Section II: Student Affairs

Chapter 1: Student Conduct and Discipline

1.1 General Provisions

This chapter prescribes the standards of conduct expected of students enrolled at the University; outlines actions that can be taken when conduct is not in conformity with the prescribed standards; and establishes procedures for the imposition of such actions.

1.1.1 Authority

The authority held and exercised by the Vice President for Student Affairs is delegated by the President. Any action taken by the Vice President for Student Affairs is subject to review by the President.

The Vice President for Student Affairs is responsible for the development and administration of policies relating to students, for the provision of services to students, and for the initial preparation and implementation of policies contained herein.

Any student, group of students, or student organization may petition the Board of Regents concerning these policies (but not a specific disciplinary action taken pursuant to these policies) through the Vice President for Student Affairs, the President, the appropriate Vice Chancellor, and the Chancellor.

1.2 Definitions

Throughout Section II, Student Affairs, of this Handbook, unless the context requires a different meaning:

a. "Chief administrative officer of the System" means the Chancellor of The University of Texas System;

b. "Regents' Rules and Regulations" means the current Rules and Regulations of the Board of Regents of The University of Texas System, which are available electronically for inspection at: http://www.utsystem.edu/bor/rules/MasterRRR.htm.

c. "University" means the University of Texas at El Paso.

d. "University President" means the President of The University of Texas at El Paso.

e. "Handbook of Operating Procedures" means the current policies and procedures of the University of Texas at El Paso, which are available electronically at: http://admin.utep.edu/hoop/;

f. "Chief Student Affairs Officer" means the Vice President for Student Affairs, his or her delegate, representative.

g. "Dean" means the Dean of Students or his or her delegate or representative;

h. "Academic Dean" means the Dean of any one of the Academic colleges of The University of Texas at El Paso;

i. "Department Chair" means the Chair of an Academic Department;

j. "Academic or administrative unit" means any office or department of the University;
k. “Faculty member and staff member” means any person who is employed by the University.

l. "Student" means a person currently enrolled at the University, or who is accepted for admission or re-admission to the University, or who has been enrolled at the University in a the prior semester or summer session, and is eligible to continue enrollment in the semester or summer session that immediately follows, or who is attending a University-sponsored educational program on the University campus, or an individual suspended or otherwise excluded from enrollment for a stated term as the result of prohibited conduct that occurred while the individual was a student at the University;

m. “Advisor” means a member of the faculty or full-time staff who advises the members of an organization;

n. "Hearing Officer" means a person appointed by the President of the University to conduct hearings of alleged violations of the prescribed student standards of conduct by an individual or registered student organization; make findings of fact and, upon a finding of guilt, impose appropriate sanctions;

o. "Registered student, faculty or staff organization" means a student group holding a valid registration approved by the Student Development Center as provided for in Chapter 4, or a faculty or staff group registered by the Vice President for Business Affairs under Regent’s Rules and Regulations (Series 40201), and the Student Government Association and any unit or subdivision thereof;

p. "Campus" means all real property, building or facilities owned or controlled by The University of Texas at El Paso;

q. "Weekday" means Monday through Friday, excluding any day that is an official holiday of the University;

r. "Class day" means a day on which classes or semester or summer session final examinations are scheduled;

s. "Day" means a calendar day of the month;

t. "Good standing" means students not on academic or disciplinary probation of any kind;

u. "Libel" means any defamation expressed in printing or writing, or by signs, pictures or drawings tending to blacken the memory of the dead, or tending to injure the reputation of one who is alive, and thereby expose him/her to public hatred, contempt or ridicule, or financial injury, or virtue, or reputation of anyone, or to publish the natural defects of anyone and thereby expose such a person to public hatred, ridicule, or financial injury (Article 5430, Texas Revised Civil Statutes Annotated [1958]);

v. "Obscene material" means material, the dominant theme of which, taken as a whole, appeals to prurient interest in sex. The material is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value (Ginzburg v. U.S. 383 U.S. 463 [1966]);

w. "Card" or "ID card" means the University identification card issued by the University to students for identification and administrative purposes; and
“Currently validated” means the electronic validation of the ID card signifying that a student is presently enrolled at the University.

1.3 Student Standards of Conduct

Each student is responsible for notice of and compliance with the provisions of the Regents’ Rules and Regulations, which are available for inspection electronically at http://www.utsystem.edu/bor/rules/homepage.htm.

All students are expected and required to obey the law, to comply with the Regents’ Rules and Regulations, with System and University rules, with directives issued by an administrative official in the course of his or her authorized duties, and to observe standards of conduct appropriate for the University. A student who enrolls at the University is charged with the obligation to conduct himself/herself in a manner compatible with the University's function as an educational institution.

Any student who engages in conduct that is prohibited by Regents’ Rules and Regulations, U. T. System or University rules, specific instructions issued by an administrative official or by federal, state, or local laws is subject to discipline, whether such conduct takes place on or off campus or whether civil or criminal penalties are also imposed for such conduct.

1.3.1 Scholastic Dishonesty

It is the official policy of the University that all suspected cases or acts of alleged scholastic dishonesty must be referred to the Dean of Students for investigation and appropriate disposition. It is contrary to University policy for a faculty member to assign a disciplinary grade such as an "F" or zero to an assignment, test, examination, or other course work as a sanction for admitted or suspected scholastic dishonesty in lieu of normally charging the student through the Dean of Students. Similarly, students are prohibited from proposing and/or entering into an arrangement with a faculty member to receive a grade of “F” or any reduced grade in lieu of being charged with scholastic dishonesty.

Any student who commits an act of scholastic dishonesty is subject to discipline. Scholastic dishonesty includes, but is not limited to cheating, plagiarism, collusion, the submission for credit of any work or materials that are attributable in whole or in part to another person, taking an examination for another person, any act designed to give unfair advantage to a student or the attempt to commit such acts. Disciplinary proceedings may be initiated against any student for any of the following acts or omissions:

1.3.1.1 "cheating" includes:

a. copying from the test paper of another student, engaging in written, oral, or any other means of communication with another student during a test, or giving aid to or seeking aid from another student during a test;

b. possession and/or use during a test of materials which are not authorized by the person giving the test, such as class notes, books, or specifically designed “crib notes”;

c. using, obtaining, or attempting to obtain by any means the whole or any part of non-administered test, test key, homework solution, or computer program, or using a test that has been administered in prior classes or semesters, but which will be used again either in whole or in part without permission of the instructor; or accessing a test bank without instructor permission;

d. substituting for another person, or permitting another person to substitute for one’s self, to take a test; and
e. falsifying research data, laboratory reports, and/or other records or academic work offered for credit;

1.3.1.2 "plagiarism" means the appropriation, buying, receiving as a gift, or obtaining by any means another's work and the unacknowledged submission or incorporation of it in one's own academic work offered for credit, or using work in a paper or assignment for which the student had received credit in another course without direct permission of all involved instructors.

1.3.1.3 "collusion" means the unauthorized collaboration with another person in preparing academic assignments offered for credit or collaboration with another person to commit a violation of any provision of the rules on scholastic dishonesty.

1.3.2 Sale or Use of Illegal Drugs and Narcotics

The University enforces all state and federal laws that prohibit the possession or sale of illegal drugs or drug paraphernalia and complies with the Drug Free Schools and Communities Act of 1990: Any student who is guilty of the illegal use, possession and/or sale of a drug or narcotic, including any amount of marijuana, on the campus is subject to University discipline in addition to possible criminal prosecution by civil authorities. If a student is found guilty of the illegal use, possession, and/or sale of a drug or narcotic on campus, the minimum disciplinary penalty shall be suspension from enrollment or attendance for a specified period of time and/or suspension of rights and privileges for a specified period of time.

1.3.3 Sale or Use of Alcoholic Beverages

The University enforces all state and federal laws or regulations which regulate and control the sale or use of alcohol on campus, including those pertaining to the possession of alcohol by minors. University regulations prohibit the possession and/or consumption of alcoholic beverages on University property without prior written authorization by appropriate administrative officials and are strictly enforced. Customers of legal age under State law may purchase and consume alcoholic beverages in areas on the campus specifically designated for the public sale and consumption of beer and wine, and residents of University Housing are authorized to possess and consume beer and wine in the privacy of their living quarters, if they are of legal age under State law. Students in violation of these policies will be subject to University discipline in addition to possible criminal prosecution by civil authorities.

1.3.4 Weapons Prohibition on Campus

No person, student, staff, faculty or visitor is allowed to possess or transport any type of weapon or firearm on the campus at any time unless he or she is a commissioned police officer as defined in Chapter 2-12 of the Texas Code of Criminal Procedures. This includes a prohibition against the storing or transporting of weapons by residents of University Housing. The University Police provides locked temporary storage for anyone who has a firearm, including those in possession of a State-issued permit for the possession of a concealed weapon, who needs to conduct business on the University campus. Individuals failing to comply with this policy will be asked to leave University property, and failure to do so may result in issuance of a citation for criminal trespass. Students who violate this policy will be subject to University disciplinary action.

1.3.5 Debts to the University

Students who owe debts to the University may be denied admission or readmission to the University and have their official transcripts and degrees, for which they would otherwise be entitled, withheld until the debt is paid. Students who write insufficient funds checks may be referred to the County Attorney for criminal prosecution in addition to any internal disciplinary action taken by the University. If the bad check is written for registration fees, the students’ registration will be canceled immediately.
1.3.6 Certain Other Offenses

Other proscribed conduct includes but is not limited to the following:

a. engaging in conduct that endangers the health or safety of members of the University, or of visitors on the campus or any property, building, or facility owned or controlled by the System;

b. engaging in conduct, either alone or in concert with others, that obstructs or disrupts or interferes with any teaching, educational, research, administrative, disciplinary, public service, or other activity, meeting, or event authorized to be held or conducted on the campus, or on property, or in a building or facility owned or controlled by the University is subject to discipline, including dismissal. Obstruction or disruption includes but is not limited to any act that interrupts, modifies, or damages utility service or equipment, communication service or equipment, University computers, computer programs, computer records or computer networks accessible through the University’s computer resources;

c. advocacy, either oral or written, or engaging in behavior which is obscene, libelous, or that is directed to inciting or producing imminent lawless action and is likely to incite or produce such action;

d. engaging in the unauthorized use of property, equipment supplies, buildings, or facilities owned or controlled by the System or University;

e. engaging in gambling or dishonesty;

f. falsifying or altering or assisting with such, of any official System or University record including applications for admission, grade reports, test papers, answer sheets, registration materials, or other forms or records used for the conduct of official University business. Falsifying includes the omission of requested information and altering includes causing the alteration by means of electronic, telephonic or computer equipment;

g. damaging, destroying, mutilating, defacing, altering or taking unauthorized possession of property, equipment, supplies, buildings or facilities owned, leased, or controlled by the University;

h. engaging in prohibited conduct while participating in off-campus activities sponsored by the University, including field trips, internships, rotation or clinical assignments;

i. possessing or using of any type of firearm, imitation firearm, ammunition, hazardous chemical, weapon or explosive on the campus or on any property owned or controlled the University except as may be authorized by federal, state, or local law or regulation;

j. engaging in proscribed conduct during a disciplinary suspension;

k. refusing to produce appropriate forms of identification to identify yourself to a University official in response to a request made by the University official acting in the course of his/her duties;

l. forging or altering any parking permit, traffic ticket or parking ticket issued by the University; any ticket for admission to a program or event sponsored by the University; any means of identification issued by the University; any instrument obligating the University to pay any sum of money; any key which may be used for entering any building owned or controlled by the University; or participating in such actions with other persons;
m. using or participating with others in the use of any University record, instrument, or document, or computer equipment which can affect changes in those records, instruments or documents, which does not specifically relate to the person or persons making use of same, except to the extent such use may be authorized by statute, a rule or regulation of the University or the written permission of either the person to whom such record, instrument, or document relates or the University official having custody of same;

n. using or participating with others in the use of any permit, means of identification, or key issued by the University to a person other than the user;

o. distributing, posting or carrying on campus any petition, handbill, sign, poster, or a piece of literature, or installing, occupying or using on campus any booth or table, if the booth or table is wholly or partly for the distribution or dissemination of words or materials that are obscene, libelous, or that is directed to inciting or producing imminent lawless action and is likely to incite or produce such action;

p. unauthorized appearance or prohibited conduct on the campus after having been expelled or suspended from the University or any other component institution of The University of Texas System for disciplinary reason without prior approval from the Vice President for Student Affairs of the University at which the student wishes to be present;

q. harassment of any University community member;

r. theft of any personal property of any community member on campus or at any University function;

s. Hazing. See 1.3.8 for Hazing policy.

1.3.7 Negotiations Prohibited

Neither the University President nor any officer in the Office of the Chancellor, nor any representative of either of them, when dealing with disruptive activities, shall negotiate or attempt to negotiate with any person or persons engaged in any disruptive activity on the campus. When such a situation arises, the University President or any officer in the Office of the Chancellor, or any representative of either of them, shall take immediate action to utilize all lawful measures to halt and eliminate any and all such disruptive activities that come to their attention.

1.3.8 Hazing

Hazing is expressly prohibited by state law, Regents' Rules and Regulations, and University regulation. Hazing with or without the consent of a student whether on or off campus is prohibited, and a violation renders the person inflicting the hazing, the organization with which the offenders are affiliated, and the person submitting to the hazing subject to discipline.

Under state law, individuals or organizations engaging in hazing may be charged with a criminal offense and subject to fines and imprisonment.

According to the law, a person can commit a hazing offense not only by engaging in a hazing activity, but also by soliciting, directing, encouraging, aiding or attempting to aid another in hazing; by intentionally, knowingly or recklessly allowing hazing to occur; or by failing to report first-hand knowledge in writing to the Dean of Students that a hazing incident is planned or has occurred. The fact that a person consented to or acquiesced in a hazing activity is not a defense to prosecution for hazing under this law.
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 to the Dean of Students, and immunizes that person from participation in any judicial proceeding resulting from that 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 that results, and range from $500 to $10,000 in fines and up to two years confinement in prison.

The University regards any form of hazing as a major violation. Any individual and/or any registered student organization participating or involved in hazing activities will be prosecuted.

The law defines hazing as 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 or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization whose members are or include students at an educational institution. 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, or sexual contact that is unwelcome or inappropriate;

c. any activity involving consumption of 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 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 section;

e. any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code.

1.3.9 Computer Usage Violations

Computer usage violations include, but are not limited to breach of computer security, harmful or unauthorized access, unauthorized copying of programs and/or data, unauthorized transfer of programs and/or data, and access denial, creation of a student home page on a University computer account that creates the impression that it is an official University publication or contains obscene or illegal materials, such as libel, pornographic text or pictures or copyrighted materials, or the attempt to commit such violations. Students, including those working as work-study or student employees, using University computing services, resources and facilities are responsible for being aware of and complying with computing Rules and Regulations.

Unauthorized use of another person's computing account, password, program or data, or misuse of computing resources subjects a student to disciplinary and other legal actions.

1.3.9.1 "Breach of computer security" includes:
a. using a computer without the effective consent of the owner of the computer or a person authorized to license access to the computer;

b. gaining access to data stored or maintained by a computer without the effective consent of the owner or licensee of the data; and

c. knowingly giving a password, or other confidential information about a computer security system to another person without the effective consent of the person employing the computer security system to restrict the use of a computer or to restrict access to data stored or maintained by a computer.

1.3.9.2 "Harmful or unauthorized access" includes:

a. intentionally or knowingly causing a computer to malfunction or interrupting the operation of a computer without the effective consent of the owner of the computer; and

b. intentionally or knowingly, personally or through any agent, altering, damaging, or destroying data or a computer program stored, maintained, or produced by a computer.

1.3.9.3 "unauthorized copying of programs and/or data" means copying computer programs or data without the effective consent of the owner of the programs or data. The unauthorized use of another person's program or data is considered plagiarism;

1.3.9.4 "unauthorized transfer of programs and/or data" means the electronic or mechanical transferring or usurping control of computer programs and/or data without the effective consent of the owner of the programs and/or data;

1.3.9.5 "access denial" means intentionally or knowingly blocking or hindering the access of an authorized user to either the computer or the user's computer programs and/or data.

1.4 Administration of Discipline

Please refer to the next section

1.4.1 Administration by the Dean of Students

The Dean of Students and/or his/her delegated representative shall have primary authority and responsibility for the administration of student discipline.

1.4.2 Faculty Senate Committee on Student Conduct

1.4.2.1 The Faculty Senate Committee on Student Conduct is composed of faculty and student members as prescribed by Faculty Senate Bylaws in Section III, Academic Affairs, Chapter 1 of this Handbook. The committee shall:

a. consult with the Dean on student disciplinary policies, rules and practices;

b. recommend to the Dean and to the University changes in student disciplinary policies rules and practices;

c. recommend to the University President a standing panel of available Hearing Officers; however, the President is permitted to select Hearing Officers without limitation to a recommended panel.
1.5 Initiation of Disciplinary Proceedings and Administrative Disposition

Please refer to the next section

1.5.1 Investigation

1.5.1.1 When the Dean receives information that a student has allegedly engaged in conduct that is prohibited by federal, state, or local laws, the Regents' Rules and Regulations, the rules and regulations of the University, or specific instructions issued by an administrative official of the University in the course of his/her authorized duties, he/she shall investigate the alleged violation. The Dean may during the investigation:

a. dismiss the allegation as lacking merit; or

b. summon the student for a conference, and after conferring with the student, either:

1. dismiss the allegation;

2. proceed administratively under 1.5.3;

3. proceed under 1.5.4; or

4. prepare and deliver or mail to the accused student, addressed to the address of the accused student as it appears in the records of the Registrar, a statement of charges, a summary statement of the evidence supporting such charges, including a list of witnesses and brief summary of their testimony and advise the accused student that he/she is proceeding under 1.6;

1.5.1.2 In administering cases of student scholastic dishonesty, the Dean of Students shall make reasonable effort to contact the instructor prior to finding the allegation to be unfounded or that there is insufficient evidence to pursue the matter. The instructor shall be allowed to provide additional direct or indirect evidence to establish the fact in question.

1.5.2 Summoning a Student

1.5.2.1 The Dean may summon a student to appear for purposes of discussing the allegation(s) by mailing him/her a letter addressed to the student at his/her address appearing in the Registrar's records or hand delivering a summons.

1.5.2.2 The letter shall require the student to appear at a specified time and place at least three (3) weekdays after the date of the letter.

1.5.2.3 The Dean may bar or cancel the student's enrollment until the student appears or responds to a summons sent under 1.5.1.1.a.

1.5.2.4 The refusal of a student to accept delivery of the notice or failure to maintain a current address with the Registrar will not be considered good cause for failure to respond.

1.5.3 Interim Disciplinary Action

1.5.3.1 Notwithstanding any other provision of this chapter and pending action on the charges, the Dean may take immediate interim disciplinary action, including suspension, pending a hearing, when it reasonably appears to the Dean from the circumstances that the student or student's continuing presence poses a danger to persons or property or an ongoing threat of disrupting any authorized
University activity. The Dean may authorize interim withholding of the student's grades, degree, or official transcript when such withholding would be in the best interest of the University.

1.5.3.2 A hearing will be held as provided for under 1.6 as soon as practicable but no later than ten (10) days after the interim disciplinary action has been taken unless the student agrees, in writing, to a hearing at a later time or unless the student waives a hearing and accepts the decision of the Dean in an administrative disposition.

1.5.4 Administrative Disposition of Violations

When the accused student does not dispute the facts upon which the charges are based and executes a written waiver of the hearing procedures or pleads "no contest," the Dean shall assess one or more penalties that are appropriate to the charge(s). The student shall be informed in writing of the action taken. The minimum penalty that the Dean may assess when a student admits illegal use, possession, and/or sale of drug or narcotics on campus is the penalty prescribed in 1.3.2, and the decision of the Dean on penalty only may be appealed to the President.

1.6 Hearing

Please refer to the next section

1.6.1 Duties of the Hearing Officer

In those cases in which the accused student disputes the facts upon which the charges are based or refuses to execute a written waiver of a hearing, such charges shall be heard and determined by a fair and impartial Hearing Officer appointed by the President. The Hearing Officer will preside over the hearing and shall:

a. ascertain that the Dean has satisfactorily performed the requirements of 1.6.2;

b. rule on the procedural matters, including admissibility of evidence, motions, and objections to the procedures; question witnesses and render a written decision as to the accused student's guilt or innocence of the charges; set forth findings of fact and conclusions; assess the penalty, if any; provide the student and the Dean with a copy of the decision; at his/her discretion obtain the assistance of legal counsel from the Office of General Counsel of the University of Texas System, and

c. certify the hearing record if notice of appeal is given.

1.6.2 Duties of the Dean

The Dean shall:

a. set the date, time, and place for the hearing and notify the accused student of the date, time and place;

b. attempt to produce for the hearing any relevant documentary and other evidence in the possession and control of the University that is specifically requested by the accused student or the hearing officer;

c. arrange for recording the hearing as provided in 1.6.8; and
d. furnish a suitable room, necessary equipment and materials, and clerical assistance for a hearing.

1.6.3 Notice

1.6.3.1 The Dean shall notify the accused student concerned by letter of the date, time, and place for the hearing at least ten (10) days prior to the hearing. The notice shall be delivered in person or mailed to the student at the address appearing in the registrar's records. If the accused student is an unmarried minor, a copy of the letter may be sent to his/her parents or guardian.

1.6.3.2 A notice sent by mail shall be considered to have been received on the third day after the date of mailing, excluding any intervening Sunday. The Hearing Officer may postpone the hearing for good cause or by agreement of the student and Dean, and shall direct the Dean to notify all interested persons of the new hearing date, time, and place.

1.6.3.3 A letter of notice shall

a. direct the accused student to appear on the date and at the time and place specified;

b. advise the accused student of his/her rights:

1. to a private hearing;

2. to appear, present testimony of witnesses and document any evidence, cross-examine witnesses, and be assisted by an advisor of choice. The advisor may be an attorney. If the accused student's advisor is an attorney, the Dean's advisor may be an attorney from the Office of General Counsel of the University of Texas System. An advisor may confer with and advise the Dean or accused student, but shall not be permitted to question witnesses, introduce evidence, make objections, or present argument to the Hearing Officer;

3. to challenge the person designated to hear the charges;

4. to know the identity of each witness who will testify against him/her;

5. to have a copy of documents to be introduced;

6. to present witnesses, request the production of documentary and other evidence, and offer evidence and argue in his/her own behalf;

7. to cross-examine each witness who testifies against him/her;

8. to have the hearing recorded;

9. to appeal under 1.8;

c. contain the name of the person appointed to act as Hearing Officer;

d. notify the accused student that each party shall provide the other party a list of witnesses, a brief summary of the testimony to be given by each, and a copy of documents and other evidence to be introduced at the hearing at least five (5) days prior to the hearing;

e. contain a copy of the statement of charges;
f. notify the accused student that the Dean may be assisted by an advisor of choice. If the accused student’s advisor is an attorney, the Dean’s advisor may be an attorney from the Office of General Counsel of the University of Texas System. An advisor may confer with and advise the Dean or accused student, but shall not be permitted to question witnesses, introduce evidence, make objections, or present argument to the Hearing Officer;

1.6.3.4 If the student fails to appear without a valid reason, the Dean may proceed with the hearing in the student's absence.

1.6.4 Challenges to the Hearing Officer

Up to three (3) days prior to the hearing, the accused student, in writing, may challenge the impartiality of the person designated to hear the charges, but he/she is not entitled to disqualify the person from serving. The challenge must be in writing, shall include a statement of the allegations upon which the challenge is based, and shall be submitted to the Hearing Officer through the Office of the Dean. It shall be up to the Hearing Officer to determine whether he/she can serve with fairness and objectivity, and if the challenged person disqualifies himself/herself, the University President shall appoint another Hearing Officer.

1.6.5 Evidence

1.6.5.1 Upon a hearing of the charges, the University has the burden of going forward with the evidence and the burden of proving the charges by the greater weight of the credible evidence.

1.6.5.2 Legal rules of evidence do not apply to hearings under 1.6.5, and the Hearing Officer may admit and give probative effect to evidence that possesses probative value and is commonly accepted by reasonable persons in the conduct of their affairs. The Hearing Officer shall exclude irrelevant, immaterial, and unruly repetitious evidence.

1.6.5.3 A witness shall testify or produce documentary and other evidence unless the testimony, document, or other evidence is privileged.

1.6.5.4 All evidence shall be offered during the hearing and be made a part of the hearing record. Documentary evidence may be admitted in the form of copies, or by incorporation by reference. Real evidence may be photographed or described for the record. The Hearing Officer shall decide the issue of guilt or innocence and an appropriate penalty solely on the basis of admitted evidence. The Hearing Officer may consider an accused student's disciplinary record only in determining an appropriate penalty after finding him/her guilty of the alleged violation, except when such evidence will demonstrate a pattern of similar conduct and is germane to the present case.

1.6.5.5 A recording shall be made of the hearing under supervision of the Dean. An accused student or his/her representative may listen to the recording under supervision of the Dean. An accused student may have a professional court reporter present at the hearing to make a transcript of the hearing at the student's expense, but the student is not permitted to record by separate electronic means. The University may also at its expense have a professional court reporter present when necessary and appropriate.

1.6.6 Preliminary Matters

The hearing shall be conducted with these procedures, ensuring each party the following minimal rights:
a. charges arising out of a single transaction or occurrence against one or more students may, at the Dean's discretion, be heard together, but the Hearing Officer for good cause shown may grant a separate hearing upon request of the accused;

b. at least five (5) days before the hearing date, each party shall furnish the other party with a description, in writing, of any documents and other evidence he/she requests be produced;

c. at least five (5) days before the hearing date, each party concerned shall furnish the other party with a list, in writing, of the witnesses to be presented, a brief summary of the testimony to be given by each, and a copy of documents and other evidence to be introduced. Witnesses, testimony, and documents not so disclosed will be excluded by the Hearing Officer upon objection by the other party unless it be shown that the existence of the testimony to be given by the witness or availability of documents was unknown on the fifth day preceding the date of the hearing and could not have been discovered by the use of reasonable diligence. The provisions of this subsection shall not prohibit the offering of evidence at the hearing that is strictly in rebuttal to evidence offered by the other party;

d. any objection that, if sustained, would prevent the hearing;

e. the name of the designated representative or counsel, if any, who will appear with him/her;

f. a request for a separate hearing, if any, and the grounds for such a hearing.

1.6.7 Procedure

1.6.7.1 The hearing is informal, and the Hearing Officer shall provide reasonable opportunities for witnesses to be heard. The hearing is closed, except that, at the request of the accused student, the Hearing Officer may allow other persons to attend, except anyone who will offer testimony in the case.

1.6.7.2 The Hearing Officer shall have and exercise such power and authority as may be deemed appropriate or necessary to insure that a fair and impartial hearing of the charges is conducted in accordance with the provisions of this chapter. At the discretion of the Hearing Officer, one or more commissioned peace officers from the Police Department of the University shall be available throughout the hearing to enforce the orders and rulings of the Hearing Officer, control admission to the hearing room, and perform such other duties as the Hearing Officer may require.

1.6.7.3 The Hearing Officer shall proceed generally as follows during the hearing:

a. the Dean reads the statement of charges unless waived by the accused;

b. the Hearing Officer informs the accused student of his/her rights listed in 1.6.3;

c. the Dean presents the University's case;

d. the accused student presents his/her defense;

e. the Dean and the accused student present rebuttal evidence;

f. the Dean makes closing argument and makes recommendation regarding penalty;

g. the student makes closing argument;
h. the Dean makes final argument;

i. the Hearing Officer deliberates and decides the issue of guilt or innocence;

j. if the Hearing Officer finds the accused student guilty the Hearing Officer deliberates and determines an appropriate penalty; and

k. the Hearing Officer informs the Dean and the student in writing of the decision and penalty, if any, in accordance with 1.6.9.

1.6.8 Record

1.6.8.1 The hearing record consists of:

a. a copy of the notice required under 1.6.3 above;

b. the recording together with all documentary and other materials offered and admitted in evidence;

c. written motions, pleas, and any other materials considered by the Hearing Officer; and

d. the decisions of the Hearing Officer.

1.6.8.2 If notice of appeal is timely given as provided in 1.8.1, the Dean, at the Hearing Officer's direction, shall prepare the record; the Hearing Officer shall certify its completeness and accuracy; and the Dean shall send it to the University President, with a copy to the student appellant on or before the fourteenth (14th) day after the notice of appeal is given. At the request of the President, the recording of the hearing will be transcribed, and both parties shall be furnished a copy of the transcript.

1.6.9 Decision

The person hearing the charges shall render and send to the Dean and the student a written decision within a reasonable time, usually two (2) days, which shall contain findings of fact and conclusions as to the guilt or innocence of the accused student and, if applicable, shall assess a penalty or penalties. If a Hearing Officer finds a student guilty of the illegal use, possession, and/or sale of a drug or narcotic on campus, the Hearing Officer must assess a minimum penalty as provided in 1.3.2 above of this chapter.

1.7 Penalties

Please refer to the next section

1.7.1 Authorized Disciplinary Penalties

The Dean under 1.5 above, or the Hearing Officer after a hearing under 1.6 above, in consultation with the instructor of record, may impose one or more of the following penalties for violation of a University regulation concerning scholastic dishonesty:

a. written warning that further scholastic violation may result in a more severe penalty;

b. no credit, or reduced credit for the paper, assignment, or test in question;
c. retaking of examination or re-submission of assignment;

d. failing grade or reduced final grade for the course;

e. any educational intervention that is deemed appropriate by the Dean of Students to include but not limited to assignment of a course in ethics in the following semester of enrollment;

f. with concurrence of the Dean of Students, place the student on suspension for the remainder of the semester or longer as appropriate;

g. for undergraduate students who have completed 60 credit hours or more a one-year suspension for second or subsequent offenses;

h. for graduate students a one-year suspension for the first offense and dismissal for any subsequent offense.

The above sanctions may be assigned singularly or in any combination as deemed appropriate by the Dean of Students.

1.7.2 Nature of Penalties

1.7.2.1 Disciplinary probation shall indicate a specified period of time during which the student is required to comply with specific terms and conditions that include not engaging in further conduct in violation of the Student Standards of Conduct, or other conditions imposed by the Dean or Hearing Officer. The penalty or penalties that will be imposed for failure to comply with the terms and conditions will be stated. Students who are assessed this penalty will be removed from probation automatically upon expiration of the probationary period, provided the specific terms and conditions of the probation have been satisfied.

1.7.2.2 The withholding of grades, official transcript, and/or degree may be imposed.

1.7.2.3 A bar against re-admission will be for a specified period and will be removed at the expiration of that period.

A bar against re-admission may be imposed on a student who fails to respond to a summons by the Dean to discuss an alleged violation of Regents' Rules and Regulations, institutional rules, or other provisions. The bar will be lifted when the student responds to the summons as requested.

1.7.2.4 Restitution or reimbursement for damage to or misappropriation of University property requires a student to reimburse the University or System for loss from damage to, or unauthorized taking or use of, property owned or leased by the University or System when the conduct of the student has caused or contributed to cause such loss. The notice imposing the penalty will advise the student of the amount of the loss, and that failure to make restitution by a specified date will result in suspension from the University until such time as restitution shall have been made. Restitution may also apply to the property of others in University-related incidents.

1.7.2.5 Suspension of rights and privileges, including participation in athletic or extra-curricular activities means that a student shall not be eligible to participate in official events or activities of the University, whether athletic or non-athletic, shall not join a registered student organization or participate in any meetings or activities of a registered student organization of which he/she may already be a member, and shall not be appointed or elected to or continue to function in any office or position within student government or official student publications.
Students may also be barred from entering specified buildings or restricted from using particular facilities.

1.7.2.6 A failing grade for an examination or assignment or for a course and/or cancellation of all or any portion of prior course credit may be imposed when a student is found guilty of scholastic dishonesty.

1.7.2.7 A student found guilty of scholastic dishonesty may be denied a degree.

1.7.2.8 Suspension from the University for a specified period prohibits, during the period of suspension, the student on whom it is imposed from being on the campus of any U.T. System component institution without prior written approval of the chief student affairs officer of the institution at which the student wishes to be present. Any special conditions outlined in the suspension notice must be met before re-admission can be granted.

1.7.2.9 Expulsion is permanent separation from the University and prohibits the student from being on the campus of any U.T. System component institution without prior written approval of the chief student affairs officer of the institution at which the student wishes to be present.

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

1.7.2.11 Other penalties may be imposed when, in the opinion of the Dean or the Hearing Officer, the best interests of the student or University would be served.

1.8 Appeal

Please refer to the next section

1.8.1 Right to Appeal

After a hearing, either the Dean or the accused student may appeal the decision of the Hearing Officer to the University President under 1.6.

1.8.1.1 A written notice of appeal must be delivered to the President within fourteen (14) calendar days after the parties have been notified of the decision. If the decision is sent by mail, the date the decision is mailed initiates the fourteen (14)-day period. An appeal of penalty assessed by the Dean will be reviewed solely on the basis of the written argument of the student and the Dean. The appeal of the decision of the Hearing Officer will be reviewed solely on the basis of the record from the hearing.

1.8.1.2 In order for the appeal to be considered, all necessary documentation to be filed by the appealing party, including written arguments in support of the appeal, shall be submitted to the University President within fourteen (14) days after the notice of appeal is given. At the discretion of the President, both parties may present oral argument in an appeal from the decision of the Hearing Officer.

1.8.1.3 Notice of appeal timely given by a student appellant suspends the imposition of penalty until the appeal is finally decided, but interim action may be taken as authorized under 1.5.3 above. Further, grades or degrees may also be withheld pending conclusion of the appeal.

1.8.2 Consideration of Appeal
The University President may approve, reject, or modify the decision in question or may require that the original hearing be reopened for the presentation of additional evidence and reconsideration of the decision. If the finding as to guilt is upheld in a case involving the illegal use, possession, and/or sale of a drug or narcotic on campus, the penalty may not be reduced below the minimum penalty prescribed in 1.3.2 above. The action of the University President shall be communicated in writing to the student and the Dean within thirty (30) days after the appeal and related documents have been received. The decision of the President is final.

1.9 Disciplinary Records

Please refer to the next section

1.9.1 Permanent Record

The Dean shall maintain a permanent written disciplinary record for every student assessed a penalty of suspension, expulsion, denial or revocation of degree and/or withdrawal of diploma.

1.9.1.1 A record of scholastic violations shall be maintained for at least five (5) years unless the record is permanent in conjunction with the above-stated penalties. The disciplinary record of other penalties shall be maintained for such period as determined by the Dean.

1.9.1.2 A disciplinary record shall reflect the nature of the charge, the disposition of the charge, the penalty assessed, and any other pertinent information. This disciplinary record shall be separate from the student's academic record, shall be treated as confidential, and shall not be revealed except upon written request of the student or in accordance with applicable state or federal laws or court order or subpoena.

1.9.2 Notification and Recording of Penalties

1.9.2.1 The Dean shall notify the Registrar when one of the following penalties is assessed in a disciplinary case:

a. withholding of grades, official transcript, or degree;

b. bar against re-admission;

c. drop from enrollment and bar against re-admission;

d. failing grade for course;

e. denial of degree;

f. suspension from the University;

g. expulsion from the University;

h. revocation of degree and withdrawal of diploma;

i. other penalty that will require action by the Registrar.

The Registrar shall make entries upon or corrections to the academic record as required to comply with the assessed penalty, but shall make no permanent notation upon the academic record to
indicate that any disciplinary action has been taken, except for suspension or expulsion from the University, as appropriate to the academic record.

1.9.2.2 In a disciplinary case concerning student scholastic dishonesty, the Dean of Students shall notify the instructor and the academic Dean of actions taken and penalties imposed. In cases involving Graduate Students, the head of the Graduate School and the departmental chair will also be notified.

1.10 Student Right-to-Know and Campus Security Act

In compliance with the Student Right-to-Know and Campus Security Act (the Act) of 1990, 20 U.S.C. Sections 1092(a), (e) and (f), as amended, The University of Texas at El Paso collects specified information on campus crime statistics, campus security policies, and institutional completion or graduation rates.

1.10.1 Pursuant to the federal law, alleged victims of violent crime are entitled to know the results of campus student disciplinary proceedings concerning the alleged perpetrators.

1.10.2 The University will make timely reports to the campus community on crimes considered to be a threat to students and employees and reported to campus police or local police agencies.

1.10.3 The University will publish and distribute an annual report of campus security policies and crime statistics to all current students and employees and provide copies of the report to applicants for enrollment or employment upon request.

1.10.4 Information regarding graduation rates may be found in the Office of Admissions. Information on crime statistics may be found in the Campus Police Office and Office of the Dean of Students

Chapter 2: Speech, Expression, and Assembly

2.1 Governing Principles

Please refer to the next section

2.1.1 Freedom of Speech, Expression, and Assembly

The freedoms of speech, expression, and assembly are fundamental rights of all persons and are central to the mission of the University. Students, faculty, and staff have the right to assemble, to speak, and to attempt to attract the attention of others, and corresponding rights to hear the speech of others when they choose to listen, and to ignore the speech of others when they choose not to listen.

2.1.1.1 Students, faculty, and staff are free to express their views, individually or in organized groups, orally or in writing or by other symbols, on any topic, in all parts of the campus, subject only to rules necessary to preserve the equal rights of others and the other functions of the University. Teaching, research, and other official functions of the University shall have priority in allocating the use of space on campus.

2.1.1.2 Except as expressly authorized by 2.2, the University shall not discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed by any person, either in the enforcement and administration of these rules or otherwise.

2.1.2 Scope and Related Provisions
2.1.2.1 This chapter protects and regulates speech, expression, and assembly of students, faculty, and staff that is not part of the teaching, research, or other official functions of the University, not otherwise sponsored by the University or any academic or administrative unit, and not submitted for academic credit.

2.1.2.2 This chapter also regulates certain speech that is part of the teaching, research, or other official functions of the University:

   a. Section 2.2.4 on Harassment applies to all speech on campus.

   b. This entire chapter applies to speech by academic and administrative units, and speech that is submitted for academic credit in outdoor locations on the campus. The Dean of Students administers and schedules outdoor signs, tables, exhibits, public assemblies, and amplified sound, even for faculty, staff, and administrative and academic units, because scheduling through a single office is necessary to avoid conflicts.

2.1.2.3 Any program or event sponsored by an academic or administrative unit of the University shall have priority in the use of space and facilities over any speech, expression and assembly that is not sponsored by an academic or administrative unit, except that programs or events sponsored by an academic or administrative unit shall not have priority in the use of weekday amplified sound areas defined in 2.8.2. Academic or administrative units have equal access to scheduling the amplified sound areas. This chapter does not limit other existing authority of University officials to authorize programs and events sponsored by an academic or administrative unit and not provided for in this chapter.

2.1.2.4 Related Regulations and Policies include:

   a. Additional rules concerning free speech and academic freedom of faculty are found in the Regents’ Rules and Regulations Series 31004;

   b. Underlying rules concerning free speech of students are found in the Regents’ Rules and Regulations Series 80101-80110 and 40501. This chapter implements those provisions and applies them to the University;

   c. Rules restricting access to the campus and restricting speech on the campus by persons who are not students, faculty, or staff, are found in the Regents’ Rules and Regulations Series 80101-80110.

   d. Rules protecting and regulating speech on University computer networks are promulgated by Information Technology Services, and are currently found in IT Policies, Information Computing and Web Policy;

   e. Rules requiring University employees to make clear that controversial statements are in their personal capacity are found in the Regents’ Rules and Regulations Series 10403. Rules restricting use of University equipment, supplies, services, and working hours for political activities are found in the Regents’ Rules and Regulations Series 30103.

2.1.3 Definitions

In addition to the general definitions contained in Chapter 1.2, as used in this chapter, unless the context requires a different meaning:
a. "Off-campus person or organization" means any person, organization, or business that is not an academic or administrative unit, a registered student, faculty, or staff organization, or a student, faculty member, or staff member, including invited speakers;

b. "University person or organization" includes academic and administrative units, registered student, faculty, and staff organizations, and individual students, faculty members, and staff members.

c. "Amplified sound" means sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means. Shouting and group chanting are not amplified sound and are not subject to the special rules on amplified sound, but are subject to general rules on disruption;

d. "Room or space" includes any room or space, indoors or outdoors, owned or controlled by the University.

e. "table" means booths, displays, furniture, enclosure or any other structure temporarily used for distribution of literature, or for displaying signs or posters or for raising funds or soliciting, or for other similar activities;

f. "University facility" means an auditorium, arena, dormitory, other building, room, public area, or any other area on the campus.

g. "student activity request form" means the form used by a registered student organization to schedule an activity on the campus and is available at the Student Development Center.

2.2 Prohibited Expression

Please refer to the next section

2.2.1 Obscenity

No person or organization shall distribute or display on the campus any writing or visual image, or engage in any public performance, that is obscene. A writing, image, or performance is "obscene" if it is obscene as defined in Texas Penal Code, Section 21.08 or successor provisions, and is within the constitutional definition of obscenity as set forth in decisions of the United States Supreme Court.

2.2.2 Defamation

2.2.2.1 No person shall make, distribute, or display on the campus any statement that unlawfully defames any other person.

2.2.2.2 A statement unlawfully defames another person if it is false, if the false portion of the statement injures the reputation of the other person, and if the speaker has the constitutionally required state of mind as set forth in decisions of the United States Supreme Court.

2.2.3 Incitement to Imminent Violations of Law

No person shall make, distribute, or display on the campus any statements directed to inciting or producing imminent violations of law under circumstances such that the statements are likely to actually and imminently incite or produce violations of law.
2.2.4 Harassment

2.2.4.1 No person shall make, distribute, or display on the campus any statement that constitutes verbal harassment of any other person. This section applies to all speech on the campus, including speech that is part of teaching, research, or other official functions of the University. "Verbal harassment" means hostile or offensive speech, oral, written, or symbolic, that:

   a. personally describes or is personally directed to one or more specific individuals; and

   b. is sufficiently severe, pervasive, or persistent to create an objectively hostile environment that interferes with or diminishes the victim's ability to participate in or benefit from the services, activities, or privileges provided by the University; and

   c. is not necessary to the expression of any idea described in paragraph 2.2.4.1.1 below.

2.2.4.1.1 To make an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea is not verbal harassment, even if some listeners are offended by the argument or idea. The categories of sexually harassing speech set forth in Section V: Human Resources and Equal Opportunity of this Handbook are rarely, if ever, necessary to argue for or against the substance of any political, religious, philosophical, ideological, or academic idea.

2.2.4.1.2 Verbal harassment may consist of threats, insults, epithets, ridicule, personal attacks, or the categories of harassing sexual speech set forth in Section V: Human Resources and Equal Opportunity of this Handbook and is often based on the victim's appearance, personal characteristics, or group membership, including but not limited to race, color, religion, national origin, gender, age, disability, citizenship, veteran status, sexual orientation, ideology, political views, or political affiliation.

2.2.4.2 Harassment can also consist of nonverbal conduct, such as hazing, practical jokes, damage to property, and physical assault. In the case of sexual harassment and sexual misconduct, sexual conduct is often central to the offense. These forms of harassment are prohibited in this Handbook, Section II: Student Affairs,1.3.8 Section V: Human Resources and Equal Opportunity Chapter 5, and in the Regents' Rules and Regulations Series 30105. To the extent of any conflict in the definition of verbal harassment, the more detailed definition in this section controls.

2.2.4.3 The harassment that this section chapter prohibits does not exhaust the category of speech that is unnecessary and inappropriate to vigorous debate in a diverse community of educated people. An essential part of higher education is to learn to separate substantive argument from personal offense, and to express even the deepest disagreements within standards of civility that reflect mutual respect, understanding, and sensitivity among the diverse population within the University and in the larger society. These are community norms, even though they cannot be enforced by disciplinary rules.

2.2.4.4 Verbal harassment has been interpreted very narrowly by the federal courts. Many University policies on verbal harassment or hate speech have been held unconstitutional, either because they prohibited harassment only when it was based on race, sex, and similar categories, or because they failed to protect the expression of potentially offensive ideas. This policy should be interpreted as narrowly as need be to preserve its constitutionality.

2.2.4.5 Complaints about harassment may be reported as follows:

   a. a student who believes he or she has been harassed should report the alleged violation to the Dean of Students;
b. a faculty member or staff member who believes he or she has been harassed should report the alleged violation to the Equal Opportunity/Affirmative Action Office;

c. alternatively, any person who believes he or she has been harassed may report the alleged violation to the Equal Opportunity/Affirmative Action Office or to any University official, administrator, or supervisor. A faculty member is not an "official, administrator, or supervisor" for this purpose unless that faculty member holds an administrative position;

d. any University official, administrator, or supervisor who receives a report of alleged harassment shall promptly refer that report and the complainant to the Equal Opportunity/Affirmative Action Office, or to the Dean of Students, as appropriate. A complainant whose report is not forwarded to Equal Opportunity/Affirmative Action Office, or to the Dean of Students, has not initiated proceedings for providing a remedy to the complainant or for imposing discipline on the alleged harasser.

2.2.4.6 Investigation of the information provided by a complainant, and any subsequent remedial or disciplinary proceedings, shall proceed under the procedures set out in the harassment policies found in Section V, Human Resources and Equal Opportunity, Chapter 5.

2.2.5 Solicitation

2.2.5.1 No person shall make, distribute, or display on the campus any statement that offers or advertises any product or service for sale or lease, or requests any gift or contribution, except as authorized in paragraph (b), by 2.4.3, or by the Regents' Rules and Regulations Series 80103. The following are not solicitation within this definition:

a. words or symbols on personal apparel, or on decals or bumper stickers affixed to a vehicle by an owner of that vehicle;

b. unadorned acknowledgements or thanks to donors.

2.2.5.2 Permissable Solicitation includes:

a. a registered student, faculty, or staff organization may advertise or sell merchandise, publications, food, or nonalcoholic beverages, or request contributions for the benefit of the organization, for the benefit of another registered student, faculty, or staff organization, or for the benefit of an organization that is tax-exempt under Section 501(c)(3) of the Internal Revenue Code. No organization may sell items obtained on consignment. No organization may request contributions for an off-campus tax-exempt organization for more than fourteen days in any fiscal year;

b. registered student, faculty, and staff organizations, and academic and administrative units may sell, distribute, or display literature that contains advertising, subject to the limits in 2.4.3. Individual students, faculty members, and staff members may distribute or display such literature, but may not sell it;

c. individual students, faculty members, and staff members may post advertisements for roommates, subleases, and sales of used goods that the seller has personally owned and used, but only on a bulletin board designated for that purpose by an academic or administrative unit in space that the unit occupies or controls. Any unit that designates a bulletin board for this purpose may regulate that bulletin board under the procedures set forth in 2.5.6;
d. a resident of a University residence hall or apartment building may occasionally invite one or more salespersons to come to the resident's room or apartment, and in that room or apartment, the salesperson may offer products or services for sale to other residents of that residence hall or apartment building;

e. a registered student, faculty, or staff organization may collect admission fees for programs scheduled in advance under Chapter 3;

f. a registered student, faculty, or staff organization may collect membership fees or dues at meetings of the organization scheduled in advance under Chapter 3;

g. a registered student, faculty, or staff organization may sell charitable raffle tickets on behalf of an organization that is authorized to conduct a charitable raffle under the Texas Charitable Raffle Enabling Act, Texas Occupations Code, Chapter 2002, or successor provisions.

2.2.5.3 A registered student organization that receives funds from solicitations under this section shall deposit and account for such funds under the rules in Chapter 4.

2.3 General Rules on Means of Expression

Please refer to the next section

2.3.1 Disruption

Except as expressly authorized in 2.8.2 or by an authorized University official responsible for a program or event sponsored by an academic or administrative unit, no speech, expression, or assembly may be conducted in a way that disrupts or interferes with any:

a. teaching, research, administration, or other authorized activities on the campus;

b. free and unimpeded flow of pedestrian and vehicular traffic on the campus; or

c. signs, tables, exhibits, public assemblies, distribution of literature, guest speakers, or use of amplified sound by another person or organization acting under the rules in this chapter.

2.3.1.1 The term “disruption” and its variants, as used in this rule, are distinct from and broader than the phrase “disruptive activities,” as used in the Regents’ Rules and Regulations Series 30103 and 40502. This rule is concerned not only with deliberate disruption, but also with scheduling and coordination of events to manage or minimize the inevitable conflicts between legitimate events conducted in close proximity.

2.3.1.2 Except in the most extreme cases, interference and disruption are unavoidably contextual. Intentional physical interference with other persons is nearly always disruptive in any context. Interfering with traffic depends on the relation between the volume of traffic and the size of the passageway left open. Disruptive noise is the most contextual of all, because it depends on the activity disrupted. Any distracting sound may disrupt a memorial service. Any sound sufficiently loud or persistent to make concentration difficult may disrupt a class or library. Occasional heckling in the speaker's pauses may not disrupt a political speech, but persistent heckling that prevents listeners from hearing the speaker does disrupt a political speech. These illustrations may be helpful, but none of them includes enough context to be taken as a rule. We cannot escape relying on the judgment and fairness of University authorities in particular cases. In this context where difficult enforcement judgments are unavoidable, it is especially important to remind administrators and law enforcement
officials that their judgments should not be influenced by the viewpoint of those claiming disruption or of those allegedly disrupting.

2.3.1.3 Potentially disruptive events can often proceed without disruption if participants, administrators, and law enforcement officials cooperate to avoid disruption without stopping the event. In cases of marginal or unintentional disruption, administrators and law enforcement officials should clearly state what they consider disruptive and seek voluntary compliance before stopping the event or resorting to disciplinary charges or arrest.

2.3.2 Damage to Property

2.3.2.1 No speech, expression, or assembly may be conducted in a way that damages or defaces property of the University or of any person who has not authorized the speaker to damage or deface his or her property.

2.3.2.2 No person may damage, deface, or interfere with any sign, table, or exhibit posted or displayed by another person or organization acting under the rules in this chapter.

2.3.3 Coercing Attention

2.3.3.1 No person may attempt to coerce, intimidate, or badger any other person into viewing, listening to, or accepting a copy of any communication.

2.3.3.2 No person may persist in requesting or demanding the attention of any other person after that other person has attempted to walk away or has clearly refused to attend to the speaker's communication.

2.3.4 Co-sponsorship

Neither registered student, faculty, or staff organizations, nor individual students, faculty, or staff, may co-sponsor any event on campus with an off-campus person or organization. Only academic or administrative units with authority delegated from the president of the University may co-sponsor events with an off-campus person or organization.

2.3.4.1 An event is a prohibited co-sponsorship if an individual or a student, faculty, or staff organization:

a. depends on an off-campus person or organization for planning, staffing, or management of the event; or

b. advertises the event as cosponsored by an off-campus person or organization; or

c. operates the event as agent of, or for the benefit of, an off-campus person or organization, except for solicitation of charitable contributions under the authority of 2.2.5.2(a); or

d. distributes any proceeds of the event to an off-campus person or organization, except for A. the proceeds of charitable contributions solicited under the authority of 2.2.5.2(a); or

e. payment of a fair market price for goods or services provided to the University person or organization; or

f. reserves a room or space for the use of an off-campus person or organization; or
g. engages in any other behavior that persuades the Dean of Students that an off-campus person or organization is in fact responsible for the event, in full or in substantial part.

2.3.4.2 The following facts do not, in and of themselves, indicate a prohibited co-sponsorship:

a. That a University person or organization endorses an off-campus person or organization or its message;

b. That a University person or organization sells, distributes, or displays literature prepared by an off-campus person or organization or containing contact information for an off-campus person or organization;

c. That a University person or organization has purchased goods or services from an off-campus provider;

d. That a registered student, faculty, or staff organization has invited a guest speaker under 2.10;

e. That a registered student, faculty, or staff organization has received financial contributions to support the event from an off-campus donor.

2.3.4.3 The purpose of this rule is to preserve the limited space on campus for the use of students, faculty, and staff, and the rule shall be interpreted to serve that purpose. It is not the purpose of this rule to prevent students, faculty, or staff from exercising their right to associate with other persons or organizations holding views similar to their own.

2.3.5 Other Rules with Incidental Effects on Speech

2.3.5.1 Other generally applicable or narrowly localized rules, written and unwritten, incidentally limit the time, place, and manner of speech, but are too numerous to compile or cross-reference here. For example, libraries typically have highly restrictive rules concerning noise; laboratories and rooms containing the electrical and mechanical infrastructure of the University typically have safety rules and rules excluding persons without specific business there; fire and safety codes prohibit the obstruction of exits and limit the constrictions of hallways. Speech within classrooms is generally confined to the subject matter of the class; the right to attend a class at all is subject to registration and payment of tuition; individual professors may have rules of decorum in their classroom. These kinds of rules limit the right of students, faculty, and staff to enter and speak in the places to which these rules apply.

2.3.5.2 Reasonable and nondiscriminatory rules of this kind generally control over the rights of free speech guaranteed in this chapter. But even these kinds of rules are subject to the constitutional right of free speech. Such rules must be viewpoint neutral. Such rules cannot regulate speech more restrictively than they regulate other activities that cause the problems to be avoided by the rule. Such rules should not restrict speech more than is reasonably necessary to serve their purpose. Such rules cannot ban unobtrusive forms of communication with no potential for disruption even in the specialized environment subject to the localized rule. Thus, for example, means of silent expression or protest confined to the speaker's immediate person, such as armbands, buttons, and t-shirts, are nearly always protected because they are rarely disruptive in any environment.

2.4 Distribution of Literature

Please refer to the next section

2.4.1 General Rule on Distribution of Literature
2.4.1.1 Registered student, faculty, and staff organizations, and academic and administrative units, may sell, distribute, or display literature on campus, subject to the rules in 2.4 and to the general rules in 2.2 and 2.3. Individual students, faculty members, and staff members may distribute or display literature but may not sell it. In either case, no advance permission is required.

2.4.1.2 "Literature" means any printed material, including any newspaper, magazine, or other publication, and any leaflet, flyer, or other informal matter, that is produced in multiple copies for distribution to potential readers.

2.4.2 Not-for-Profit Literature Only

2.4.2.1 Except as expressly authorized by the Regents’ Rules and Regulations or by contract with the University, no person or organization may sell, distribute, or display on campus any publication operated for profit. A registered student, faculty, or staff organization may sell publications operated for profit as part of a fundraiser authorized by, and subject to the limits of, 2.2.5.2(a).

2.4.2.2 A publication is operated for profit if any part of the net earnings of the publication, or of its distribution, inures to the benefit of any private shareholder or individual.

2.4.3 Limits on Advertising

Literature distributed on campus may contain the following advertising:

a. advertising for a registered student, faculty, or staff organization, or an academic or administrative unit;

b. advertising for an organization that is tax exempt under Section 501(c)(3) of the Internal Revenue Code;

c. paid advertising in a publication primarily devoted to promoting the views of a not-for-profit organization or to other bona fide editorial content distinct from the paid advertising; and

d. other advertising expressly authorized by the Regents’ Rules and Regulations or by contract with the University.

All other advertising in literature distributed on campus is prohibited.

2.4.4 Identification

All literature distributed on campus must identify the University person or organization responsible for its distribution.

2.4.5 Clean-up of Abandoned Literature

Any person or organization distributing literature on campus shall pick up all copies dropped on the ground in the area where the literature was distributed.

2.5 Signs and Banners

Please refer to the next section

2.5.1 General Rules on Signs
2.5.1.1 "Sign" means any method of displaying a visual message to others, except that transferring possession of a copy of the message is distribution of literature and not a sign.

2.5.1.2 Subject to the rules in this chapter and to the general rules in 2.2 and 2.3, a University person or organization may display a sign by holding or carrying it, by displaying it at a table (see 2.6 below), or by posting it on a kiosk, bulletin board, or other designated location. Signs may not be posted in any other location.

2.5.2 Hand-Held Signs

2.5.2.1 Students, faculty, and staff may display a sign on campus by holding or carrying it by hand or otherwise attaching it to their person. No advance permission is required.

2.5.2.2 Any person holding or carrying a sign shall exercise due care to avoid bumping, hitting, or injuring any other person.

2.5.2.3 Any person holding or carrying a sign at a speech, performance, or other event shall exercise due care to avoid blocking the view of any other person observing the speech, performance, or event. Depending on the venue, this may mean that signs may be displayed only around the perimeter of a room or an audience.

2.5.2.4 A law enforcement officer or the Dean of Students, or an usher or other University employee if authorized by officials responsible for managing the venue, may warn any person that his or her sign is being handled in violation of 2.5.2.2 or 2.5.2.3. If the violation persists after a clear warning, the law enforcement officer, Dean, authorized usher, or other authorized employee may confiscate the sign.

2.5.3 Signs on Kiosks

2.5.3.1 A kiosk is an outdoor structure, attached to the ground in a fixed location, designed for the posting of signs.

2.5.3.2 University persons and organizations may post signs on kiosks. No advance permission is required. Individuals may not post on kiosks any sign advertising goods or services for sale (see 2.2.5 above).

2.5.3.3 No sign posted on a kiosk may be larger than 11 inches by 17 inches.

2.5.3.4 Each sign posted on a kiosk must identify the University person or organization that posted the sign, and must state the date the sign was posted or the date of the event being advertised. No sign advertising an event may be posted on a kiosk more than fourteen days before the date of the event.

2.5.3.5 The person or organization that posts a sign on a kiosk must remove that sign not later than fourteen days after it was posted, or twenty-four hours after the event it advertised, whichever is earlier.

2.5.3.6 No sign may be posted on a kiosk on top of another properly posted sign.

2.5.3.7 No person or organization may post more than two signs on the same kiosk at the same time.

2.5.3.8 The Dean of Students may remove any sign that violates any of the rules in this section.
2.5.4 Banners

2.5.4.1 "Banner" means a sign hung from a structure, or between two buildings, structures, or poles.

2.5.4.2 The Dean of Students with approval from the President of the University shall designate places where banners may be hung by registered student organizations in outdoor locations.

2.5.4.3 Academic and administrative units, faculty, and staff organizations may hang banners as established in Chapter 9, Section VIII of this Handbook. Individuals may not hang banners.

2.5.4.4 Advance permission is required from the Dean of Students and usually, advance reservations are required. Academic and administrative units advertising official University events or programs may be given priority.

2.5.4.5 In locations administered by the Dean of Students, each banner may be hung for one week. The banner may be renewed from week to week if space is available, but usually, other organizations are waiting their turn and renewal is not possible. Any such time limit shall be applied without discrimination to all organizations, except that academic and administrative units may be given preference.

2.5.4.6 The Dean of Students shall maintain, on a Web site or on a flyer or pamphlet conveniently available at the Dean's office: a list of outdoor locations where banners may be hung; the academic or administrative unit that administers banners at each outdoor location; and a current description of the rules and procedures for reserving the right to hang a banner in locations administered by the Dean of Students.

2.5.4.7 The Dean of Students may require that the physical work of hanging the banners be performed only by employees of Facility Services or other appropriate University personnel. Actual costs will be charged to the organization or unit making the request.

Updated: August 17, 2009

2.5.5 A-Frames

2.5.5.1 "A-frame" means a movable and self-supporting sign board designed to stand on the ground.

2.5.5.2 A-frames are subject to the rules on exhibits in 2.7 below.

2.5.6 Signs in Other Designated Locations (Including Departmental Bulletin Boards)

2.5.6.1 Each academic or administrative unit of the University may authorize the posting of signs in spaces that unit occupies and controls. Such authorization may be granted by general rule, by stamping or initialing individual signs, or by longstanding tradition.

2.5.6.2 Signs in spaces occupied by academic or administrative units may be:

   a. confined to bulletin boards or other designated locations;

   b. subjected to viewpoint-neutral rules limiting the size of signs, limiting how long they may be posted, requiring each sign to show the date it was posted and the name of the person or organization who posted it, and similar rules designed to facilitate fair and equal opportunities to post signs;
c. confined to official statements or business of the unit, or to certain subject matters of unit.

2.5.6.3 Each academic or administrative unit shall post on or near each bulletin board or other designated location that it administers:

a. either the rules applicable to that bulletin board or location, or a particular office or Web site where the rules applicable to that bulletin board or location may conveniently be found; and

b. if a stamp or initials are required on signs before they are posted on that bulletin board or location, the name and office location of the person whose stamp or initials are required.

This notice shall be posted in the upper left corner of each bulletin board or other designated location for posting signs, or conspicuously in another nearby location. If no such notice is posted, then the only applicable rules are those contained in subchapter 2.2 and 2.3.1 to 2.3.4 above.

2.5.6.4 Within the scope of the subject matters permitted on a particular bulletin board or other designated location, no academic or administrative unit shall discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed on a sign.

2.5.6.5 This section does not apply to any enclosed bulletin board or display case that is accessible only to authorized personnel for official University business.

2.6 Tables

Please refer to the next section

2.6.1 General Rule on Tables

University persons or organizations may set up tables from which to display literature and disseminate information and opinions, subject to the rules in this subchapter and to the general rules in 2.2 and 2.3 above. No advance permission is required.

2.6.2 Locations

2.6.2.1 University persons and organizations may set up tables in any outdoor location on the campus and in any large, open, indoor location subject to the rules on disruption of other functions and interference with vehicular and pedestrian traffic (see 2.3.1), and the following restrictions:

a. tables set up in the Union Plaza must follow the policies listed under 3.3.5.3(g);

b. tables may not be set up inside any library, classroom, laboratory, performance hall, stadium, or office, or in any hallway less than ten feet wide, without permission from the academic or administrative unit that controls the space, or from the faculty member or staff member who controls the space at a particular time;

c. an academic or administrative unit may further specify these rules by restricting tables to reasonable locations in spaces occupied by that unit. Academic and administrative units are encouraged to clearly state any such rules in writing, and to publish those rules on a Web site or on a flyer or pamphlet conveniently available at the chief administrative office of the unit.

2.6.2.2 If any table is set up in a prohibited or disruptive location, any University employee pointing out the violation shall also point out other locations, as nearby as is reasonably possible, where the table is permitted.
2.6.3 Identification

Each table must have a sign or literature that identifies the University person or organization sponsoring the table.

2.6.4 Clean-Up Around Tables

Any person or organization sponsoring a table shall remove litter from the area around the table at the end of each day.

2.6.5 Sources of Tables

Persons and organizations may supply their own tables. In addition, the Dean of Students maintains a supply of tables that may be reserved and checked out for use on campus. The Dean of Students shall maintain, on a Web site or on a flyer or pamphlet conveniently available at the Dean's office, a current description of the rules and procedures for reserving and checking out tables.

2.7 Exhibits and A-Frames

Please refer to the next section

2.7.1 General Rule on Exhibits

2.7.1.1 "Exhibit" means an object or collection of related objects, designed to stand on the ground or on a raised surface, that is not a table, and that is designed for temporary display and is not permanently attached to the ground. An A-frame sign (see 2.5.5) is an exhibit.

2.7.1.2 University persons and organizations may erect exhibits, subject to the rules in this subchapter and to the general rules in 2.2 and 2.3. Advance permission is required from the Dean of Students, except that an academic unit may authorize indoor exhibits in a space that it occupies and controls.

2.7.2 Application Process

A person or organization desiring to erect an exhibit shall apply on a form prescribed by the Dean of Students.

2.7.3 Criteria for Approval

2.7.3.1 The Dean of Students shall authorize an exhibit described in a completed application under 2.7.2 unless the Dean finds that use of the proposed space for the proposed exhibit must be disapproved under the criteria in 3.2.3.

2.7.3.2 The Dean shall specify the location of each exhibit to reduce the hazard to visually impaired pedestrians.

2.7.3.3 The Dean shall advise each applicant how to correct, if possible, any conditions that preclude approval of his or her application. Even if an applicant is entitled to have his or her application approved as submitted, the Dean may give advice about other possible locations, or about modifications to the exhibit, that would avoid potential problems or make the proposed exhibit more workable.

2.7.4 Time Limits
2.7.4.1 In locations administered by the Dean of Students, each exhibit may be displayed for fourteen days. The exhibit may be renewed for an additional fourteen days if space is available.

2.7.4.2 The exhibit must be removed at the end of each day and may be re-erected each morning. However, the Vice President for Student Affairs or the Dean of Students may authorize overnight exhibits.

2.7.5 Clean-Up Around Exhibits

Any person or organization sponsoring an exhibit shall remove litter from the area around the exhibit at the end of each day.

2.7.6 Liability

Any person or organization sponsoring an exhibit assumes full responsibility for the exhibit, including all injuries or hazards that may arise from the exhibit. The University shall not be liable for any damage that may occur to the exhibit, and any person or organization sponsoring the exhibit shall indemnify the University for any claims arising from the exhibit's presence on campus.

2.8 Amplified Sound

Please refer to the next section

2.8.1 General Rule on Amplified Sound

University persons and organizations may use amplified sound on campus at designated times and locations, subject to the rules in this subchapter and to the general rules in 2.2 and 2.3. Advance permission is required. This subchapter creates limited exceptions to the general rule on disruption in 2.3.1.

2.8.2 Location and Times of Weekday Amplified Sound Areas

Upon reservation subject to availability, amplified sound may be used in the following areas during the times specified:

a. The Leech Grove Amplified Sound Area is at the corner of University and Wiggins Rd. University persons and organizations may use amplified sound in this area from 8 a.m. to 5 p.m. Monday through Friday.

b. The Union West Lawn Amplified Sound Area is the grass area just west of the Union Dinner Theater. University persons and organizations may use amplified sound in this area from 11:30 a.m. to 1:30 p.m. Monday through Friday.

c. The Geology Lawn Amplified Sound Area is the grass area facing University and Hawthorn. University persons and organizations may use amplified sound in this area from 11:30 a.m. to 1:30 p.m. Monday through Friday.

d. The UGLC Plaza Amplified Sound Area is located under the canopy on the UGLC Plaza. University persons and organizations may use amplified sound in this area from 11:30 a.m. to 1:30 p.m. Monday through Friday.

2.8.3 Regulation and Scheduling of Weekday Amplified Sound
The Dean may prescribe rules concerning scheduling, sound levels, the location of speakers and direction in which they are pointed, and other rules to facilitate the use of weekday amplified sound areas, to mediate any conflict with University functions and other nearby activities, and to manage environmental impact. All such rules shall be reasonable and nondiscriminatory.

2.8.3.1 Persons or organizations wishing to use a weekday amplified sound area must reserve a particular area at a particular time. Reservations must be made with the Dean on a form prescribed by the Dean. The Dean shall approve a properly completed application to reserve an amplified sound area, unless the application must be disapproved under the criteria in 3.2.3 or under rules promulgated by the Dean under the authority of this chapter.

2.8.3.2 The Dean may limit the number or frequency of reservations for each person or organization to ensure reasonable access for all persons and organizations desiring to use amplified sound on weekdays.

2.8.3.3 Persons and organizations using amplified sound are responsible for maintaining a passageway for pedestrians that is adequate to the volume of pedestrian traffic passing through the area.

2.8.3.4 Any designations of additional areas, any additional rules regulating the designated areas, and the rules and procedures for reserving the right to use a designated area shall be clearly stated on a Web site or on a flyer or pamphlet conveniently available at the Dean of Students' office.

2.8.4 Amplified Sound on Evenings and Weekends

2.8.4.1 With advance permission, University persons and organizations may use amplified sound in the amplified sound areas designated in 2.8.2, after 5:00 p.m. Monday through Friday, and after 8:00 a.m. Saturday and Sunday, except for the early morning hours excluded in 2.8.4.2 below.

2.8.4.2 If amplified sound is authorized for an event on a Sunday, Monday, Tuesday, Wednesday, or Thursday evening, the sound must be turned off by 1:00 a.m. on the following day. If amplified sound is authorized for an event on a Friday or Saturday evening, the sound must be turned off by 2:00 a.m. on the following day.

2.8.4.3 The Dean of Students may prescribe reasonable and nondiscriminatory rules concerning scheduling, sound levels, the location of speakers and direction in which they are pointed, and other rules to facilitate the use of amplified sound on evenings and weekends, to mediate any conflict with University functions and other nearby activities, and to manage environmental impact.

2.8.4.4 Use of amplified sound on evenings and weekends requires advance permission from the Dean of Students. Persons and organizations shall apply on a form prescribed by the dean. The Dean shall authorize amplified sound as described in a completed application unless the Dean finds that the application must be disapproved under the criteria in 3.2.3 below or under rules promulgated by the Dean under the authority of this section. The Dean shall advise each applicant how to correct, if possible, any conditions that preclude approval of its application. Even if an applicant is entitled to have its application approved as submitted, the Dean may give advice about other possible locations, or about modifications to the proposed event, that would avoid potential problems or make the proposed event more workable.

2.8.5 Amplified Sound Indoors

Amplified sound sufficient to be heard throughout the room may be used in any room in any building, but the Dean of Students may limit or prohibit sound that would be disruptive outside the room. Reservations may be required. Rules concerning use of University buildings are contained in Chapter 3.
2.9 Public Assemblies without Amplified Sound

Please refer to the next section

2.9.1 General Rule on Public Assemblies

2.9.1.1 "Publicly assemble" and "public assembly" include any gathering of persons, including discussions, rallies, and demonstrations. The rules of 2.8 apply to any use of amplified sound at a public assembly.

2.9.1.2 University persons and organizations may publicly assemble on campus in any place where, at the time of the assembly, the persons assembling are permitted to be. This right to assemble is subject to the rules in this subchapter, to the general rules in 2.2 and 2.3, and to the rules on use of University property in Chapter 3. No advance permission is required.

2.9.2 Reservation of Space

2.9.2.1 University persons or organizations who wish to publicly assemble in a particular room or space at a particular time may reserve the room or space under the provisions in 3.2.

2.9.2.2 An organization with a reservation has the right to the reserved room or space for the time covered by the reservation. Any person or organization using or occupying the room or space without a reservation must yield control of the room or space in time to permit any organization with a reservation to begin using the room or space promptly at the beginning of its reserved time.

2.9.2.3 Reservations are not required but are strongly encouraged. A person or organization planning to use a room or space without a reservation may find the facility locked or in use by another person or organization. The University Police rely on a list of scheduled events, and a large group without a reservation is likely to attract their courteous but inquiring attention.

2.9.3 Notice and Consultation

Persons or organizations who are planning a public assembly with more than fifty participants are strongly encouraged to notify and consult with the Dean of Students as soon as practicable after the point at which the planners anticipate or plan for more than fifty participants. Persons or organizations planning smaller assemblies are encouraged to consult the Dean of Students if there is uncertainty about applicable University rules, the appropriateness of the planned location, or possible conflict with other events. The Dean has much experience in helping student organizations structure events in ways that both comply with the University’s rules and achieve the organization’s goals for the event. The Dean can help identify appropriate space and potentially conflicting events. The Dean can help the planners avoid unintended disruption or other violations that may result in subsequent discipline or subsequent interference with the assembly by campus authorities.

2.10 Guest Speakers

Please refer to the next section

2.10.1 Definitions

"Guest speaker" means a speaker or performer who is not a student, faculty member, or staff member.

2.10.2 Who May Present
Registered student, faculty, and staff organizations, and academic and administrative units, may present guest speakers on University property. In the case of registered student organizations, advance permission from the Dean of Students is required. Individuals may not present a guest speaker.

2.10.3 Location and Form of Presentation

2.10.3.1 A guest speaker may present a speech or performance, or lead a discussion, at a time announced in advance, in a fixed indoor location, or in a fixed outdoor location approved by the Dean of Students. A guest speaker may distribute literature to persons who attend the speech, performance, or discussion.

2.10.3.2 A guest speaker may not:

a. accost potential listeners who have not chosen to attend the speech, performance, or discussion; or

b. distribute literature to persons who have not chosen to attend the speech, performance, or discussion; or

c. help staff a table or exhibit set up under 2.6 or 2.7.

2.10.4 Application

A registered student organization that wishes to present a guest speaker shall apply to the Dean of Students, on a form prescribed by the Dean, at least forty-eight hours before the scheduled event or any planned advertising for the event, whichever is earlier. The application shall be combined with an application under 3.2.2 to reserve the use of a University room or space for the event. The Dean shall approve an application properly made under subsection (a) unless it must be disapproved under the criteria in 3.2.3.

2.10.5 Obligations of Presenting Organization

A student, faculty, or staff organization that presents a guest speaker must make clear that:

a. the organization, and not the University, invited the speaker; and

b. the views expressed by the speaker are his or her own and do not necessarily represent the views of the University, the University of Texas System, or any component institution.

2.11 Responding to Speech, Expression, and Assembly

Please refer to the next section

2.11.1 General Rule on Responding

University persons and organizations may respond to the speech, expression, or assembly of others, subject to all the rules in this chapter.

2.11.2 Applications

2.11.2.1 Responders may not damage or deface signs or exhibits, disrupt public assemblies, block the view of participants, or prevent speakers from being heard.
2.11.2.2 Means of response that are permitted in many locations and without advance permission or reservation, such as signs, tables, distribution of literature, and public assembly without amplified sound, may be used immediately and in any location authorized in this policy.

2.11.2.3 Means of response that require advance permission or reservation, such as banners, A-frames, exhibits, and amplified sound, may be used as soon as the needed permission or reservation may be arranged. Banner space and some amplified sound areas may be unavailable on short notice because of earlier reservations, but the Dean of Students shall expedite approval of A-frames, exhibits, and available banner space and amplified sound areas where necessary to permit appropriate response to other speech, assembly, or expression.

2.11.2.4 Means of response that are confined to authorized locations, such as banners and amplified sound, may be used only in those locations. It is not possible to respond to amplified sound with amplified sound in the same location; similarly if an exhibit or public assembly is in a location where amplified sound is not permitted, it is not possible to respond with amplified sound in that location. In either case, it is possible to respond with amplified sound in another location and to use signs or distribution of literature to advertise the response at the other location.

2.12 Enforcement and Appeals

Please refer to the next section

2.12.1 Police Protection

2.12.1.1 It is the responsibility of the University to protect the safety of all persons on campus and to provide police protection for speakers, public assemblies, persons staffing or viewing exhibits, and other events. The normal patrolling of officers during regular duty areas in the area of such events will be at the cost of the University. When the magnitude, timing, or nature of an event requires overtime hours from police officers (including contract hours for officers hired from other departments or private security agencies), the University will, to the extent specified in 2.12.12 and 2.12.13, charge the cost of overtime or contract officers to the person or organization sponsoring the event or exhibit that requires overtime police protection. The purpose of 2.12.12 and 2.12.13 is to charge for police overtime where reasonably possible, but not to charge for police overtime made necessary by the content of speech at the event or by the controversy associated with any event.

2.12.1.2 A reasonable and nondiscriminatory fee for overtime police work will be charged for events that require overtime police protection, and charge a price for admission, or pay a speaker, band, or other off-campus person or organization for services at the event. Persons or organizations planning such events should budget for the cost of police protection.

2.12.1.3 The University shall have the sole power to decide, after reasonable consultation with the person or organization planning the event, whether and to what extent overtime police protection is required. No fee shall be charged for officers assigned because of political, religious, philosophical, ideological, or academic controversy anticipated or actually experienced at the event. All fees shall be based on the number of officers required for an uncontroversial event of the same size and kind, in the same place and at the same time of day, handling the same amount of cash.

2.12.1.4 Nothing in this section applies to any interdepartmental charge or transfer among units or accounts funded by the University.

2.12.2 Response to Violations

2.12.2.1 A student who violates a prohibition in this chapter may be disciplined under the procedures in chapter 1.
2.12.2.2 A faculty member who violates a prohibition in this chapter may be disciplined under applicable procedures provided by other rules. If no such procedures exist, violations by faculty members shall be referred to the Office of the Provost.

2.12.2.3 A staff member who violates a prohibition in this chapter may be disciplined under applicable procedures provided by other rules. If no such procedures exist, violations by staff members shall be referred to Human Resource Services.

2.12.2.4 Authorized University personnel may prevent imminently threatened violations, or end ongoing violations, of a prohibition in this chapter, by explanation and persuasion, by reasonable physical intervention, by arrest of violators, or by any other lawful measures. Alternatively or additionally, they may initiate disciplinary proceedings under 2.12.2.1, 2.12.2.2, or 2.12.2.3. Discretion regarding the means and necessity of enforcement shall be vested in the chief of police, or in University personnel designated by the president, as appropriate, but such discretion shall be exercised without regard to the viewpoint of any speaker.

2.12.2.5 Persons and organizations on the campus shall comply with instructions from University administrators and law enforcement officials at the scene. A person or organization that complies with an on-the-scene order limiting speech, expression, or assembly may test the propriety of that order in an appeal under 2.12.3.

2.12.3 Appeals

2.12.3.1 A person or organization that is denied permission for an activity requiring advance permission under this chapter may appeal the denial of permission.

2.12.3.2 A person or organization that complies with an on-the-scene order limiting speech, expression, or assembly may, on or before the fifth weekday after complying with the order, file an appeal to determine the propriety of the order limiting the speech, expression, or assembly. The question on appeal shall be whether, under the circumstances as they reasonably appeared at the time of the order, the appellant's speech, expression, or assembly should have been permitted to continue. Such an appeal may be useful to clarify the meaning of a rule, or to resolve a factual dispute that may recur if the appellant desires to resume the speech, expression, or assembly that was limited by the order.

2.12.3.3 An appeal authorized by this section shall be heard under the procedures set out in 3.4 below.

Chapter 3: Use of University Facilities

3.1 Purpose and Application

The University permits the orderly use of rooms and spaces on its property, as provided in this chapter, to further the educational process. The University does not endorse any statement or activity that does not represent official University action. This chapter authorizes and regulates the reservation of University rooms and spaces; the identification of persons present on University property; and the use of alcoholic beverages on University property. Speech, assembly, and expression by students, faculty, and staff on University property is further protected and regulated in Chapter 2.

3.1.1 No person or organization may use a University facility for any purpose other than in the course of the regular mission of the University or the University of Texas System unless authorized by the Regents’ Rules and Regulations. Any authorized use must be conducted in compliance with the provisions of the Regents’ Rules and Regulations, the approved rules and regulations of the University, and applicable federal, state, and local laws and regulations.
3.2 General Definitions

In addition to the general definitions contained in Chapter 1.2, as used in this chapter, unless the context requires a different meaning:

   a. "institutional representative" is any Regent, executive officer, administrative officer, attorney, peace officer, or security officer of the University or the University of Texas System.

   b. "room or space" includes any room or space, indoors or outdoors, owned or controlled by the University;

   c. “Student Activity Request Form” means the form used by a registered student organization to schedule an activity on the campus and is available at the Student Development Center;

   d. "student organization" means a student group holding a valid registration approved by the Student Development Center;

   e. "The Union" means the UTEP Union Buildings, Union Plaza, and surrounding grounds;

   f. “EPNGCC” means the El Paso Natural Gas Conference Center;

   g. S.D.C. " means the Student Development Center;

   h. "Food Services" means the Director of Food Services or his/her delegate.

3.3 Reservation of a Room or Space on University Property

Please refer to the next section

3.3.1 Permission to Use

Academic and administrative units, and registered student, faculty, and staff organizations may reserve the use of a room or space on University property for purposes permitted by the Regents' Rules and Regulations. Academic and administrative units of the University shall have priority in reserving the use of rooms and spaces, except that they shall not have priority in the use of weekday amplified sound areas defined in chapter 2.8. Academic or administrative units have equal access to scheduling the amplified sound areas.

3.3.1.1 An academic or administrative unit, or a registered organization with a reservation has the right to the reserved room or space for the time covered by the reservation. Any person or organization using or occupying the room or space without a reservation must yield control of the room or space in time to permit any organization with a reservation to begin using the room or space promptly at the beginning of its reserved time.

Reservations are not required, but are strongly encouraged. A person or organization planning to use a room or space without a reservation may find the facility locked or in use by another person or organization.

3.3.2 Application

3.3.2.1 All organizations wishing to reserve an outdoor space, including academic and administrative units, shall apply to the Dean on a form prescribed by the Dean.
3.3.2.2 Any registered student, faculty, and staff organizations, and academic and administrative units wishing to reserve a general purpose classroom shall apply to the Registrar on a form prescribed by the Registrar.

3.3.2.3 Reservations for rooms and spaces controlled by academic or administrative units other than the Registrar and the Dean shall be made through the unit that controls the room or space. These rooms and spaces controlled by other units include The Union and EPNGCC (see chapter 3.5 for specific policies for these facilities), Recreational Sports Facilities, Magoffin Auditorium, Don Haskins Center, Sun Bowl Stadium, Miner Village, classrooms that are not general purpose classrooms, many conference rooms, reception areas, and the like, and other specialized rooms and spaces. Some of these rooms and spaces are dedicated to special purposes and are subject to special rules. Academic and administrative units are encouraged to make the rules and procedures for reserving rooms and spaces, and a list of the rooms and spaces that may be reserved, readily available on a Web site or on a flyer or pamphlet conveniently available at the unit's office.

3.3.2.4 The Dean shall maintain, on a Web site or on a flyer or pamphlet conveniently available at the Dean's office, the procedures for reserving outdoor spaces, or for registered student organizations reserving general purpose classrooms, and any additional rules applicable to such reservations; and a list of general purpose classrooms.

3.3.3 Consideration of Application

3.3.3.1 The Dean shall approve a properly completed application to reserve an outdoor space, and shall facilitate a properly completed application to reserve a general purpose classroom, unless the Dean finds that:

a. the proposed use of the room or space would violate one or more of the general rules in chapters 2.2 and 2.3 of this Section of the Handbook.

b. another event or exhibit has been scheduled for the proposed time and location, or so near that there is a practical conflict;

c. the room or space requested is inadequate to accommodate the proposed use;

d. the proposed use of the room or space would violate reasonable and nondiscriminatory fire, health, or safety standards;

e. the proposed use of the room or space would constitute an immediate and actual danger to students, faculty, or staff, or to the peace or security of the University that available law enforcement officials could not control with reasonable effort;

f. the applicant is under a disciplinary penalty prohibiting reserving the use of a University room or space, or prohibiting the proposed use of the room or space; or

g. the applicant owes a monetary debt to the University, and the debt is considered delinquent by the crediting agency.

3.3.3.2 If the Dean does not approve an application under 3.3.1, upon request he or she shall give the applicant a written statement of the grounds for refusal within three weekdays.

3.4 Regulations Applicable to University Buildings and Grounds

Please refer to the next section
3.4.1 Identification Required

Any person shall identify himself or herself when requested by an institutional representative while on any property or in any building owned or controlled by the University or the University of Texas System. A person identifies himself or herself by:

a. giving his or her name and complete address substantiated by a current driver's license, voter registration card, or other official documentation; and

b. stating truthfully whether he or she is a student or employee of the University or the University of Texas System.

3.4.1.1 An "institutional representative" is any Regent, executive officer, administrative officer, attorney, peace officer, or security officer of the University or the University of Texas System.

3.4.1.2 Any person who refuses to identify himself or herself in accordance with 3.4.1 (a), above, may be convicted of a misdemeanor punishable by a fine of not more than $200.

3.4.1.3 Any student, faculty member, or staff member who refuses to identify himself or herself in accordance with 3.4.1 (a), above, is subject to disciplinary action, including expulsion from the University, in the case of a student.

3.4.2 Use of Alcoholic Beverages

The use of alcoholic beverages is prohibited on property and in buildings and facilities owned or controlled by the University or the University of Texas System. However, the President may waive this prohibition with respect to any specific event sponsored by the University. Meetings or events sponsored by registered faculty, staff, or student organizations are not events sponsored by the University. The serving of alcoholic beverages at student-sponsored events is prohibited. State law relating to alcoholic beverages will be strictly enforced at all times on property owned or controlled by the University.

3.5 Use of the Union, Union Plaza, and El Paso Natural Gas Conference Center

The Union and EPNGCC provide cultural, educational, social, and recreational programs as well as related goods, services, and facilities for the University. The provisions of Chapter 2 and Chapter 3 provide guidance and direction for the use of The Union, Union Plaza and EPNGCC, and this chapter provides specific requirements for the scheduling and use of these facilities.

3.5.1 Scheduling of The Union, Union Plaza, and EPNGCC

The Union Scheduling Office is the central location for the scheduling of all meeting rooms, tables, displays, tripods, banners, posters, lounges and programs held in The Union Building, Union Plaza, surrounding grounds, and the EPNGCC. All requests related to the reservation and use of these facilities must be initiated through The Union Scheduling Office. Applications properly made for use of facilities shall be approved unless there are reasonable grounds to invoke the provisions of 3.3.3.1 above.

3.5.1.1 Scheduling for use of Union, Union Plaza and EPNGCC facilities is limited to registered student organizations, academic/administrative departments, and registered faculty/staff organizations, unless the request is in accordance with the Special Use Facilities provision as defined in the Regents' Rules and Regulations. No organization or group may use any University facilities as long as it owes a delinquent monetary debt to the University.
3.5.1.2 All requests to schedule banquet or meeting rooms, tables, tripods, banner space, or any other activity involving the Union or EPNGCC must be made through The Union Scheduling Office. Registered organizations requesting only a table or meeting room may go directly to the Union Director’s office. Registered student organizations wishing to schedule a facility for other uses must first obtain an approved Student Activity Request Form from the Student Development Center. No food may be brought into the Union, Union Plaza or EPNGCC for a scheduled function unless prior approval has been obtained from the Director of Food Services.

3.5.1.3 An officer or authorized representative of a registered student organization must apply in person to schedule the use of the Union, Union Plaza, or the EPNGCC. All other users, including requests under Special Use provisions, may apply by telephone, mail, e-mail, or in person.

3.5.1.4 Reservation or scheduling for rooms, technical services, reception food, and beverage service must be made at least twenty-four hours in advance. Meal service, served or buffet, requires scheduling 1 week in advance. Cancellation of reservations for facilities, technical services, or food and beverages services with less than 24 hours notice may incur additional costs to the scheduling entity and/or limitations on the scheduling of future use of facilities.

3.5.2 Regulations of the Use of The Union or EPNGCC Facilities

Use of tables, tripods, banners, and the posting of signs in the Union, Union Plaza, or EPNGCC are subject to the provisions of Chapter 2 of this Handbook, as well as the additional requirements of this chapter. The use of tripods, posting of posters/signs, or installation of banners for Student Government Association elections is also governed by the Student Election Code.

3.5.2.1 Tables

Tables, as defined and regulated by Chapter 2.6 above, but including booths, displays, furniture, enclosures, or any other structure temporarily used for distribution of literature, for displaying signs or posters, for raising funds or soliciting, or for other similar activities, may be reserved in locations designated for that purpose in the Union and EPNGCC, subject to space availability. Reservations are subject to the following:

a. tables must be reserved at least twenty-four hours in advance;

b. the area surrounding the table must be cleaned by the organization following the activity;

c. an official member of the sponsoring organization must supervise the table for the duration of the activity;

d. table locations are as designated by the Union or EPNGCC, and may not be moved once a location has been assigned;

e. tables and activities associated with a table must not impede the normal flow of traffic inside or on the grounds of the Union and EPNGCC;

f. fund raising activities conducted at tables by student organizations must be approved by completing the Student Activity Request Form available in the Student Development Center.

g. notice of cancellation of reserved table space of less than 24 hours or violations of the above regulations may result in penalties limiting future reservations of tables by the organization.

3.5.2.2 Lounges
1. Building Lounge areas in the Union may be reserved for the following activities:

   a. the opening address of an officially recognized campus event of prolonged duration;

   b. University-sponsored festivals, receptions, pep rallies, and awards presentations;

   c. a debate or forum of timely concern; and

   d. professional-quality live musical entertainment or cultural events sponsored by the Office of Special Events, the Student Development Center, the Union, or other appropriate University department.

2. Permissible sound amplification levels in any reserved lounge shall be established by the Union and must be maintained by the sponsoring organization to avoid unnecessary interruption of other events in the Union.

3.5.2.3 Tripods

1. Only tripods provided by the Union building and the EPNGCC may be used by registered University organizations and University departments to announce scheduled events, subject to the following:

   a. tripods must be reserved at least twenty-four hours prior to the time requested;

   b. tripods will be placed in designated areas only and should not interfere with the normal flow of traffic;

   c. tripods will be removed from the area after the approved time has expired;

2. Notice of cancellation of tripod reservations of less than 24 hours or violations of the above regulations may result in limitation of future reservations of tripod space by the responsible organization or individual.

3.5.2.4 Posting of Signs

1. Signs, as defined and regulated by Chapter 2.5 and including posters, billboards, decals, notices, plaques, pictures, photographs, pamphlets, and flyers may be posted only in designated areas, and provided the posting:

   a. is of a size appropriate to the surface available for posting in that designated location;

   b. is for the purpose of permissible solicitation or advertising;

   c. does not contain material that is obscene, libelous, or that is directed to inciting or producing imminent lawless action and is likely to incite or produce such action;

   d. is not placed on glass, painted, or tile surfaces or posted on the outside of the buildings or their surrounding walls and planters;

   e. has been date-stamped by the Union Director's Office;

   f. includes an English translation, if the sign is in a foreign language;
g. remains posted no longer than two weeks and must be removed when the two-week period has expired. However, signs and posters for University-sponsored programs of prolonged or recurring duration may remain longer than the two-week period at the discretion of the Union Director's Office.

3.5.2.5 Banners

Banners, as defined and regulated by Chapter 2.5.4 but including signs hung from a structure, or between two buildings, structures, or poles, may be hung only on reserved railings or space specifically designated for that purpose in the Union, Union Plaza, or EPNGCC.

1. Only advertisement of University or student organization-sponsored events will be approved for use of banner railing space in the Union, Union Plaza, and the EPNGCC. Major University events such as homecoming, special events, or University-wide programs will be given priority for use of banner railing space. All other organizations or departments may apply for use of banner railing space on a space availability basis. Banners may be placed on the external railing along University Avenue or in front of the Union only for University-sponsored programs or student government association elections. Display of banners is subject to the following:

a. banners in a foreign language, must have an English translation accompanying the banner;

b. the name of the sponsoring organization must be on the banner;

c. requests for reservation of banner space must be made at least 48 hours in advance, and banners may be placed only on designated areas, as determined by the Union Director's Office;

d. banners must be removed by the sponsoring organization after the approval time has expired;

e. Notice of cancellation of reserved banner space of less than 24 hours or failure to remove banners in a timely manner may result in penalties limiting future reservations of banner space by the organization.

3.5.3 Requirements for Use of the Union Plaza

3.5.3.1 The Union Plaza may be reserved for the following activities:

a. University-sponsored festivals, pep rallies, cultural or entertainment events, and other officially-sponsored events;

b. registered student, faculty and staff organization programs

c. student organization use of tables, including booths, displays, furniture, enclosures, or any structure temporarily installed for distribution of literature, displaying signs or posters, or for raising funds or soliciting.

3.5.3.2 In addition to the regulations found in 3.5.2 governing placement of signs, banners, and tables, the following rules are applicable to use of the Union Plaza:

a. only one amplified sound activity at a time will be scheduled in the Union Plaza, but other simultaneous activities, such as use of tables, will be permitted;
b. no amplified sound events will be permitted in the Union Plaza when the Elkins, Wiggins, or Barry rooms of The Union have been previously scheduled. Conversely, those rooms will not be scheduled if an amplified sound activity is scheduled for the Union Plaza;

c. use of the Union Plaza must not interfere with the free and unimpeded flow of traffic in the Union Plaza or traffic exiting or entering the Union Building;

d. reserved use of the Union Plaza must be scheduled at least twenty-four hours in advance;

e. Less than 24 hours' notice of cancellation of reserved Plaza space, or violations of the above regulations may result in limitation of future reservations of Plaza space by the responsible organization or individual.

3.5.3.3 The Dean may limit the number or frequency of reservations for each person or organization to ensure reasonable access for all persons and organizations.

3.5.3.4 All activities scheduled in advance through the Union Scheduling Office have priority for time and location. Students, faculty, or staff may bring their own tables to set up in the Union Plaza; however, they must be placed in designated locations that will not interfere with activities scheduled through the Union Scheduling Office. A listing of these locations is available in the Union Scheduling Office.

3.5.4 The Union and EPNGCC as Special Use Facilities

The Union and EPNGCC have been designated as special use facilities and may be made available to non-University groups under the following provisions:

a. designation as a special use facility shall not constitute the facility as a public facility open to use by non-University persons, groups, associations, or corporations on a first-come, first-served basis;

b. Priority in the reservation and use of the facility shall be given to activities and events sponsored by the University that are in furtherance of and related to the educational, cultural, recreational, and athletic programs of the University;

c. as a lower priority, the facility may be made available to non-University individuals, groups, associations, or corporations without the necessity of joint sponsorship by the University. Non-University groups shall be charged for the use of the facility that will, at a minimum, insure recovery of that part of the operating cost of the facility attributable directly or indirectly to such non-University use. If the non-University user charges those attending an event any admission or registration fee, or accepts donations from those in attendance, the University shall require the user to make a complete account of all funds collected and of the actual cost of the event. If the funds collected exceed the actual cost of the event, the non-University user shall be required to remit such excess funds to the University as an additional charge for the use of the facility; and

d. Subject to all constitutional and statutory provisions relating to the use of state property or funds for religious or political purposes, the facility may be made available for religious or political conferences or conventions. Religious organizations applying for use of the facility must submit written evidence from the Internal Revenue Service that the organization has been granted an exemption from taxation under Section 501(c) (3) of the Internal Revenue Code. Political organizations applying for use of the facility must present written evidence that the organization had candidates for either state, district, or local offices listed on the ballot at the last general
election. A religious or political organization shall be permitted to use the facility only one time during a calendar year.

3.5.5 Facility Use Charges

Facility use charges will be in determined in accordance with the following regulations.

3.5.5.1 The use of Union facilities or EPNGCC during regular operating hours shall be free of charge to registered student/faculty/staff organizations and academic/administrative departments when no special arrangements or accommodations are necessary. A charge will be assessed for after hours use or for requests for special arrangements or technical services. A charge will be assessed to all outside groups or organizations using The Union or EPNGCC as a special use facility.

3.5.5.2 In accordance with an approved rate schedule available in the Union Scheduling Office

a. building operation and personnel charges will be assessed to re-open/close and operate either the East or West Wings of the Union or EPNGCC during times, days, and/or evenings that are not during regular operating hours; and equipment rental and/or technician charges will be assessed to provide and operate Union technical services equipment, or to operate user provided equipment when requested.

3.5.6 Policy Concerning Alcoholic Beverages in The Union or EPNGCC

Subject to the provisions of 3.4.2 above, alcoholic beverages may be catered at non-student sponsored receptions and served meals in any meeting room or food service area in The Union or EPNGC designated for that purpose, provided food is served. All alcoholic beverages and all food items served in The Union or EPNGCC must be purchased through the Food Services. The serving of alcoholic beverages at student-sponsored functions is prohibited.

3.5.7 Procedures For Requesting Alcoholic Beverage Service

a. All requests for alcoholic beverage service in the Union Building or EPNGCC are initiated through the UTEP Food Services. Requests for alcoholic beverage service at other locations on campus are initiated through the President’s Office. Student Organizations are not permitted to serve or consume alcoholic beverages at their sponsored event.

b. All alcoholic beverage service requests must be made at least two weeks in advance.

c. Food Services reserves the right to sell food items directly to consumers in addition to those items purchased by the sponsoring organization.

d. No one under the legal alcoholic consumption age will be served an alcoholic beverage.

3.6 Appeal of Facility Use Decisions

Please refer to the next section.

3.6.1 Procedures for Appeal

a. An organization aggrieved by a decision under this chapter is entitled to appeal to the Vice President for Student Affairs by giving written notice to the Dean on or before the fifth weekday after the day the decision is announced. The notice may be informal, but shall contain the organization’s name and mailing address, a concise description of the decision complained of,
the organization's reasons for disagreeing with the decision, and the date the decision was announced.

b. When timely notice of appeal is received, the Dean shall prepare and send to the Vice President for Student Affairs a copy of the written statement of the reason given for the Dean's decision. The Vice President shall provide the organization with an opportunity for a hearing, and the organization shall be notified at least one weekday before the date of the hearing.

3.6.2 Further Review by Petition

The Dean or the organization may petition in writing through the Vice President for Student Affairs to the President of the University to review the decision being appealed. The President may establish an ad hoc committee to review the appeal and make recommendations or decide the matter directly. The President reviews appeals solely at his/her discretion and the decision of the President is final.

Chapter 4: Student Organizations

4.1.1 Definitions

In addition to the general definitions contained in 1.2 of this section, unless the context requires a different meaning:

a. "advisor" means a member of the University faculty or full-time staff who advises the members of an organization;

b. "committee" means the Student Welfare Committee;

c. "organization" means a student group holding a valid registration that has been approved by the Student Development Center;

d. "S.D.C." means the Student Development Center director or his/her delegate;

e. "probationary period" means the period of time between when a group of students expresses an interest in forming a student organization and when they are officially recognized and registered as a student organization with all the rights, privileges, and responsibilities of a registered student organization. During this period, student groups may not fundraise, host any social functions, distribute literature, request funds, sponsor off-campus speakers, apply for Union office space, or participate as a student organization in any authorized student or University activity. Publicity released by the forming group must clearly specify that the group is a "proposed student organization".

4.2 Faculty Senate Committee on Student Welfare

Please refer to the next section

4.2.1 Composition The Student Welfare Organizations and Activities Committee is composed of faculty and student members as prescribed by the Faculty Senate Bylaws in Section III, Academic Affairs, Chapter 1 of this Handbook.

4.2.2 Jurisdiction

Updated: June 14, 2010
The committee shall:

a. propose, review, and evaluate the administrative policies for the recognition and registration of student organizations; and to mediate any dispute arising from the denial of recognition of a student group's petition for recognition;

b. at the request of the President, and in adherence to the Rules and Regulations of the Board of Regents (RR) and this Handbook, review appeals from the decisions of the Hearing Officer and the Dean of Students regarding student organizations and make recommendations to the President;

c. serve as an advisory group to the Vice President of Student Affairs on policies related to student organizations, social activities, student government, student health, recreation facilities, disabled student services, international programs, union services, residence life, and student support and counseling;

d. work with the respective faculties of the various colleges to promote, support, and encourage student development through involvement and participation in the activities and programs offered by the University.

Updated: June 14, 2010

4.3 Registration of Student Organizations

Please refer to the next section

4.3.1 General Provisions

4.3.1.1 An organization in which membership is limited to students, recognizing that faculty and staff may also be members, may become a registered student organization by complying with the registration procedures established by the chief student affairs office.

4.3.1.2 A full time faculty or staff advisor is required for each registered student organization.

4.3.1.3 A registered student organization may state that its membership is composed of students, or of students, faculty, and/or staff of the University, but it may not suggest or imply that it is acting with the authority or as an agency of the University.

4.3.1.4 The University shall not register any student organization or group whose actions or activities, in the opinion of the President or the Executive Vice Chancellor, are inimical to the educational purpose and work of the University.

4.3.1.5 Except for permissible joint sponsorship, no organization or group, whether registered or not, may use any facility of the University if it has as a member any person who is not either a student or a member of the faculty or staff of the University.

4.3.1.6 No organization shall be granted University registration:

a. that excludes anyone from membership, either by rule or by unwritten agreement, on the basis of race, color, creed, national origin, sex orientation, or gender;

b. whose actions or activities are inimical to the educational purpose and work of the University;
c. that conceals any of its purposes or practices from its members;

d. that has members which are not students, faculty or staff of the University;

e. that has a secret membership; or

f. that has activities or practices that constitute hazing and/or are considered dangerous, harmful, or degrading.

4.3.1.7 Student organizations, through their activities and actions, are expected to always meet the following responsibilities: respect normal University operations (i.e. class schedules, movement of traffic, etc.); honor and support the rights of its members in their academic pursuits; not deny or interfere with the rights of others (this includes respecting the dignity of the human person and the full compliance with the anti-hazing requirements of the University); refrain from discrimination in membership; represent the purpose and intent of the organization accurately and ethically, be aware of and in full compliance with applicable civil laws and University policies and regulations; and display responsible and ethical actions in all exchanges on and off campus as members of the University community.

4.3.2 Use of University Name or Sponsorship

4.3.2.1 Unless officially sponsored by the University (recognition and registration does not constitute official sponsorship) or permitted by the University President, a student organization may not use the name or any abbreviation of the University or The University of Texas System as a part of the name of the organization, and it may neither display or use the seal of the University or The University of Texas System in connection with any activity of the organization nor use such seal or seals as a part of any letterhead, sign, banner, pamphlet, or other printed material that bears the name of the organization.

4.3.2.2 A registered student organization may not advertise or promote events or activities or other functions in a manner that suggests falsely that the event or activity is sponsored by the University.

4.3.3 Application Procedures

4.3.3.1 Individuals or groups who wish to organize or have lost registered status may make an application to become a recognized student organization through the Student Development Center by filling out the Student Organization Registration Form. This must include:

1. name of proposed organization;
2. purpose of organization;
3. activities to be conducted during the probationary period;
4. type of organization;
5. proof of cumulative G.P.A. of all organization representatives or officers;
6. list of members with student identification numbers;
7. comprehensive constitution and bylaws;
8. advisor's name and signature; and
9. compliance affidavits.

4.3.3.2 Completed applications will be reviewed by the S.D.C. and the Dean of Students within 15 business days. Unless appealed in writing to the Faculty Senate Committee on Student Welfare,
the application requires the approval of the Dean of Students for the student group to become recognized as a student organization.

4.3.4 Continuation of Registered Status

4.3.4.1 As a condition to being a registered student organization during a semester, every organization must submit to the S.D.C 30 days of the beginning of Fall semester a completed Student Organization Registration Form containing the following:

a. name and campus address of the organization;

b. type of organization;

c. purpose of organization;

d. membership qualifications including dues and average organization G.P.A.

e. advisor name and signature;

f. representative or officer names, cumulative GPAs, addresses, and phone numbers;

g. name of banking institutions, account number, and names and signatures of representatives authorized to access the account(s);

h. list of all members and student ID numbers (at least 3 students in good academic standing are required to maintain registration), and

i. signature of authorized representative certifying the organizations compliance with the University of Texas System Board of Regents' Membership Statement, Hazing Statement, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and all written policies and procedures contained in the Student Handbook.

k. a financial statement (if appropriate);

l. a current copy of the constitution and bylaws of the organization.

4.3.4.2 As a condition to being a registered student organization, every organization must submit the following information to the S.D.C. within 30 days of the beginning of Spring semester (unless otherwise specified):

a. an officer and membership update form containing the names, addresses, and student IDs of all new and/or inactive officers and members numbers (at least 3 students in good academic standing are required to maintain registration);

b. a financial statement (if appropriate);

c. a summary of the programs and activities that occurred the previous semester. A program summary is also due to the S.D.C. containing programs and activities that occur the Spring semester by the third week preceding the end of the spring semester.
4.3.4.3 A registered student organization whose registered status has been canceled by the Dean pursuant to 4.3.4.1 or 4.3.4.2 may apply for re-registration not less than six months following the date of such cancellation.

4.3.4.4 An organization that does not meet the specified deadline for registration will lose its registered status for that current semester.

4.4 Financial Responsibilities

Please refer to the next section

4.4.1 Fund Raising

Before a registered student organization may solicit or raise funds under the conditions of Section 4.4.1, it must complete a Student Activity Request form, which shall contain:

a. the name of the organization;

b. dates and times requested;

c. purpose and method of fund raising;

d. location of table and/or facility for fund raising;

e. description of food, drink, product or service to be sold or provided;

f. signature of the organization's authorized representative;

g. signature of the S.D.C ; and

h. signature of the appropriate facility official.

4.4.2 Permissible Solicitation

4.4.2.1 As used in this section, the word "solicitation" means the sale or offer for sale of any property or service, whether for immediate or future delivery, the distribution of material that is designed to encourage the purchase or rental of any property product or service; the oral or written appeal or request to support or join an organization other than a registered student, faculty, or staff organization; and the receipt of or request for any gift or contribution, and the request that a vote be cast for or against a candidate, issue, or proposition appearing on the ballot at any election held pursuant to state or federal law.

4.4.2.2 No solicitation shall be conducted in any building, structure, or facility on the campus without a completed Student Activity Request form and prior approval from the appropriate facility official. The following activities are permissible solicitations not prohibited by this section if they are conducted in accordance with the rules and regulations of the University and in a manner that will not disturb or interfere with the regular academic or University programs being carried on in a building, structure, or facility, and do not interfere with entry to or exit from a building or structure or facility:

a. the distribution, sale or offer for sale of any newspaper, magazine, or other publications by means of an unattended rack or vending machine in the area designated in advance by the University President or his/her delegate for the conduct of such activity;
b. the sale or offer for sale of any food, drink, or other product or service that may be lawfully sold by means of a vending machine operated by the University or its subcontractor in an area designated in advance by the University President or his/her delegate for the conduct of such activity;

c. the sale or offer for sale by the University or its subcontractor of any publication of the University or of any book or other printed material to be used in the regular academic work of the University;

d. the operation by the University of any service or facility maintained for the convenience of the students, staff, and/or faculty;

e. the operation by the University's subcontractor or lessee of services or facilities, maintained for the convenience of students, staff, and/or faculty to include any bookstore, specialty store, laundry, pharmacy, cafeteria, child care facility, state or federal credit union, private post office boxes, unmanned teller machines, or travel agency;

f. the sale or offer for sale by the University, its subcontractor or a registered student organization of food and drink items and programs at athletic contests or at any other program or event sponsored or authorized by the University;

g. the collection of tuition and fees in connection with enrollment of a student in any course or degree program;

h. the collection of membership fees or dues by registered student, faculty or staff organizations at meetings of such organizations scheduled in accordance with the facilities use regulations of the University;

i. the collection of admission fees for the exhibition of movies or other programs that are sponsored by the University, a registered faculty, staff, or student organization, when permitted by and scheduled in accordance with the facilities use regulations of the University;

j. the solicitation of funds or sale or offer for sale of any food, drink, or other product or service by any registered student organization that can present to the University President, or his or her delegate, written evidence from the Internal Revenue Service that the organization has been granted an exemption from taxation under Section 501(c) (3) (Internal Revenue Code). No organization may solicit for more than a total of fourteen days, whether continuous or intermittent, during each fiscal year;

k. occasional sales or offers of sales of goods or services that otherwise comply with state law and municipal ordinances and are conducted in the privacy of an individual University residence hall room or individual apartment when the resident of such room or apartment has given specific invitation in advance for sales persons to come to the individual residence hall room or individual apartment for that purpose, provided that neither sales nor offers of sales or goods or services within a University residence hall room or apartment by the occupant thereof on a continuing or scheduled basis, nor door-to-door sales or offers for sales of goods or services are included in the activity permitted by this exception; and

l. the acknowledgment or advertisement by scoreboard, electronic message or banner displayed at athletic facilities pursuant to University policy.

4.4.2.3 No solicitation shall be conducted on the grounds, sidewalks, or streets of the campus, except by the agents, servants, or employees of the University acting in the course and scope of their
agency or employment, or by the Student Government Association or by a registered student, faculty, or staff organization at the University.

4.4.2.4 Solicitation must be conducted in such a way that it will not disturb or interfere with the academic or University programs being carried on in campus buildings; that it will not interfere with the free and unimpeded flow of pedestrian and vehicular traffic on sidewalks and streets and at places of ingress and egress to and from campus buildings, and that it will not harass, embarrass, or intimidate that person or persons being solicited. If, after such reasonable investigation as the Dean shall deem appropriate (which investigation shall afford the accused organization every right guaranteed by the due process clauses of the United States and Texas constitutions), the Dean determines that a solicitation is being conducted in a manner that violates this subsection, the Dean shall prohibit the offending organization from solicitation on the campus for such period or periods of times as he/she shall determine to be appropriate. In the case of repeated violations of these solicitations rules, the Dean may cancel the registered status of the offending organization or impose other appropriate penalties. The distribution at no cost by a registered student, faculty, or staff organization of a newspaper, magazine, or other publication that contains paid advertising and is published at the sole expense of such organization shall comply with the provisions of this subsection.

4.4.2.5 Registered student organizations may not enter into joint sponsorship of any on-campus project or program with individuals, groups, or students that are not registered.

4.4.3 Financial Statement

a. Each registered student organization shall, within 30 days of the beginning of the fall and spring semesters, file with the S.D.C. a financial statement fully and fairly disclosing the following:

1. sources and amounts of money obtained from solicitations (sales, contributions, and/or other revenues) on campus during the preceding semester; and

2. beneficiaries and amounts of expenditures made during the preceding semester.

b. A registered student organization that during a semester receives no money or thing of value other than from its own members need file only a statement to that effect.

c. An organization failing to comply with the provisions of 4.4.3 (a) and 4.4.3 (b) shall be prohibited from solicitation on the campus until the organization places itself in compliance.

4.4.4 Debts

a. Each registered organization shall anticipate, provide for, and promptly meet its financial obligations in an honorable and business-like manner that is fair and equitable to its current and future members.

b. No organization may use the facilities of the University as long as it owes a monetary debt to the University and the debt is considered delinquent by the crediting University agency.

4.5 Officers

Please refer to the next section

4.5.1 Requirements for Officers
The president and other officers of an organization (except in those organizations where constitutional requirements are higher) must:

a. Be enrolled for at least nine credit hours as an undergraduate student or at least six credit hours as a graduate student during a long semester;

b. Have a cumulative grade point average of no less than 2.0; and

c. Not be on academic or disciplinary probation of any type.

4.5.2 Duties of Officers

4.5.2.1 The president or authorized representative of the organization shall insure that the organization is duly registered in the S.D.C. and that any changes in officers, advisors, members or purposes will be so reported to the S.D.C. not later than ten (10) working days after the change has been made.

4.5.2.2 The treasurer or financial officer is responsible for, and shall maintain, complete and accurate records of all financial transactions of the organization.

4.6 Membership

No registered student organization or group may have any person as a member who is not either a student or a member of the faculty or staff of the University. A registered student organization may state that its membership is composed of students, or of students, faculty, and/or staff of the University, but it shall not suggest or imply that it is acting with the authority or as an agency of the University.

4.7 Meetings

An organization shall give its members and advisor reasonable advance notice of its meetings and shall conduct its meetings in accordance with its bylaws and constitution.

4.8 Organization Conduct

Please refer to the next section

4.8.1 Organizational Standards of Conduct

Student organizations are expected to comply with all University rules and regulations and to conduct all activities within the spirit and mission of the University and the Student Development Center.

Student organizations, through their activities and actions, are expected to always meet the following responsibilities:

a. respect normal University operations (i.e. class schedules, movement of traffic, etc.);

b. honor and support the rights of its members in their academic pursuits;

c. not deny or interfere with the rights of others (this includes respecting the dignity of the human person and the full compliance with the anti-hazing requirements of UTEP);

d. refrain from discrimination in membership;
e. represent the purpose and intent of the organization accurately and ethically, be aware of and
in full compliance with applicable civil laws and University policies and regulations;

f. and display responsible and ethical actions in all exchanges on and off campus as members of
the University community.

4.8.2 Consequences of Violations

4.8.2.1 Any student organization is subject to disciplinary action or revocation of registration as a
student organization by the Dean of Students for violation of a rule or regulation of the University or
The University of Texas System, or of the standards of conduct expected of student organizations as
provided in Section II, Chapters 1, 2, 3 and 4 of this Handbook, including rowdy or disruptive conduct
at functions, on or off the campus, and conduct unbecoming of an organization and/or that brings
embarrassment to the University community.

4.8.2.2 Officers, members and advisors of the organization shall be held responsible for the conduct
and activities of the organization. In addition to possible disciplinary action taken against an
organization under these regulations, members are individually subject to disciplinary action for their
actions under the provisions of Section II, Chapter 1 of this Handbook.

4.8.2.3 In addition to charges initiated by the Dean of Students, any student, faculty, staff member, or
student organization may bring charges forward against a student organization for violations of the
Organizational Standards of Conduct by filing the charges with the Office of the Dean Of Students.

4.8.3 Improper Organizational Conduct

4.8.3.1 Lack or Improper Registration of the Organization

Failure to register, or failure to register properly, any student group that meets regularly or otherwise
uses University facilities, as required by 4.3.

4.8.3.2 Improper Student Organizational Activity

Any activity of an organization that results in violation of Regents’, University, or U.T. System rules,
regulations , policies, or procedures. An organizational activity is any event, sponsored or un-
ponsored, planned or unplanned, of the organization where there is a presence or participation of
officers or membership.

4.8.3.3 Improper Solicitation, Fund Raising, Publicity, or Use of the University Name

Engaging in impermissible solicitation or unauthorized fundraising activities, as described in 4.4
above, or the unauthorized use of the University’s name or seal or otherwise misstating sponsorship,
or falsely implying approval of organizational activities by the University as prohibited in 4.3.2.

4.8.3.4 Improper Distribution or Dissemination of Informational Materials

Advocacy, either oral or written, publicly distributing on campus any petition, handbill, or piece of
literature; installing, occupying, or using on campus any booth or table for wholly or partially
distributing or disseminating words or materials; posting or carrying any sign or poster on campus; or
publishing or aiding in publishing, or circulating or aiding in circulating, any anonymous publication
which is obscene, libelous, or that is directed to inciting or producing imminent lawless action and is
likely to incite or produce such action, or is directed to violating any order or instruction given by a
University official acting in the course of his or her duties in violation of the provisions of Section II, Chapter 2.

4.8.3.5 Improper Use of University Facilities
Use of facilities owned or controlled by the University in violation of the provisions of Section II, Chapter 3.

4.8.3.6 Improper Sponsorship of an Unauthorized Off-Campus Speaker
Unauthorized sponsorship of a non-University guest speaker in violation of the provisions of 2.10 above.

4.8.3.7 Hazing
Any intentional, known, or reckless act, occurring on or off the campus by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization whose members are or include students at an educational institution as prohibited in 1.3.8 above.

4.8.3.8 Failure to Comply
The failure to comply with any order or instruction of an official of the University or the University of Texas System acting in the course of his/her duties.

4.8.3.9 Theft or Property Damage
Damaging, destroying, or defacing property owned, leased, or controlled by the University or a University student, staff, or faculty member; or the unauthorized taking or use of such property.

4.8.3.10 Actions Against Persons or Groups
Any physical abuse or threat of physical abuse of any person or group on the campus or at any function, program, event, or assembly conducted, sponsored, supervised or authorized by the University.

4.8.3.11 Obstruction or Disruption of Normal University Operations
Engaging in conduct, either alone or in concert with others, which obstructs or disrupts or interferes with any instructional, educational, research, administrative, disciplinary, public service, or other activity or public performance authorized to be held or conducted on the campus. This includes, but is not limited to, any act that interrupts, modifies, or damages utility services or equipment, communication service or equipment, University computers, computer programs, computer records or computer networks accessible through the University's computer resources.

4.8.3.12 Misrepresentation of the Organization
The unethical misrepresentation of the purpose and/or intent of the organization; the failure to act within recognized norms or within the context of the constitution/bylaws of the organization; or the misrepresentation of other registered student organizations.
4.8.3.13 Lack of Financial Responsibility

Failure to make financial arrangements and meet financial responsibilities as a student group within the academic community.

No organization or group, whether registered or not, may use the facilities of the University as long as it owes a monetary debt to the University, and the debt is considered delinquent by the University or the crediting agency.

4.8.3.14 Violation of Federal, State, and Local Laws, or U.T. System and University, Policies, Rules and Regulations

The violation of any federal, state, or local laws; any provision of the Regents' Rules and Regulations of The University of Texas System, or any University policy, regulation or provision of this Handbook.

4.8.3.15 Participation by Expelled or Suspended Former Members

Unauthorized appearance or participation in organizational activities by former members after having been expelled or suspended from the University or any other component institution of The University of Texas System for disciplinary reason.

4.8.3.16 Dangerous Conduct

Members conducting themselves in a manner that endangers the health or safety of members of the University, or of visitors on the campus or any property, building, or facility owned or controlled by the University or U.T. System.

4.8.4 Investigation and Administration

4.8.4.1 When the Dean or the Dean's designee receives information that an organization has allegedly engaged in conduct that is prohibited by federal, state, or local laws, the Regents' Rules and Regulations, the rules and regulations of the University, or specific instructions issued by an administrative official of the University in the course of his/her authorized duties, he/she shall investigate the alleged violation. After completing his/her preliminary investigation, the Dean may either dismiss the allegation as lacking merit or summon the authorized representative(s) of the organization for a conference. After conferring with the representative(s), the Dean may:

a. dismiss the allegation;

b. proceed administratively under 4.8.5; or

c. prepare a statement of charges based on the allegation and proceed under 4.8.6 and 4.8.7.

4.8.4.2 Not withstanding any other provision of this chapter, the Dean may take immediate interim disciplinary action, including suspension, pending a hearing, against an organization that violates a rule or regulation of The University of Texas System or the University, when the organization's continuing presence poses a danger to persons or property or an ongoing threat of disrupting any authorized University activity.

4.8.4.3 An organization violates a law, a Regents' Rules and Regulations, University regulation or administrative rule when:
a. one or more of its officers or authorized members acting in the scope of his/her/their general organizational responsibilities commits the violation;

b. one or more of its members commits the violation after the action that constitutes the violation was approved by the majority vote of those members of the organization present and voting;

c. one or more members of a committee of the organization commits the violation while acting in the scope of a committee's assignment;

d. a majority of the members of an organization acting with apparent authority of the organization commit the violation;

e. one or more of its officers are aware of the violation and condone the violation and/or do not take action to report or remedy the violation;

f. one or more of its members, or guests, on property owned, leased, or under the central control of the organization or University, commits or permits, by failure to continue such actions, such violations.

4.8.4.4 An individual student may be disciplined for a violation under Chapter 1, even though the organization of which he/she is a member is penalized under 4.8 for the same violation or for a violation growing out of the same factual transaction.

4.8.5 Administrative Dispositions of Violations

When the authorized representative of the accused organization does not dispute the facts upon which the charges are based and executes a written waiver of the hearing procedures, the Dean shall assess a penalty that is appropriate to the charges. The authorized representative shall be informed of the action taken in writing. The decision of the Dean on penalty may be appealed, as in the case of a decision rendered subsequent to a hearing. The appeal is limited to the issue of penalty, and no transcript will be required.

4.8.6 Notice

4.8.6.1 Before the Hearing Officer holds a hearing on an alleged violation, the Dean shall notify the accused organization concerned by letter of the date, time, and place for the hearing. The notice shall be delivered in person or mailed to the authorized representative of the organization at the address appearing in the registrar's records and a copy mailed to the organization's advisor.

4.8.6.2 The letter shall specify a hearing date not less than ten (10) days after the date of the letter.

4.8.6.3 A letter mailed under 4.8.6.1 shall:

a. direct the accused organization to appear on the date and at the time and place specified;

b. contain a copy of the statement of charges to include a statement of the evidence supporting such charges;

c. advise the accused organization of its rights:

   1. to a private hearing;
2. to appear, present testimony of witnesses, present documented evidence, cross-examine witnesses, and be assisted by an advisor of choice. The advisor may be an attorney. If the accused organization's advisor is an attorney, the Dean's advisor may be an attorney from the Office of General Counsel of the University of Texas System. An advisor may confer with and advise the Dean or accused organization, but shall not be permitted to question witnesses, introduce evidence, make objections or present arguments to the Hearing Officer;

3. to challenge the person designated to hear the charges;

4. to know the identity of each witness who will testify against the organization;

5. to have a copy of documents to be introduced;

6. to present witnesses, request the production of documentary and other evidence, and offer evidence and argue in its own behalf;

7. to cross-examine each witness who testifies against the organization;

8. to have the hearing recorded; and

9. to appeal under 4.8.9.

d. contain the name of the person appointed to act as Hearing Officer;

e. contain the names of witnesses who will testify against the accused organization, a brief summary of the testimony to be given by each, and a copy of documents and other evidence that will be introduced against it;

f. advise the accused organization of the Dean's right to have in advance of the hearing a list of the witnesses to be presented by the organization, a brief summary of the testimony to be given by each, and a copy of documents and other evidence to be introduced.

4.8.6.4 If the organization fails to appear without a valid reason, the Dean may proceed with the hearing in the organization's absence.

4.8.7 Hearing

4.8.7.1 The hearing is informal and the Hearing Officer shall provide reasonable opportunities for witnesses to be heard. The hearing is closed, except that, at the request of the organization, the Hearing Officer may allow other persons to attend, including the organization's advisor and not more than five (5) members of the organization.

4.8.7.2 The Hearing Officer may be challenged only as provided in 1.6.4 above.

4.8.7.3 The Hearing Officer shall have and exercise such power and authority as may be deemed appropriate or necessary to insure that a fair and impartial hearing of the charges is conducted. At the discretion of the Hearing Officer, one or more commissioned peace officers from the Police Department of the University shall be available throughout the hearing to enforce the orders and rulings of the Hearing Officer, control admission to the hearing room, and perform other duties as the Hearing Officer may require.
4.8.7.4 The Dean shall furnish a suitable room, necessary equipment, and clerical assistance for a hearing.

4.8.7.5 To the extent consistent with this subchapter, the Hearing Officer and the Dean shall follow the procedural and evidentiary regulations set out in Chapter I.

4.8.8 Penalties

The Dean under 4.8.5, or the Hearing Officer after a hearing under this subchapter, may impose the following penalties after finding that an organization has violated a law, a Regents' Rule or Regulation, University policy or administrative procedure:

a. suspension for a specified period of the organization's right to do one or more of the following:

1. publicly post signs;

2. install a table;

3. publicly assemble or demonstrate;

4. sponsor or present a public performance;

5. publicly raise funds or make a solicitation;

6. reserve the use of University facilities;

7. participate in intramural athletics; and

8. recruit members.

b. suspension for a specified period of the organization's registration;

c. cancellation of the organization's registration, which may be permanent;

d. disciplinary probation that indicates that further violations will result in suspension or cancellation. The Dean or the Hearing Officer may impose conditions related to the offense and failure to meet the condition(s) shall be considered an additional violation;

e. other penalties as deemed appropriate by the Dean or Hearing Officer

4.8.9 Appeal

4.8.9.1 Either the Dean or the accused organization may appeal the decision to the President.

4.8.9.2 An appeal must be made within fourteen (14) calendar days after the parties have been notified of the decision. If the decision is sent by mail, the date the decision is mailed initiates the fourteen (14) day period. The notice is informal, but shall contain the organization's name, the date of the decision or action, if any, and the name of the organization's representative if any. If the Dean is the appellant, a copy of the notice shall be sent to the organization on the same day notice is served by the Dean.
4.8.9.3 If notice of appeal is timely given as provided in 4.8.9.2 above, the Dean, at the Hearing Officer's direction, shall prepare the hearing record; the Hearing Officer shall certify its completeness and accuracy; and the Dean shall send it to the President, with a copy to the organization on or before the fourteenth (14th) calendar day after the notice of appeal is given.

4.8.9.4 In order for the appeal to be considered, all necessary documentation to be filed by the appealing party, including written arguments in support of the appeal, shall be submitted to the President within fourteen (14) calendar days after the notice of appeal is given and the transcript, if any is available.

4.8.9.5 Notice of appeal timely given by an appellant organization suspends the imposition of penalty until the appeal is finally decided, but interim action may be taken as authorized under 4.8.4.2.

4.8.9.6 The decision will be reviewed upon the basis of the transcript if any, and evidence considered at the hearing. Both parties may, at the discretion of the President, present oral arguments to a representative of the President.

4.8.9.7 The President may approve, reject, or modify the decision in question or may require that the original hearing be reopened for the presentation of additional evidence and reconsideration of the decision. The action of the President shall be communicated in writing to the accused organization and the Dean within thirty (30) calendar days after the appeal and related documents have been received. The decision of the President is final.

4.8.10 Disciplinary Records

The Dean shall maintain a permanent written disciplinary record for every organization assessed a penalty of suspension or cancellation of registered status. A disciplinary record shall reflect the nature of the charge, the disposition of the charge, the penalty assessed, and any other pertinent information. This disciplinary record shall be separate from any academic record, shall be treated as confidential, and shall not be revealed except upon written request of the organization's authorized representatives or in accordance with applicable state or federal laws.

Chapter 5: Student Publications Policies

5.1 General Provisions

Please refer to the next section

5.1.1 Editorial Freedom and Responsibility

The University, as the publisher, must ultimately bear the responsibility for the contents of all official student publications. (For a definition of current student publications, see Section 5.2.1.) This responsibility lies with the Board of Regents of The University of Texas System, the Chief Administrative Officer of the U. T. System, and the President of The University of Texas at El Paso. To insure free, responsible expression, the University delegates publishing responsibilities and authority to a democratically selected Student Publications Committee composed of faculty and students (referred to in the Bylaws of Faculty Government as the Committee on Student Publications.) The Committee in turn delegates to student editors and staff members sufficient autonomy for student publications to maintain their integrity of purpose as vehicles for free inquiry and free expression in an academic community.

5.1.2 Definitions
In addition to definitions provided in Section II, Chapter 1.2 of this Handbook, unless the context requires a different meaning:

a. "Committee" means the Student Publications Committee;

b. "Director" means Director of Student Publications;

c. "Editorial Advisor" means Editorial Advisor/Publications Advisor of Publications;

d. "libel" means any defamation expressed in printing or writing, or by signs, pictures or drawings tending to blacken the memory of the dead, or tending to injure the reputation of one who is alive, and thereby expose him/her to public hatred, contempt or ridicule, or financial injury, or virtue, or reputation of anyone, or to publish the natural defects of anyone and thereby expose such a person to public hatred, ridicule, or financial injury (Article 5430, Texas Revised Civil Statutes Annotated [1958]); (Under Texas Civil Practice and Remedies Code, Chapter 73, Section 73.001, libel is defined as a defamation expressed in written or other graphic form that tends to blacken the memory of the dead or that tends to injure a living person's reputation and thereby expose the person to public hatred, contempt or ridicule, or financial injury or to impeach any person's honesty, integrity, virtue, or reputation or to publish the natural defects of anyone and thereby expose the person to public hatred, ridicule, or financial injury.)

e. "obscene material" means material, the dominant theme of which, taken as a whole, appeals to prurient interest in sex. The material is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value (Ginzburg v. U.S. 383 U.S. 463 [1966]);

f. "student staff member" means any student working on any student publication as defined in 5.2"Student Publications";

g. "student press" means the student editors and their staff, the Director of Student Publications, the Editorial Advisor to the publications, and the Student Publications Committee;

h. "student publications" means those publications officially recognized by the Student Publications Committee, those currently being the student newspaper, The Prospector, and the student literary magazine, Rio Grande Review, which are wholly or partially funded from student services fees;

5.2 Student Publications

All publications published primarily for students by students and funded wholly or in part from student services fees must be officially recognized by the Student Publications Committee.

5.2.1 Currently Recognized Publications

a. The student newspaper, The Prospector, publishes news and comments of interest and importance to the University community, with emphasis upon the news that most directly and immediately concerns students.

b. The student literary magazine, Rio Grande Review provides an outlet for creative writing (short stories, poems, short plays, articles, art, photography, essays, humor).
c. The Spanish-language student newspaper, El Minero publishes news and comments of interest and importance to the University community, with emphasis upon the news and the concerns of Spanish-speaking students.

5.2.2 Procedure for Granting Official Recognition

a. The petitioner must file, with the chair of the Student Publications Committee, a prospectus of the new publication; and

b. The Committee shall approve, disapprove or modify the petition.

5.3 Canons of Journalism and Protection of Editorial Expression

Please refer to the next section

5.3.1 Canons of Journalism

Student editors and staff members are expected to be governed by the Student Publications Committee-approved "Canons of Journalism"; and to avoid libel, the use of obscene material, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo. A copy of the Canons of Journalism for The Prospector and El Minero is available for review at the Student Publications Office.

5.3.2 Code of Ethics

Student editors and staff members are expected to be governed by the Code of Ethics of The Society of Professional Journalists, and the American Society of Newspaper Editors. A copy of the Code of Ethics for The Prospector and El Minero is available for review at the Student Publications Office.

5.3.3 Code of Advertising Acceptability

Student editors and staff members are expected to be governed by the Code of Advertising Acceptability for The Prospector and El Minero. A copy of the Code of Advertising Acceptability for The Prospector and El Minero is available for review at the Student Publications Office.

5.3.4 Protection of Editorial Expression

a. The student press shall be free of censorship, and its editors, directors, and editorial advisors shall be free to develop their own editorial policies and news coverage, subject to the policies of the Committee.

b. Censure or removal of student staff members by the Committee shall be only for proper and stated causes. No student staff editor, section editor, or student advertising manager member may be censured or removed by the Committee without proper notice, and opportunity to refute the charges, and a fair and impartial hearing. Removal means removal from all powers, rights, and privileges of a position.

c. All recognized student publications shall explicitly state on the editorial page or other appropriate place that opinions expressed in the publications are not necessarily those of the University or the student body.

5.4 The Student Publications Committee
5.4.1 Composition of the Committee

a. The Student Publication Committee is composed of one (1) faculty member from each undergraduate college, one (1) faculty member from Communications, five (5) students, none of whom may be officers of the Student Government Association, the President of the Faculty Senate or his/her representative, and the following non-voting ex-officio representatives: the Director of Student Publications, the Vice President for Student Affairs or his or her delegate, Editor of The Prospector, and not more than three (3) consultants.

b. The Committee may recommend removal of its members for missing three (3) or more scheduled Committee meetings.

5.4.2 Eligibility of Members

To be eligible for membership on the Committee, a student/faculty member must be in good standing and meet eligibility requirements established by the Student Government Association or Faculty Senate, respectively.

5.4.3 Duties of the Committee

a. The Committee is the policy maker for all student publications, such policies being consistent with freedom of the press under the First and Fourteenth Amendments;

b. The Committee is responsible for the implementation and enforcement of the provisions of this chapter;

c. The Committee is authorized to impose sanctions on all student staff members of Student Publications as set out in 5.8., 5.8.4(c) and 5.8.4(d) below;

d. The Committee may pass bylaws to carry out its duties if such bylaws are consistent with the Regents’ Rules and Regulations and this Handbook.

e. The Committee shall approve the appointment and/or removal of student editors and section editors to/from Student Publications on at least a yearly basis;

f. The Committee shall have a close working relationship with, and seek the counsel and advice of the Student Publications Director and the Editorial Advisor;

g. The Committee shall consider grievances involving allegations of libel, obscenity, or violation of these policies;

h. The Committee shall adjudicate disputes pertaining to student publications;

i. The Committee by a majority vote may approve the waiver of the required qualifications for a student staff position when, in the judgment of the Committee, the quality of the student publications would be enhanced by such action; and
j. The Committee will consider petitions and recommendations from the Director of Student Publications.

5.5 Responsibilities of the Student Publications Director

a. The Student Publications Director is appointed by the Dean of Students to execute the department’s fiscal and administrative responsibilities in the day-to-day operations of Student Publications, and to provide advice to student editors in the areas of personnel, fiscal, and operational management;

b. The Student Publications Director is responsible for upholding the policies and procedures established by the Committee in the day-to-day operations of Student Publications, and for recommending changes in those policies and procedures to the Committee;

c. The Student Publications Director submits written or oral reports to the Committee on the status of Student Publications at the Committee’s regular meetings;

d. The Student Publications Director approves or disapproves all expenditures of Student Publication funds, and is responsible for the Student Publications budget;

e. The Student Publications Director develops recommendations for the consideration of the Committee;

f. The Student Publications Director is entitled to see any material before publication, but does not have the right of prior censorship or advance approval of copy;

g. The Student Publications Director may, upon the recommendation of the Editorial Advisor, delay printing of publication, article, advertisement, photograph, or other contents of a publication if there is thought to be a potential violation of these policies. Should the need for a delay in printing arise, the Director of Student Publications must, within a 24-hour period, bring the matter to the attention of the Chairman of the Committee, who must convene the Committee within 48 hours to dispose of the matter;

h. The Student Publications Director may appoint editorial student staff members on an interim basis upon the recommendation of the Editorial Advisor and/or Editor of The Prospector, and shall immediately notify the Committee chair in writing of the action. Notice of vacancies in student staff positions shall be made in The Prospector as soon as vacancies occur;

i. The Student Publications Director may suspend any student staff member and appoint an interim pending a review of the action by the Committee, to be held within 10 working days when the paper is being published;

j. The Student Publications Director supervises the activities of the accountant and clerical staff;

k. The Student Publications Director coordinates the editorial and workstudy student staff and full-time staff (Administrative Secretary, Accounting Clerk III, Advertising Manager) selection process;

l. The Student Publications Director appoints and supervises the activities of the Advertising Manager, who in turn supervises the Student Advertising Manager and advertising staff;

m. The Student Publications Director appoints and supervises the activities of the Editorial Advisor;

n. The Student Publications Director endeavors in all ways to insure the development of leadership skills and management techniques among the staff of Student Publications.
5.6 The Editorial Advisor/Publications Advisor

a. The Editorial Advisor/Publications Advisor is appointed by the Student Publications Director to provide professional guidance, training, and support to the student editors and student staff of student publications.

b. The Editorial Advisor/Publications Advisor will advise and assist the student editors of Student Publications in the establishment of deadlines and the supervision of student staff members.

c. The Editorial Advisor/Publications Advisor will, in the interest of maintaining the highest standards of journalism, receive and review all copy submitted on a timely basis for publications and then provide the editor with such suggestions as are deemed appropriate.

d. The Editorial Advisor/Publications Advisor will call potential violations of publications policies to the attention of the Director of Student Publications and, if appropriate, to the Chair of the Student Publications Committee for action as prescribed in 5.5.2 (g) above.

5.7 Student Staff Members

Please refer to the next section

5.7.1 Responsibilities of Editors

a. The editors-in-chief of the student publications have final authority over what is published in their respective publications as long as the provisions of this chapter are followed. However, the editorial freedom of student editors involves the obligation to be governed by the "Canons of Journalism" and "Code of Ethics." These canons detail the responsibility to avoid libel, the use of obscene material, undocumented allegations, attacks on personal integrity, and techniques of harassment and innuendo. The editors-in-chief must acknowledge acceptance of these responsibilities by signing an agreement with the Committee.

b. The editors-in-chief are expected to work in conjunction with the Director of Student Publications and the Editorial Advisor so that they may be able to fulfill their respective obligations as set forth in 5.5 and 5.6 above.

c. The editors-in-chief are expected to insure that copy be available for review by the Editorial Advisor on a timely basis prior to production.

d. The editors-in-chief are selected by the Committee to serve for one academic year unless otherwise stipulated at the time of selection. Subordinate editors and student staff shall perform the duties assigned them by the editor(s)-in-chief and section editors as approved by the Committee.

5.7.2 Duties of Student Staff Members

a. Student Advertising Managers of Student Publications, as a condition of employment, accept the responsibility for procuring a set amount of advertising per year, as determined by the Director of Student Publications and the Advertising Manager.

b. Full job descriptions and required qualifications for student staff members are recorded in the "Student Publications Handbooks."

5.8 Adjudication of Disputes
5.8.1 Jurisdiction of the Committee

The Committee has original jurisdiction in all cases involving allegations of violations of the provisions of this chapter, including instances in which a violation of journalistic ethics or proper accountability is charged. The Committee's authority extends to all student staff members of Student Publications.

5.8.2 The Petition

A member of the University community who has knowledge of a violation of this chapter may petition the Student Publications Director in writing. If the Student Publications Director does not settle the dispute to the satisfaction of the petitioner, the petitioner may petition the Chair of the Committee, in writing. In such cases, the Chair of the Committee shall act within ten (10) business days from receipt of petition. The Student Publications Director may also initiate a petition directly to the Chair in writing when dereliction of duty or incapacity of anyone on the student staff occurs. The Student Publications Director may take interim action as specified in 5.5(i) above.

5.8.3 Informal Action

Upon receiving a complaint, the Chair of the Committee, at his/her discretion, may attempt an informal settlement in consultation with the petitioner, the accused, and the Student Publications Director. If settlement does not occur within thirty (30) calendar days, or upon request of either party to the dispute, the Committee shall schedule a hearing.

5.8.4 The Hearing

a. No member of the Committee who is a party to the dispute or who has a conflict of interest in a specific case shall sit as a member of the hearing committee. Up to three (3) working days prior to the hearing, either party, in writing, may challenge the impartiality of the person(s) designated to hear the charges, but he/she is not entitled to disqualify the person(s) from serving. The challenge must be in writing, shall include a statement of the allegations upon which the challenge is based, and shall be submitted to the committee through the Student Publications Director. It shall be up to the committee to determine whether the challenged member can serve with fairness and objectivity or should be disqualified. The Chair of the Committee shall conduct the hearing;

b. All decisions as to who shall be admitted to the hearing reside with the Chair of the Committee.

c. The hearing shall be conducted in such a manner as to inform the Committee of all facts necessary for rendering a fair decision. Sanctions that may be imposed by the Committee include only the following:

1. admonition or warning;

2. censure;

3. suspension from a position at Student Publications;

4. direct publication of corrections, retractions, refutations, or apologies;

5. removal or reassignment from a position at Student Publications;

6. recommendation of further disciplinary action; or
7. appropriate and mutually consistent combinations of the sanctions listed above.

d. All student staff members, including editors and student advertising managers, may be sanctioned for:

1. deception of the board;

2. misuse of funds;

3. obvious incompetence or failure to perform assigned duties;

4. failure to comply with written Student Publications Committee policies, Regents’ Rules and Regulations, or the provisions of this chapter; or


e. Decisions of the Committee are effective immediately and are final unless successfully appealed in accordance with 5.8.5 below.

f. In any such hearing:

1. the Chair will notify the accused of the charges;

2. if the Chair of the Committee is a party to the dispute or has a conflict of interest or is otherwise disqualified, the Committee, subsequent to all challenges, shall elect a temporary chair;

3. both parties to the dispute shall be permitted advisors of choice. The advisor may be an attorney. An advisor may confer with and advise, but shall not be permitted to question witnesses, introduce evidence, make objections, or present arguments;

4. the complainant has the burden of going forward with the evidence;

5. the complainant has the burden of proving the charges by the greater weight of the credible evidence; legal rules of evidence do not apply;

6. both parties shall be allowed witnesses;

7. a recording of the hearing shall be maintained and made available to both parties under reasonable conditions;

8. members of the Committee may interrupt proceedings to ask questions of any participants, subject to reasonable regulation by the Chair;

9. the accused shall not be required to give testimony against himself or herself;

10. the complaining party shall make the initial opening statement and the final summation statement;

5.8.5 Procedure for Appeals

a. Either party to the dispute may appeal the assessed sanction and/or decision to the Committee no later than ten (10) business days. The appeal must be made to the President of the University in
writing, and two (2) copies shall be provided. The President shall render his/her written decision thereon within thirty (30) calendar days;

b. The decision of the President is final.

Chapter 6: Educational Records

6.1 Governing Principles

The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g, and the Texas Public Information Act, Texas Government Code § 552.001 et seq., are respectively a federal and state law that provide students with the following rights with respect to their student educational records:

a. to inspect and review the student's education records;

b. to consent to disclosure of the student's education records to third parties, except to the extent that FERPA authorizes disclosure without consent;

c. to request amendment of the student's education records to ensure that they are not inaccurate or misleading;

d. to be notified of the student's privacy rights under FERPA;

e. to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA.

The University has implemented a student records policy pursuant to these laws.

6.2 Annual Notification

Students in attendance at the University will be notified annually of their rights pursuant to FERPA. This notice will be provided by the University in a manner reasonably likely to inform students of their rights and the procedures for exercising their rights.

6.3 Definitions

In addition to the definitions provided in 1.2 above unless the context requires a different meaning:

a. "Student" means an individual who is or who has been in attendance at the University. It does not include persons who have been admitted but did not attend the University. For the purposes of this policy, "attendance" includes attendance in person or by correspondence (including electronic correspondence) and the period during which a person is working under a work-study program.

b. "Education Records" include records directly related to a student that are maintained by the University. Education records do not include:

1. records of instructional, administrative, and educational personnel that are in the sole possession of the maker (i.e. file notes of conversations), are used only as a personal memory aid, and are not accessible or revealed to any individual except a temporary substitute;

2. records of the University campus police;
3. student medical and counseling records created, maintained, and used only in connection with provision of medical treatment or counseling to the student, that are not disclosed to anyone other than the individuals providing the treatment. (While a student may not inspect his or her medical records, these records may be reviewed by a physician of the student's choice);

4. employment records unrelated to the student's status as a student; or

5. alumni records;

c. "Directory Information" means information in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. The University designates the following minimum information as directory information: student's name; local and permanent address; email address; telephone number; date and place of birth; field of study; dates of attendance; enrollment status; student classification; degrees, certificates and awards (including scholarships) received; photographs; participation in officially recognized activities and sports; weight and height of members of athletic teams; and the most recent previous educational agency or institution attended.

d. "University official with a legitimate educational interest" is a person employed by the University in an administrative, supervisory, academic, or support staff position (including law enforcement unit and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, collection agent or clinical facility); a member of Board of Regents; or a person assisting another University official in performing his or her tasks; who needs to review an education record in order to fulfill his or her professional responsibility.

6.4 Disclosure of Education Records

Please refer to the next section

6.4.1 Disclosure without Prior Consent of the Student

The University will not disclose personally identifiable information from a student's education records without prior written consent of the student, except as authorized by FERPA as follows:

a. Directory Information

Directory information (as defined above) may appear in public documents and may otherwise be disclosed without student consent unless a student submits a written request to the registrar during the first twelve (12) days of class of a fall or spring semester, the first four (4) class days of a summer semester, or the first three days of any quarter to withhold such information from disclosure. Requests to withhold directory information will be honored by the University 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.

b. University Officials

University officials with legitimate educational interests in the student's education records are allowed access to student education records. Inter-institutional disclosures may be made between institutions that administer or participate in joint programs or activities, in accordance with legitimate educational interest criteria. For example, if a University student is concurrently enrolled in another institution, or receives services from another institution, information from the student records of that individual may be disclosed by one University to the other, without obtaining the written consent of the student in accordance with legitimate educational interest criteria. This provision includes institutions participating in UT TeleCampus Programs.
c. Other Institutions

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

d. Audit or Evaluation of Federal or State Education Programs

Authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of Education, and state and local educational authorities may have access to student records in connection with the audit and evaluation of Federal or State supported education programs, or in connection with the enforcement of Federal law which relates to such programs.

e. Financial Aid

The University may release a student's education records to persons or organizations in connection with that student's application for, or receipt of, financial aid, but only to the extent necessary for such purposes as determining eligibility, amount, conditions, and enforcement of terms or conditions of such financial aid.

f. State and Local Officials Pursuant to Statute Concerning Juvenile Justice

The University may release education records to state and local officials that are authorized by statute to access student education records to efficiently serve the student.

g. Organizations Conducting Studies

To organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in a manner which will not permit the personal identification of students and/or their parents by individuals other than representatives of the organization, and the information will be destroyed when no longer needed for the purposes for which the study was conducted. The term "organizations" includes, but is not limited to, Federal, State, and local agencies, and independent organizations.

h. Accrediting Organizations

To accrediting organizations in order to carry out their accrediting functions.

i. Parents of Dependents

Parents of a student who is a dependent for federal tax purposes, as defined by Section 152 of the Internal Revenue Code of 1954, may have access to that student's education records without prior consent of the student. Parents may demonstrate the tax dependency of a student only by submitting to the University a copy of their most recently filed federal income tax return. Alternatively, a student may demonstrate tax dependency, and thus allow parental access to the student's records without prior consent of the student, by submitting to the University a signed statement of his or her tax dependency. If a dependent student's parents are divorced, both parents may have access to the student's records, so long as at least one parent claims the student as a dependent.

j. Judicial Order or Subpoena

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

**k. Health and Safety**

The University may disclose student information to persons in an emergency in order to protect the health and safety of the student or others in the University community.

**6.4.2 Disciplinary Hearing Results**

**6.4.2.1 Disclosure to Victims**

The University may disclose to an alleged victim of any crime of violence (as that term is defined in Chapter 1, Section 16 of Title 18, United States Code), or a non-forcible sex offense, the final results of any disciplinary proceeding conducted by the University against the alleged perpetrator of such crime or offense with respect to such crime or offense, regardless of whether the alleged perpetrator was found responsible for violating the University's rules or policies with respect to such crime or offense.

**6.4.2.2 Disclosure to Third Parties**

The University may disclose the final results of any disciplinary proceeding against a student who is an alleged perpetrator of any crime of violence or non-forcible sex offense (as those terms are defined in 34 C.F.R. 99.39), if the student is found responsible on or after October 7, 1998, for violating the University’s rules or policies with respect to such crime or offense. Such disclosure shall include only the name of the student, the violation committed, and any sanction imposed by the University on that student. Such disclosure may include the name of any other student, such as a victim or witness, only with the written consent of that other student.

**6.4.2.3 Alcohol and Drug Violations**

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

**6.4.3 Disclosure to the Student**

**6.4.3.1** The student has the right, on request to the appropriate University official, to review all materials that are in the student's education records, except:

- **a.** financial information submitted by the student's parents;

- **b.** confidential letters and recommendations associated with admissions, employment or job placement, or honors, to which the student has waived rights of inspection and review (the University is not required to permit students to inspect and review confidential letters and recommendations
placed in their files prior to January 1, 1975, provided those letters were collected under established policies of confidentiality and were used only for the purposes for which they were collected); c. education records containing information about more than one student, in which case the University will permit access only to that part of the record that pertains to the inquiring student.

6.4.3.2 Student education records are maintained at several locations on campus. A list of education records and those officials responsible for the records shall be maintained in the Office of the Vice President for Business Affairs. This list includes:

a. Academic Records:
   1. Office of the Registrar's Office: Registrar
   2. Office of Admissions and Evaluations: Director
   3. Academic College: Dean
   4. Academic Department or Program: Chairman or Director
   5. Faculty Offices: Individual faculty member

b. Student Services Records
   1. Counseling Center Office: Director of Counseling
   2. Student Activities Office: Director of Student Activities
   3. Student Services: Dean of Students

c. Financial Records
   1. Business Office: Vice President for Business Affairs
   2. Financial Aid Office: Director of Financial Aid

6.4.3.3 Requests for access to specific student records should be made in writing to the University office or agency concerned with the particular record. The Vice President for Business Affairs has been designated as the official custodian of records for the University, and requests for assistance in determining the location of individual student records may be directed to that office. Records covered by FERPA will be made available within forty-five days of the request.

6.4.3.4 Students may obtain copies of their educational records and this policy. These copies will be made at the student's expense at rates authorized by the Texas Public Information Act, except for copies of the transcript of the official record of the student's academic enrollments and grade credits, the charges for which are separately established and posted by the University for official and unofficial copies. Official copies of academic records or transcripts will not be released for students who have a delinquent financial obligation or financial "hold" at the University.

6.4.4 Disclosure with Prior Consent of the Student
With the student's prior consent, the University will release personally identifiable student information in education records or allow access to those records. Such consent must be written, signed, and dated, and must specify the records to be disclosed, the party to whom the records are to be disclosed, and the purpose of the disclosure.

6.5 Record of Disclosures

The University will maintain with the student's education records a record for each disclosure request and each disclosure, except disclosures:

a. to the student himself or herself;

b. pursuant to the written consent of the student;

c. to University officials with legitimate educational interests;

d. pursuant to a law enforcement subpoena and the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena, or the information furnished in response to the subpoena, not be disclosed, or the order is concerning an authorized investigation or prosecution of domestic or international terrorism; or

e. of directory information.

6.6 Requests to Amend Records

6.6.1 A student who believes that his or her education records are inaccurate or misleading, or that the records violate his or her privacy rights, may informally discuss amendment of the record with the University office or agency concerned with the particular record. If agreement is reached with respect to the student's request, the appropriate records will be amended. If the record is not amended pursuant to the student's request, the university will inform the student of its decision and of the student's right to request a formal hearing.

6.6.1.1 The substantive judgment of a faculty member about a student's work, expressed in grades and/or evaluations, is not within the purview of this right to seek amendment of education records.

6.6.2 The request for a hearing must be made in writing to the Vice President for Business Affairs, who within a reasonable period of time after receiving such request, will inform the student of the date, place, and time of the hearing.

6.6.3 The student may present evidence relevant to the issues raised and may be assisted or represented at the hearing by one or more persons of the student's choice, including attorneys, at the student's expense. The hearing officer that will adjudicate such challenges will be appointed by the President. The decision of the hearing officer will be final, will be based solely on the evidence presented at the hearing, and will consist of a written statement summarizing the evidence and stating the reasons for the decision, and will be delivered to all parties concerned.

6.6.4 If the decision is in favor of the student, the education records will be corrected or amended in accordance with the decision of the hearing officer.

6.6.5 If the decision is unsatisfactory to the student, the student may place with the education records a statement commenting on the information in the records or a statement setting forth any reasons for disagreeing with the decisions of the hearing officer, or both. The statement will be placed in the
education records, maintained as part of the student’s records, and released whenever the records in question are disclosed.

6.6.6 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.

6.7 Complaints


Chapter 7: University Student Identification Card

7.1 General Provisions

The University provides a University identification card to each student for University identification and administrative purposes, and the card remains the property of the University. Students are expected to have their ID cards in their possession at all times while on the campus and to maintain proper and reasonable care for the card. Students may be asked to produce the ID card and/or to identify themselves at any time by a faculty member or a University official acting in the course of his/her duties. Refusal to identify himself/herself will subject a student to disciplinary action. Failure to produce the ID card as requested will result in denial of University services or activities to which the student is otherwise entitled. Only currently validated ID cards in good condition will be accepted for University purposes.

7.2 Use of ID Card

Please refer to the next section

7.2.1 Issuance, Care, and Replacement

A University ID card is issued to each new student who enrolls at the University, and it is the student’s responsibility to claim his/her card within six weeks from the initial enrollment. Students are expected to provide proper and reasonable care for the card and not subject the card to abuse or improper treatment, such as exposure to excessive heat or pressure. Students are responsible for replacing damaged, altered, or lost cards and an appropriate fee is charged for claiming an initial card late, or replacing a damaged, altered or lost card. A card is considered damaged when it has lost its shape or when the name, student number, or photo is damaged. Upon graduation or non-re-enrollment, students are required to return the University ID card when the general property deposit is claimed. Such students returning within five years are charged a replacement fee in order to receive a new ID card.

7.2.2 Violations

Only one ID card is permitted for each student, and a student having more than one card must return the extra card(s) to the Office of the Registrar with no refund. A student may not alter or change anything on the ID card without approval of the Office of the Registrar. Only the student to whom the ID card is issued may use the card and the services and privileges to which the enrolled student is entitled. An ID card may not be loaned and used by anyone other than the student to whom the card is issued. Violations including altering of the card, possession and use of more than one card, and/or use of the card by anyone other than the student to whom the card is issued will subject the student(s) to disciplinary action.

Chapter 8: Centralized Placement Policy
8.1 Registration of Employers

Employers who wish to conduct employment interviews with students on the University campus must register with the Career Services Center and abide by the regulations governing the conduct of such interviews. Employers who fail to do so may be barred from conducting future employment interviews on the University campus.

All interviews must be scheduled by the Career Services Center. Employers may request that appointments be limited to students pre-qualified on the basis of major field or specialized course of study, degree achieved or expected, anticipated date of graduation, or other non-discriminatory criteria approved by the Director of Career Services.

Employers must conduct interviews in facilities provided by the Career Services Center or other such location as may be designated by the Director of Career Services.

8.2 Scheduling of Students

Students must schedule appointments for employment interviews through the Career Services Center. All students who meet the non-discriminatory criteria announced by the Career Services Center are entitled to seek an appointment for interview on a first-come, first-scheduled basis within the predetermined time period available for interviews by an employer.

Chapter 9: Student Participation and Monitoring of Food Service Contractors

9.1 Student Participation in Selections of Vendors

Prior to the bidding or renewal of any contract for the provision of food services, including vending operations, the Vice President for Business Affairs shall notify the Vice President for Student Affairs and request that the Students’ Association appoint no more than 3 student representatives to advise in the development of selection or renewal criteria and to participate in the actual decision to select or renew any food service or vending contractor.

9.2 Annual Meeting for Public Comment

At least once each academic year, the Vice President for Business Affairs shall cause a public meeting to be held with the required attendance of representatives of any contracted food service or vending service provider for the purpose of taking public comments from student patrons regarding the performance of the food service or vending service providers. Such meeting shall be held in a publicly accessible campus facility upon no less than one week’s public notice to the general student population through the campus newspaper and/or public posting of the meeting date, time, and location.

Chapter 10: Policy on Requirement for Vaccination Against Bacterial Meningitis for Entering Students

10.1. STATEMENT OF POLICY

The University of Texas at El Paso (University) complies with Texas Education Code § 51.9192, “the Jamie Schanbaum Act and Nicolis Williamson Act “, which requires all entering students of an Texas institutions of higher education, including transfer students, to show evidence of immunization for bacterial meningitis prior to enrollment.
10.2. **SCOPE OF POLICY**

This policy applies to all first time University students who have been admitted to the University.

10.3. **STATUTORY & REGULATORY REFERENCES**

Texas Education Code, Subchapter Z, Chapter 51, Section 51.9192, Bacterial Meningitis Vaccination Required for Certain Students; Exceptions

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

10.4. **DEFINITIONS. For purposes of this Policy:**

10.4.1. “Enrolled” means that a student has Registered for classes during the Semester and is otherwise eligible to attend classes during the Semester.

10.4.2. “Entering Student” means any student admitted to the University on or after January 1, 2012 for the first time; including transfer students from any other institution including another UT System institution, a dual enrollment student other than a high school student described in subsection 10.4.2.3 of this section, or, a returning student who previously attended the University and who is re-Enrolling on or after January 1, 2012 following a break in enrollment of at least one fall or spring semester. For purposes of this Policy, the term Entering Student does not include:

10.4.2.1 a student who is thirty (30) years of age or older on the first day of the Semester;

10.4.2.2 A student who is Enrolled only in online or other distance education courses at the University;

10.4.2.3 a high school student who is concurrently enrolled at the University as a dual-enrollment student in dual credit courses held at a Texas high school;

10.4.2.4 a student participating in a Texas Higher Education Coordinating Board approved Continuing Education Program or Course that consists of less than 360 contact hours; or

10.4.2.5 an individual attending a continuing education program or course offered by the University that does not require approval by the Texas Higher Education Coordinating Board.

10.4.3. “Justifiable Circumstances” means circumstances over which an Entering Student has no control that prevented him or her from providing proof of Required Vaccination or an exception set forth in Section 10.7 prior to Registration. Neither failure to receive the notice required by Section 10.7 of this Policy or a claimed general lack of knowledge of the Vaccination Requirement shall be considered to constitute Justifiable Circumstances.

10.4.4. “Online or other distance education course” means a course in which students receive web-based instruction or a correspondence course. A course that requires any face-to-face contact, such as meeting in a testing lab or for a special presentation, is not an “online or other distance education course”.
10.4.5. “Register”, “Register for Classes”, means the act of Registration.

10.4.6. “Registration”, “Registration for Classes” means the official process by which a student signs up to take a class or classes offered by the University for the Semester. It may include either on-line registration or in-person registration.

10.4.7. “Required Vaccination” means an initial vaccination or booster dose recognized by the US Center for Disease Control as effective for the immunization of an individual against bacterial meningitis.

10.4.8. “Responsible Party” means the Executive Director For Enrollment Services in the Academic Services Building designated by the University President to receive documentation required under this policy of Required Vaccination by each Entering Student, or that person’s designee.

10.4.9. “Semester” means the first semester, or a term of enrollment used in lieu of a semester by the University, in which an Entering Student seeks to be Enrolled at the University.

10.5 General Requirements

10.5.1. For purposes of this policy, No Entering Student will be considered to be Enrolled in the University unless the Entering Student has first Registered for Classes for the Semester.

10.5.2. No Entering Student shall be permitted to Register for Classes for the Semester until the Entering Student provides or causes to be provided upon his or her behalf, written documentation acceptable to the Responsible Party that establishes that the Covered Student has either:

   10.5.2.1 received a Required Vaccination during the five year period prior to but no later than 10 days prior to the first day of the semester; or

   10.5.2.2 meets one of the exceptions set forth in Section 10.7 of this Policy.

10.5.3. An Entering Student may, upon a submission of a written application that establishes Justifiable Circumstances acceptable to the Responsible Party, be granted an additional period of time, which shall not exceed the first day of the Semester, in which to provide either documentation of Required Vaccination Documentation or that she or he meets an exception set forth in Section 10.7. All decisions as to whether an Entering Student has established the existence of Justifiable Circumstances are final and are not subject to appeal, except that an Entering Student who has been granted an extension of time as permitted by this Section 10.5.3 of this Policy and fails to provide proof of either the Required Vaccination or compliance with one of the exceptions set forth in Section VII of this Policy by the first day of the Semester shall not be permitted to Enroll at the University for the Semester.

10.5.4. Failure to submit documentation of a Required Vaccination or an exception set forth in Section 10.7 of the Policy does not alleviate the Entering Student’s responsibility under any contractual relationship between the University and the Entering Student relating to payment of On-Campus Housing or other similar responsibilities.

10.5.5. Documentation of the Required Vaccine or an exception set forth in Section 10.7 of this Policy must be approved by the Responsible Party or the Responsible Party’s designee for approval before an Entering Student can be permitted to register for classes for the Semester.
10.6  Documentation of Required Vaccine; Form, Maintenance:

10.6.1. Acceptable documentation is:

10.6.1.1. the signature or stamp of a physician or the physician’s designee or the public health official that administered the vaccination that shows the month, day and year the Required Vaccine was administered;

10.6.1.2. an official immunization record issued by a state or local health authority; or

10.6.1.3. an official record received by the University directly from a Texas school official or a school official in another state.

10.6.2. Form of Documentation. The documentation submitted must:

10.6.2.1. be in English;

10.6.2.2. state the name and other information sufficient to identify the individual who received the Required Vaccination; and

10.6.2.3. clearly identify that the Required Vaccine was administered to the individual.

10.6.3. The University will accept copies of documentation of a Required Vaccine that meets the requirements of this Section 10.6 directly from a school official or another institution of higher education at which an Entering Student was previously enrolled that is willing to provide certified copies of the required documentation to the University upon the request of an Entering Student. An Entering Student that wishes to comply with this policy by exercising this option is solely responsible for requesting the documentation from and providing any necessary consent to effectuate his or her request directly to the institution of higher education.

10.6.4. The documentation shall be securely maintained by the Responsible Party on behalf of the University in compliance with applicable state and federal confidentiality laws and regulations, including the Federal Education Rights and Privacy Act.

10.7.  Documentation of Permitted Exceptions.

10.7.1. An Entering Student is exempted from the requirements of this policy if the Entering Student submits one of the following to the Responsible Party:

10.7.1.1. an affidavit or certificate signed by a physician licensed to practice medicine in the United States that indicates that the physician is of the opinion that the Required Vaccination would be injurious to the health and well being of the Entering Student; or

10.7.1.2. an affidavit using the "Conscientious Exemption Form" promulgated by the Texas Department of State Services that is signed by the Covered Student stating that the Covered Student declines to have the Required Vaccination based on reasons of conscience, which may include the Entering Student’s religious beliefs. However, this exception will not be available, at the discretion of the University, during a disaster or public health emergency, hostile or paramilitary action, or extraordinary law enforcement
emergency declared by an appropriate official or authority from the Texas Department of State Health Services affecting the University.

10.7.2. Documentation supporting the requested permitted exception must be approved by the Responsible Party or the Responsible Party’s designee before an Entering Student is permitted to Register for classes for the Semester.

10.7.3. The University shall not recognize or grant any other exceptions to the vaccination requirements of this Policy.

10.7.4. The documentation submitted in support of an exception under this Section 10.7 shall be securely maintained by the Responsible Party on behalf of the University in compliance with applicable state and federal confidentiality laws and regulations, including the Federal Education Rights and Privacy Act.

10.8 The Office of Admissions and Recruitment shall include as part of the materials provided to individual applying for admission to the University:

10.8.1. written notice or electronic notice of the right of a student, or if a student is a minor, the right of the minor student’s parent or guardian, to claim an exemption from the Required Vaccine as provided in Section 10.7 of this Policy; and

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