs. Specific areas that require background checks are programs of study that require the completion of field experience requirements or field based activities completed in public school classrooms.

Student Travel Policy

Student travel procedures apply to faculty, staff, and students who engage in transporting students off campus on any University business or related travel activities for student organizations. The procedures are considered to be minimum standard; departments may mandate additional procedures.

Failure to comply with these requirements may result in the suspension of student travel for the student organization responsible for arranging the trip.

Travel Requirements and Planning

A designated university representative must accompany each student travel group when university funds are used to sponsor the trip. In the event that an advisor cannot attend the function with the student group another university staff and or faculty may attend in the place of the advisor. A travel itinerary and a passenger list shall be filed with the Office of Student Activities. Copies of these forms will then be submitted to Campus Police and the Dean of Students Office.

For the complete Travel Policy, visit the Student Travel/Trip Procedures website at http://blue.utb.edu/sa/AVPSD/Travel_Procedures_2005-May.pdf.