

Policy on Requirement for Vaccination Against Bacterial Meningitis for Entering Students

Section:	II: Student Affairs
Chapter:	10
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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 Williams 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, 2014 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, 2014 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 twenty-two (22) 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 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. The form must be submitted to the Responsible Party no later than the 90th day after the date the affidavit is notarized.

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.