

# Student Life Policies and Procedures

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Detailed policies and procedures affecting student life are printed in the Handbook of Operating Procedures (HOOP) (<https://www.utep.edu/vpba/hoop/>) student section. The handbook supplements the rules and regulations of the Board of Regents and covers student conduct and discipline, use of University facilities, student organizations, educational records, and student publications. *The Rules and Regulations* of the Board of Regents of The University of Texas System are here (<https://www.utsystem.edu/offices/board-of-regents/regents-rules-and-regulations/>). The administration of student discipline, academic dishonesty and general misconduct is the responsibility of the Associate Dean of Students who is located in the Office of Student Conduct and Conflict Resolution.

## Student Conduct

While enrolled at the University, a student neither loses the rights nor escapes the responsibilities of citizenship. Any student who engages in conduct that is prohibited by the Board of Regents' *Rules and Regulations* or University rules or by federal, state, or local law 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. All students are expected and required to obey the law, to show respect for properly constituted authority, and to observe correct standards of conduct.

The University of Texas at El Paso administers student discipline according to established procedures of due process. Procedures are defined and described in the *Rules and Regulations* of the Board of Regents, Rule 50101, and in the Handbook of Operating Procedures (HOP) (<https://www.utep.edu/hoop/section-2/student-conduct-and-discipline.html>).

Students should check with appropriate departments whose policy or regulation is of concern. If necessary, students need to refer to the rules in the Regents' Rules and Regulations (<http://www.utsystem.edu/bor/rules/>) and the HOP (<https://www.utep.edu/vpba/hoop/>). The Office of Student Life can assist on this matter.

## Other Prohibited Conduct

Computer usage violations, use of alcoholic beverages, dishonesty, gambling, defacing of property, endangering the health or safety of others, use of obscene and threatening language, altering of records, possession or use of firearms, failure to respond promptly to official notices and other incidents will subject the student to disciplinary action.

Sanctions, which can be imposed in conjunction with the approved disciplinary procedures, include but are not limited to a written warning, disciplinary probation, withholding of grades, withholding of official transcript or degree, restitution, failing grade, denial of degree, suspension and expulsion, revocation of degree and withdrawal of diploma, or other sanction as deemed appropriate under the circumstances. In addition, certain privileges can be withdrawn consistent with the severity of the offense and the rehabilitation of the student. These penalties can be imposed singularly or in any combination upon individuals, groups, or organizations.

Unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject students to civil and criminal liabilities. UTEP's policy on Peer-to-Peer Sharing can be found here (<http://admin.utep.edu/Default.aspx?tabid=63689>). Penalties for copyrighted violations may be found here (<http://www.copyright.gov/title17/92chap5.html>). Additionally, students may be subjected to disciplinary action as described in this section.

A person commits an offense under Section 42.06, Texas Penal Code, if he knowingly initiates, communicates or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he knows is false or baseless and that would ordinarily: (1) cause action by an official or volunteer agency organized to deal with emergencies; (2) place a person in fear of imminent serious bodily injury; or (3) prevent or interrupt the occupation of a building, room, place of assembly, place to which the public has access, or aircraft, automobile, or other mode of conveyance. The offense under Section 42.06, Texas Penal Code, of making such a false alarm or report involving a public or private institution of higher education is a state jail felony. An individual adjudged guilty of a state jail felony shall be punished by confinement in a state jail for any term of not more than two years or less than 180 days and, in addition to confinement, an individual adjudged guilty of a state jail felony may be punished by a fine not to exceed \$10,000.

## Gang-Free Zone

A gang free zone is a designated area around a specific location where certain gang related activity is prohibited and is subject to increased penalty under Texas Law. There are many such locations designated in Texas including the property belonging to institutions of higher education. Premises owned, rented or leased by The University of Texas at El Paso and areas within 1,000 feet of the premises are designated as "gang-free" zones. Certain criminal offenses, including those involving gang-related crimes, will be enhanced to the next highest category of offense if committed in a gang-free zone by an individual 17 years or older. See Texas Penal Code, Section 71.028.

## Illegal Substances Policy

The use, possession, or sale of any illegal drugs or narcotics, including any amount of marijuana on the campus of the University, is a violation of Regents' *Rules and Regulations* and of University policies governing student conduct, as well as a violation of state law. Any student who is found responsible for the illegal use, possession and/or sale of a drug or narcotic is subject to discipline. If a student is found responsible for the illegal use, possession, and/or sale of a drug or narcotic on campus, the minimum sanction assessed shall be suspension from the University for a specified period of time and/or suspension of rights and privileges.

## Disruptive Acts Policy

Any student who, acting singly or in concert with others, obstructs, disrupts, or interferes with any teaching, educational, research, administrative, disciplinary, public service, or other activity or public performance authorized to be held or conducted on campus or on property or in a building or facility owned or controlled by the U.T. System or institution is subject to discipline. 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.

## Hazing Policy

Any student who, acting singly or in concert with others, engages in hazing is subject to discipline. Hazing in State educational institutions is prohibited by State law (*Texas Education Code* Sections 51.936 and Sections 37.151-37.157). Hazing with or without the consent of a student whether on or off campus is prohibited, and a violation of that prohibition renders both the person inflicting the hazing and the person submitting to the hazing subject to discipline. Knowingly failing to report hazing can subject one to discipline. Initiations or activities of organizations may include no feature that is dangerous, harmful, or degrading to the student, and a violation of this prohibition renders both the organization and participating individuals subject to discipline.

Individuals or organizations engaging in hazing could be subject to fines and charged with criminal offenses. Additionally, the law does not affect or in any way restrict the right of the University to enforce its own rules against hazing.

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:

1. Any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;
2. 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 or harm or that adversely affects the mental or physical health or safety of the student;
3. Any activity involving consumption of food, liquid, alcoholic beverage, liquor, drug, or other substance which subjects the student to an unreasonable risk or harm or which adversely affects the mental or physical health of the student;
4. 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 subsection;
5. Any activity that induces, causes, or requires the student to perform a duty or task which involves a violation of the *Penal Code*.

Activities which under certain conditions constitute acts that are dangerous, harmful, or degrading, in violation of rules include but are not limited to:

- calisthenics, such as sit-ups, push-ups, or any other form of physical exercise;
- total or partial nudity at any time;
- the eating or ingesting of unwanted substance;
- the wearing or carrying of any obscene or physically burdensome article;
- paddle swats, including the trading of swats;
- pushing, shoving, tackling, or any other physical contact;
- throwing oil; syrup, flour, or any other harmful substance on a person;
- rat court, kangaroo court, or other individual interrogation;
- forced consumption of alcoholic beverages either by threats or peer pressure;
- lineups intended to demean or intimidate;
- transportation and abandonment (road trips, kidnaps, walks, rides, drops);
- confining individuals in an area that is uncomfortable or dangerous (hot box effect, high temperature, too small);
- any type of personal servitude that is demeaning or of personal benefit to the individual members;
- wearing of embarrassing or uncomfortable clothing;
- assigning pranks such as stealing, painting objects, harassing other organizations;
- intentionally messing up the house or room for clean up;
- demeaning names;
- yelling and screaming; and
- requiring boxing matches or fights for entertainment.

The University regards any form of hazing as a major violation, and any individual and/or registered student organization participating in such activities will be held responsible for those actions. According to the law, a person can commit a hazing offense both by engaging in a hazing activity and by

soliciting, directing, encouraging, aiding, or attempting to aid another engaging in hazing; by intentionally, knowingly, or recklessly allowing hazing to occur; or by failing to report in writing to the Dean of Students or other appropriate university officials first-hand knowledge 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.

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

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

## Solicitation

In general, solicitation is prohibited in any building, structure, or facility of the UTEP campus. Certain university activities are permitted as defined in the *Handbook of Operating Procedures*. This handbook is available electronically (<http://admin.utep.edu/hoop/>).

## Compulsory Inspection of Vehicle

The following notice is provided in accordance with Section 51.207 of the Texas Education Code: It is mandatory for all students enrolled in public institutions of higher education in the State of Texas to be in compliance with Vehicle Emissions Testing Laws before privileges can be granted to park or drive on institutional property a motor vehicle that is not registered in this state.

## Student Right-to-Know and Campus Security Act

In compliance with the *Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act*, The University of Texas at El Paso collects specified information on campus crime statistics, campus security policies, and institutional completion or graduation rates. Pursuant to the federal law, alleged victims of violent crime are entitled to know the results of campus student disciplinary proceedings concerning the alleged perpetrators.

UTEP makes timely reports to the campus community on crimes considered to be a threat to students and employees, and crimes are reported to campus police or local police agencies.

Every October, UTEP publishes and distributes an annual report of campus security policies and crime statistics to all current students and employees, provides copies of the report to applicants for enrollment or employment upon request, and submits a copy of the report to the Secretary of Education upon request. The annual campus crime statistics report references crimes which occur on the campus property owned or controlled by UTEP or unobstructed public areas immediately adjacent to or running through the campus. Statistics for off-campus buildings or property owned by the University are also reported when such statistics are available from local police departments.

In addition, UTEP publishes in the annual security report its policy regarding sex-related offenses, including sexual assault prevention programs, education programs to promote awareness of sex offenses, administrative disciplinary procedures and sanctions for offenders, missing student statistics, counseling and student services for victims, and fire statistics. For crime and fire statistics, please visit the website (<http://admin.utep.edu/Default.aspx?tabid=37475>) and select the current crime or fire log.

UTEP annually calculates and discloses institutional completion or graduation rates for undergraduate students to all prospective and current students. (The federal requirement for calculation of a completion or graduation rate applies only to institutions of higher education that admit undergraduate students who are enrolling for the first time at an institution of higher education and have not enrolled previously at any other institution of higher education.) Prior to the offer of athletically-related student aid to a potential student athlete, UTEP provides certain information on graduation rates specified by the Act to the prospective student and to the student's parents, guidance counselor, and coach.

Further information concerning Student Right-To-Know and Campus Security, including policies and procedures for emergency response and missing student notification, can be found here (<http://admin.utep.edu/Default.aspx?link=2014+ANNUAL+SECURITY+AND+FIRE+REPORT.pdf&tabid=53442&mid=116942>), and at Security On Campus website. (<http://securityoncampus.org/>)

## Student Complaint Procedures

### Equal Educational Opportunity Complaints

To the extent provided by applicable law, no person shall be excluded from participation in, denied benefits of, or be subject to discrimination under any program or activity sponsored or conducted by The University of Texas at El Paso on the basis of race, color, national origin, religion, sex, age, genetic information, veteran status, disability, sexual orientation, or gender identity.

Complaints regarding discrimination should be reported to the University's Equal Opportunity Office. The University's full policies, including complaint resolution procedures, on equal opportunity, sexual harassment and misconduct and accommodations for individuals with disabilities are available

in the *Handbook of Operating Procedures* and on the website of UTEP's Equal Opportunity Office. Inquiries regarding applicable policies should be addressed to the University's Equal Opportunity Office, Kelly Hall, 3<sup>rd</sup> Floor, at (915) 747-5662 or eoaa@utep.edu.

### **Grade Review**

Any student may request a faculty member to review and re-evaluate a grade previously given to the student by that faculty member. Students may also seek assistance or intervention from the Department Chair or other appropriate academic administrator in obtaining a grade review by a faculty member.

The formal grade appeal process is to be available in cases where a student wishes to appeal the final grade assigned by a faculty member when the student contends that the final grade assigned was the product of malicious, biased, arbitrary, or negligent determination or impermissible discrimination.

No challenge to grading standards shall be pursued on any grounds other than these. This process may not be used to adjudicate cases of suspected student misconduct, plagiarism, or collusion. Formal grade appeals must be officially filed with the Student Grievance Committee of the Faculty Senate no later than one (1) year after the official grade has been released to the student, or in the case of a student who has graduated, no later than three (3) months after the degree has been conferred. The decision of the Student Grievance Committee is final.

Any student who wishes to appeal a grade should talk first with the faculty member who assigned the grade. If agreement cannot be reached, the student may consult with and/or file a grievance with the Chair of the Student Grievance Committee of the Faculty Senate. Students should contact the Office of Student Life for specific information or download a copy of the grievance form and instructions on the Office of Student life webpage (<https://www.utep.edu/student-affairs/dean-of-students-office/resources/grade-grievance.html>) under the heading "Grade Grievance."

### **Other Academic Complaints**

Other academic student concerns that do not involve discrimination, including problems with instructor behavior or student dismissal from a program, should first be addressed with the faculty or staff member with whom they arise. If no satisfactory resolution can be achieved at that level, a written complaint should be submitted to that individual's supervisor, usually the Chair of the Department. If successful resolution is not achieved, the complaint may be appealed in writing to the Academic Dean. If the complaint is not satisfactorily resolved at the level of the Dean, a written appeal may be submitted to the Office of the Provost. The decision of the Provost is final. Each appeal should be submitted no later than ten (10) working days after the last questioned decision or interpretation.

### **Non-Academic Complaints**

Non-academic student complaints related to matters other than discrimination, such as the application or interpretation of student policies, should first be addressed by the student with the individual involved in the interpretation or decision. If the matter is not resolved, a written complaint should be submitted to that individual's immediate supervisor. The resolution of the complaint may be appealed through the normal lines of authority and communication up to the Vice President who oversees the department in which the complaint originated. The decision of the Vice President is final. Each appeal should be submitted no later than ten (10) working days after the last questioned decision or interpretation.

In addition to UTEP's policy, you are also protected by Title IX of the Education Amendments of 1972 which prohibits discrimination on the basis of sex in education programs and activities that receive federal funding. Sexual harassment, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX.

**The full text of the University's current policies on Equal Opportunity/Non-Discrimination, Sexual Misconduct and Harassment and Accommodation for Individuals with Disabilities is available at the Equal Opportunity website.**