

CHAPTER II

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2.01 ACADEMIC ADVISEMENT

Following enrollment at U. T. Tyler, each student is assigned a faculty advisor within the student's major area. The advisor assists the student in the planning of a degree program and in selection of courses each semester. Academic advisement is a part of the regular responsibilities of each faculty member.

2.02 ACADEMIC WAIVERS AND SUBSTITUTIONS

A student may request waivers or substitutions relating to specific degree requirements by submitting a written request to the Dean of the college in which the student is majoring.

Waivers not involving institutional requirements may be granted by the Dean after consultation with the faculty advisor and department chair. Requests for waivers of institutional requirements must be approved by the Provost and Vice President for Academic Affairs following the recommendation of the Dean.

2.03 APPROVED STUDENT ABSENCES

A. Official University Events or Activities. University events and activities are a valued part of a student's complete academic and university experience. Examples of these activities may include presentations at research conferences, musical and theatre performances, debate team competitions, and intercollegiate athletics. Participation in these officially sanctioned university activities often requires a student to miss class. On those occasions when it is necessary for students to miss one or more regularly scheduled classes in order to participate in an official university event or activity, faculty sponsors and program directors will assist students to assure they have the opportunity to make up missed work. In doing so they are requested to observe the following procedures:

1. At least one month prior to the date(s)* on which students will be absent from class, the faculty sponsor or program director shall send a memorandum to the Chief Student Affairs Officer. This memorandum shall include information concerning the nature of the event or activity, the dates(s) on which students will be absent from class, and the names of the students involved. The Chief Student Affairs Officer approves the requested student absence by initialing the memorandum and returning it to the faculty sponsor or program director.
2. The faculty sponsor or program director provides copies of the memorandum to the students.

3. Each student delivers a copy of the memorandum to the instructors, in person, at least two weeks* prior to the date of the planned absence. At that time the instructor will set a date and time with the student when the make-up assignment will be completed. Make-up assignments will be mutually arranged and will be without penalty to the student, however, availability of the instructor will be given priority in setting the arrangements.
4. It is expected that students will not abuse the privilege of being absent from class for authorized university events or activities.

*Events scheduled within the first month of an academic term may require a shortened lead time than permitted by this schedule.

B. Religious Holy Days. In accordance with Texas Education Code, Section 51.911, a student may be excused from exams or assignments in observance of a religious holy day if at least 5 days before the date of absence the student delivers written notice of the absence to the instructor(s) of the class(s) by either (1) personal hand-delivery, with acknowledgement of receipt by instructor(s) or (2) certified mail, return receipt requested.

“Religious holy day” means a holy day observed by a religion whose places of worship are exempt from property taxation under Section 11.20, Tax Code.

A student shall be allowed to take an examination or complete an assignment scheduled for that day within a reasonable time after an absence due to observance of a religious holy day provided the student has met the conditions listed above.

2.04 CLASS ATTENDANCE

Responsibility for class attendance rests with the student. A student shall make every attempt to notify each instructor in advance, or as soon as possible thereafter, when there is a legitimate (unforeseen or unavoidable) reason for being absent. Instructors shall include a statement in each course syllabus indicating how a student is to make up assignments missed which result from a legitimate absence.

The University reserves the right to consider individual cases of nonattendance. In general, students are graded on the basis of intellectual effort and performance. In many cases, class participation is a significant measure of performance, and nonattendance can adversely affect a student’s grade. Additionally, if an instructor determines that a student has been absent to such a degree as to jeopardize success in the course, the instructor may, with the concurrence of his or her academic dean, inform the student and the Office of the Registrar that the student is to be dropped from the course.

2.05 GRADE APPEAL

A student who wishes to contest a grade given by an instructor must initiate the procedure by contacting the instructor who assigned the grade. The instructor and the student should informally review the criteria for assignment of grades and the student’s performance. The instructor may affirm the grade or revise the grade.

If the student is not satisfied after the informal discussion with the instructor, then the student may initiate a formal grade appeal by completing a Grade Appeal Form which may be obtained from the Office of Student Records. Formal grade appeals should be filed at the earliest date possible, but no later than sixty (60) days from the final date of assignment of the grade. The instructor and the student should complete the appropriate parts of the form clearly indicating the instructor’s rationale for the grade given and the student’s basis for the grade appeal.

At each administrative level of the appeal process, an attempt will be made to resolve the issue within 14 days. If the instructor holds one of the administrative positions used in the appeal process, then that level is omitted. If no resolution is reached at a particular level, then the appeal is forwarded with the recommendation of the administrator at that level with all documentation. The Provost and Vice President for Academic Affairs is the final authority.

2.06 IMMUNIZATIONS

Institutions of higher education may require persons applying for admission to be immunized against diphtheria, rubeola, rubella, mumps, tetanus, and poliomyelitis. The Texas Board of Health may require immunizations against these and additional diseases for registrants at any institution of higher education who are pursuing a course of study in any of the human or animal health professions. The Board may require such immunizations for any registrants in times of an emergency or epidemic in a county where such an emergency or epidemic has been declared by the Commissioner of Health. Nursing and allied health students are required to show proof of immunization to tetanus/diphtheria, rubella and hepatitis B and, if born after January 1, 1957, to measles and mumps.

Students may obtain information from the Office of Student Services regarding:

1. the consequences of not being current on immunization for certain diseases;
2. the age groups most vulnerable to these vaccine preventable diseases; and
3. local providers of immunization.

2.07 SCHOLARSHIPS

The scholarship program at U. T. Tyler is designed to attract outstanding students. Recipients are selected based upon academic achievement, extracurricular activities, honors, leadership qualities and financial need. Application forms may be obtained in the office of each academic dean, the Office of Financial Aid and the Admissions Office. The deadline dates and instructions are given in the application.

2.08 SCHOLASTIC LOAD

The minimum credit hour load to be considered a full-time undergraduate student is 12 semester hours during a fall or spring semester or four semester hours during a regular summer session. The minimum credit hour load to be considered a full-time graduate student is nine semester hours of graduate level courses during a fall or spring semester or three hours during a regular summer session.

The maximum credit hour load for undergraduates is 18 hours during a regular semester and six hours during a summer term and three hours during intersession. For graduate students, the maximum credit hour load is 12 hours during a regular semester, six hours during a summer term, and three hours during intersession. Exceptions to these load maximums must be approved in writing by the dean of the college in which the student is pursuing a major. Such approval must be obtained prior to enrollment for the semester or term in question.

2.09 STUDENT CODE OF CONDUCT

A. Introduction. By enrolling at U. T. Tyler, a student neither loses the rights nor escapes the responsibilities of citizenship. All students are expected and required to obey federal, state, and local laws, to comply with the Board of Regents' Rules and Regulations (Regents' Rules), with The University of Texas System (System) and U. T. Tyler rules and regulations, with directives issued by an administrative official of the System or U. T. Tyler in the course of his or her authorized duties, and to observe standards of conduct appropriate for an academic institution.

B. Application.

1. The Student Code of Conduct applies to individual students, 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 due process procedures for the imposition of such actions.
2. A student may be punished by U. T. Tyler for conduct that is proscribed by U. T. Tyler even though the student may be punished by local, state or federal authorities for the same conduct, but the penalties by U. T. Tyler shall not be used merely to duplicate penalties imposed by local, state or federal authorities.
3. Individuals who are not currently enrolled at the University remains subject to the disciplinary process for conduct that occurred while they were students.

C. Definitions. When used in this policy, the words and phrases given below shall be defined as follows:

1. "Campus" consists of all real property, buildings or facilities owned or controlled by U.T. Tyler.
2. "Day" means calendar day.
3. "Chief Student Affairs Officer" refers to the administrative officer(s) responsible for the administration of the disciplinary process at the University.
4. "Hearing Officer" means an individual appointed by the President to hear disciplinary charges, make findings of fact and, upon finding of guilt, impose an appropriate sanction(s).

5. "Student" means a person who
 - a. is currently enrolled at the University;
 - b. is accepted for admission or readmission to the University;
 - c. has been enrolled at the University in a prior semester or summer session and is eligible to continue enrollment in the semester session that follows; or
 - d. has engaged in conduct at a time when he or she met the criteria of 1, 2, or 3.
6. "System" means The University of Texas System.
7. "Weekday" means Monday through Friday, excluding any day that is an official U. T. Tyler holiday.

I. STUDENT STANDARDS OF CONDUCT

A. Conduct Expected of Students. A student is expected and required to obey federal, state and local laws, to comply with the Regent's Rules, with University rules and regulations, with directives issued by an administrative official of the System or the U. T. Tyler in the course of his or her authorized duties, and to observe standards of conduct

B. Specific Conduct Proscribed.

appropriate for an academic institution.

1. Disciplinary proceedings may be initiated against any student for any of the following acts or omissions:
 - a. The violation of any provision of the Regents' Rules.
 - b. The violation of any rule or regulation of U. T. Tyler, including, but not limited to, those relating to housing, the registration of student organizations, the use of U. T. Tyler facilities or grounds, and the time, place and manner of expression or expression-related conduct.
 - c. Failure to comply with an order or instruction of an official of U. T. Tyler or System acting in the course of his or her duties.
 - d. The violation of any federal, state or local law.
 - e. Scholastic dishonesty, including, but 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.
 - (i) "Cheating" includes, but is not limited to:

- copying from another student's test paper;
- using during a test, materials not authorized by the person giving the test;
- failure to comply with instructions given by the person administering the test;
- possession during a test of materials which are not authorized by the person giving the test, such as class notes or specifically designed "crib notes". The presence of textbooks constitutes a violation if they have been specifically prohibited by the person administering the test;
- using, buying, stealing, transporting, or soliciting in whole or part the contents of an unadministered test, test key, homework solution, or computer program;
- collaborating with or seeking aid from another student during a test or other assignment without authority;
- discussing the contents of an examination with another student who will take the examination;
- divulging the contents of an examination, for the purpose of preserving questions for use by another, when the instructor has designated that the examination is not to be removed from the examination room or not to be returned or to be kept by the student;
- substituting for another person, or permitting another person to substitute for oneself to take a course, a test, or any course-related assignment;
- paying or offering money or other valuable thing to, or coercing another person to obtain an unadministered test, test key, homework solution, or computer program, or information about an unadministered test, test key, homework solution or computer program;
- falsifying research data, laboratory reports, and/or other academic work offered for credit;
- taking, keeping, misplacing, or damaging the property of U. T. Tyler, or of another, if the student knows or reasonably should know that an unfair academic advantage would be gained by such conduct; and,
- misrepresenting facts, including providing false grades or resumes, for the purpose of obtaining an academic or financial benefit or injuring another student academically or financially.

(ii) "Plagiarism" includes, but is not limited to, the appropriation, buying, receiving as a gift, or obtaining by any means another's work and the submission of it as one's own academic work offered for credit.

"Collusion" includes, but is not limited to, the unauthorized collaboration with another person in preparing academic assignments offered for credit or collaboration with another person to commit a violation of any section of the rules on scholastic dishonesty.

f. Illegal use, possession and/or sale of a drug or narcotic on U. T. Tyler campus. If a student is found guilty of the illegal use, possession, and/or sale of a drug or narcotic on campus, the minimum penalty shall be suspension from the institution for a specified period of time and/or suspension of rights and privileges.

g. Use or possess without proper authorization alcoholic beverages in a classroom building, laboratory, auditorium, library building, museum, faculty or administrative office, athletic facility or any other public campus area.

h. Engaging in conduct that endangers the health or safety of any person on the U. T. Tyler campus or any property, or in any building, or facility owned or controlled by the U. T. Tyler or System.

i. Engaging in any form of sexual harassment, as defined by U. T. Tyler policy, or sexual assault including rape and acquaintance rape.

j. Obstructing, disrupting or interfering 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 System or U. T. Tyler. 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.

k. Engaging in speech, either orally or in writing, that is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.

- l. Engaging in unauthorized use of property, equipment, supplies, buildings, or facilities owned or controlled by the System or U. T. Tyler.
- m. Engaging in hazing. Hazing in state educational institutions is prohibited by state law (Section 51.936, *Texas Education Code*). 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. Initiations or activities of organizations may include no feature which is dangerous, harmful, or degrading to the student, and a violation of this prohibition renders both the organization and participating individuals subject to discipline.
- n. Altering or assisting in the altering of any official record of the System or U. T. Tyler or submitting false information or omitting requested information that is required for or related to an application for admission, the award of a degree or any official record of the System or U. T. Tyler. A former student who engages in such conduct is subject to bar against readmission, revocation of degree and withdrawal of diploma.
- o. Defacing, mutilating, destroying or taking unauthorized possession of any property, equipment, supplies, building or facilities owned or controlled by U. T. Tyler or the System.

Engaging in prohibited conduct that occurs while participating in offcampus activities sponsored by U. T. Tyler or the System including field trips, internships, rotations or clinical assignments.

- p. Possession or use of any of explosive, firearms, imitation firearm, ammunition, hazardous chemical, or weapon as defined by state or federal law, while on campus or on any property or in any building or facility owned or controlled by U. T. Tyler or System, unless authorized by federal, state or local laws.
- q. r. Prohibited conduct that takes place on campus or unauthorized appearance on campus after having been suspended or expelled from the University or any other component institution of the System for disciplinary reasons.
- s. Failure or refusal to pay any monetary debt or obligation owed to U. T. Tyler. Students who owe debts to the University may be denied admission or readmission to the University and have their official transcripts, grades, diplomas, and degrees to which they would otherwise be entitled withheld until the debt is paid. Students who

write bad checks to U. T. Tyler for tuition and fees will have their registration cancelled. Bad checks written to U. T. Tyler for other purposes will subject the student to legal and/or disciplinary action.

- t. Entering, walking, running, lying, playing, remaining or being in the water of any lake, fountain, or other artificial body of water, which is not designed and maintained for recreational or therapeutic purposes, located on U. T. Tyler campus, or dumping, throwing, placing or causing any material, object, trash, waste, or debris to be placed in the water of any campus lake, fountain or other artificial body of water.
 - u. Refusal to identify himself or herself to an institutional representative in response to a request. A person identifies himself or herself by giving his or her name and complete address substantiated by current driver's license, voter registration card, or other official documentation, and by stating truthfully whether or not he or she is a student or employee of U. T. Tyler. An institutional representative includes any member of the Board of Regents or the executive secretary to the Board; any executive officer or administrative officer of the System, any administrative officer of the University, and any attorney, peace officer, or security officer of the System or U. T. Tyler acting pursuant to the authority of Texas law.
 - v. Otherwise engaging in conduct that is inappropriate for members of an academic institution. Such conduct includes, but is not limited to pranks, throwing food at persons or property, public nudity and harassing telephone calls.
2. Neither the President of U. T. Tyler nor any System officer, 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 President or System officer, 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.

II. DISCIPLINARY CHARGES

A. Investigation.

1. Upon receiving information that a student has allegedly violated Regents' Rules, U. T. Tyler regulations or administrative rules, the Chief Student Affairs Officer shall investigate the alleged violation. After completing the preliminary investigation, the Chief Student Affairs Officer may dismiss the

allegation as unfounded or summon the student for a preliminary conference.

2. A student may be summoned by written request of the Chief Student Affairs Officer for a meeting to discuss the allegations. The written request shall specify a place for the meeting and a time at least three (3) weekdays after the date of the written request. The written request may be mailed to the address appearing in the records of the registrar or may be hand delivered to the student. If a student fails to appear without good cause, as determined by the Chief Student Affairs Officer, the Chief Student Affairs Officer may bar or cancel the student's enrollment or otherwise alter the status of the student until the student complies with the summons, or the Chief Student Affairs Officer may proceed to implement the disciplinary hearing procedures provided in Section III. The refusal of a student to accept delivery of the notice or the failure to maintain a current address with the registrar shall not be good cause for the failure to respond to a summons.

B. Disposition. The student must choose one of two decision-making approaches:

- 1) an administrative decision made by the Chief Student Affairs Officer or 2) a formal hearing.

1. In any case where the accused student does not dispute the facts upon which the charges are based and executes a written waiver of the hearing procedures, the Chief Student Affairs Officer shall assess a penalty (or penalties) pursuant to Section IV.A that is appropriate to the charges and inform the student of such action in writing. The decision of the Chief Student Affairs Officer may be appealed; the appeal is limited to the issue of penalty, and no transcript will be required.
2. In any case where the accused student selects the formal hearing as the decision making approach or refuses to execute a written waiver of a hearing, such charges shall be heard and determined by a fair and impartial Hearing Officer. The Chief Student Affairs Officer will recommend to the President a person who is to serve as the Hearing Officer for a particular case from a panel of individuals appointed by the President. The President shall appoint the Hearing Officer.

C. Immediate Interim Discipline.

1. Pending a hearing or other disposition of the allegations against a student, the Chief Student Affairs Officer may take such immediate interim disciplinary action as is appropriate to the circumstances, including suspension and bar from the campus when it reasonably appears from the circumstances that the continuing presence of the student poses a potential danger to persons or property or a potential threat for disrupting

any activity authorized by U. T. Tyler. The Chief Student Affairs Officer may authorize interim withholding of the student's grades, degree or official transcript when such action is in the best interest of U. T. Tyler.

2. When interim disciplinary action has been taken, a hearing of the charges against the student will be held under the procedures specified in Section III, but will be held within ten (10) days after the interim disciplinary action was taken unless the student agrees in writing to a hearing at a later time.
3. As an alternative to a hearing of the charges before a Hearing Officer, the accused student may choose to have the charges disposed of in accordance with an administrative decision as set forth under procedures specified in Section II.B.1.

III. HEARING A.

Rights of the Parties.

1. The accused student and the Chief Student Affairs Officer will be accorded the following rights in connection with such hearing:
 - a. Each party shall provide the other party with a list of witnesses, a brief summary of the testimony to be given by each, and a copy of documents to be introduced at the hearing at least five (5) days prior to the hearing.
 - b. Each party shall have the right to appear, present testimony of witnesses and documentary evidence and cross examine witnesses.
 - c. Parties may be assisted by an advisor of choice. The advisor may be an attorney. If the accused student's advisor is an attorney, the Chief Student Affairs Office's advisor may be an attorney from the Office of General Counsel of the System. An advisor may confer with and advise the Chief Student Affairs Officer or accused student, but shall not be permitted to question witnesses, introduce evidence, make objections, or present argument to the Hearing Officer. An accused student shall inform the Chief Student Affairs Officer whether his or her advisor is an attorney at least five (5) days prior to the hearing.
 - d. The hearing will be recorded. The recording of the hearing shall be made under the direction of the Hearing Officer.
2. The accused student may challenge the impartiality of the Hearing Officer. The challenge must be in writing, state the reasons for the challenge, and be submitted to the Hearing Officer through the Office of the Chief Student

Affairs Officer at least three (3) days prior to the hearing. The Hearing Officer shall be sole judge of whether he or she can serve with fairness and objectivity. In the event the Hearing Officer disqualifies himself or herself, a substitute will be chosen by the Chief Student Affairs Officer from the panel of individuals appointed by the President.

B. Notice of Hearing.

1. The Chief Student Affairs Officer shall provide the accused student with written notification of the hearing. The notice letter shall include:
 - a. A statement of the charges and a summary statement of the evidence supporting such charges.
 - b. The date, time, and place for the hearing.
 - c. The name of the person who will act as Hearing Officer.
 - d. The accused student's rights pursuant to Section III.A.
 - e. The date by which the parties are to exchange documentation and other evidence to be used at the hearing, the names of the witnesses who may testify at the hearing with a brief summary of the testimony to be given by each, and the name of the accused student's advisor if the advisor is an attorney. f. A copy of the Student Code of Conduct.
2. Except in those cases where immediate interim disciplinary action has been taken, the accused student shall be given at least ten (10) days written notice of the date, time, and place for such hearing and the name of the Hearing Officer. The notice shall be delivered in person to the student or mailed to the student at the address appearing in the registrar's records. A notice sent by mail will be considered to have been received on the third day after the date of mailing, excluding any intervening Sunday.

C. Postponement of Hearing. The date for a hearing may be postponed by the Hearing Officer for good cause or by agreement of the accused student and Chief Student Affairs Officer. Upon a showing of good cause by either the accused student or Chief Student Affairs Officer, the Hearing Officer may postpone the hearing.

D. Authority of Hearing Officer. The Hearing Officer is responsible for conducting the hearing in an orderly manner and controlling the conduct of the witnesses and participants in the hearing. The Hearing Officer shall rule on all procedural matters and on objections regarding exhibits and testimony of witnesses, may question witnesses, and is entitled to have advice and assistance of legal counsel from the Office of General Counsel of the System.

E. Order of Proceedings.

1. The Chief Student Affairs Officer has the burden of going forward with the evidence and the burden of proving the charges by the greater weight of the credible evidence. As the party having the burden of proof, the Chief Student Affairs Officer shall have the right to open and conclude both in presenting evidence and in argument.
2. The Hearing Officer shall proceed generally as follows during the hearing:
 - a. The Chief Student Affairs Officer reads the charge.
 - b. The Chief Student Affairs Officer presents the University's witnesses and evidence.
 - c. The accused student presents his or her witnesses and evidence.
 - d. The Chief Student Affairs Officer and the accused student present rebuttal evidence and argument.
 - e. The Chief Student Affairs Officer may recommend a penalty to be assessed by the Hearing Officer. The recommendation may be based upon past practice of the University for violations of a similar nature, the past disciplinary record of the student, or other factors deemed relevant by the Chief Student Affairs Officer. The accused student shall be entitled to respond to the recommendation of the Chief Student Affairs Officer.
3. An accused student who fails to appear in person at his or her disciplinary hearing shall remain accountable. The hearing will be held without the accused student's presence, and a decision will be rendered by the Hearing Officer.

F. Record of the Hearing. The record of the proceedings will be made electronically. If either party desires to appeal the decision of the Hearing Officer, the official record will consist of the recording of the hearing, the documents received in evidence, and the decision of the Hearing Officer. At the request of the President, the recording of the hearing will be transcribed and both parties will be furnished a copy of the transcript.

G. Decision of the Hearing Officer. The Hearing Officer shall render and send to the Chief Student Affairs Officer and the accused student a written decision that contains findings of fact and a conclusion as to the guilt or innocence of the accused student. Upon a conclusion of guilt, the Hearing Officer shall assess a penalty or penalties specified in Section IV.A. Guilt of the illegal use, possession, or sale of a drug or narcotic on campus requires the assessment of a minimum penalty provided in Section I.B.1.f.

IV. DISCIPLINARY PENALTIES

A. Authorized Disciplinary Penalties. Any one or more of the actions listed below may be imposed upon a student who has engaged in conduct that violates a rule, regulation or administrative order of the University, a provision of the Regents' Rules, or a federal, state or local law. The disciplinary action assessed in a particular case will be dependent upon the nature of the conduct involved, the circumstances and conditions which existed at the time the student engaged in such conduct, and the results which followed as a natural consequence of such conduct.

1. Disciplinary probation.
2. Withholding of grades, official transcript and/or degree. 3. Bar against readmission.
4. Restitution or reimbursement for damage to or misappropriation of U. T. Tyler or System property.
5. Suspension of rights and privileges, including participation in athletic or extracurricular activities.
6. Failing grade for an examination or assignment or for a course and/or cancellation of all or any portion of prior course credit.
7. Denial of degree.
8. Suspension from U. T. Tyler for a specified period of time. 9. Expulsion.
10. Revocation of degree and withdrawal of diploma.
11. Other penalty as deemed appropriate under the circumstances. **B.**

Explanation of Penalties.

1. "Disciplinary probation" indicates that a student has engaged in unacceptable behavior and may be required to report to the Chief Student Affairs Officer on a regular basis during the probationary period. The Chief Student Affairs Officer or the Hearing Officer may impose conditions related to the offense, such as counseling, educational seminars, or unpaid work assignments. Failure to meet the conditions shall be considered an additional violation. Under

disciplinary probation, the student will not be considered in "good standing" with U. T. Tyler.

Students who comply with all conditions imposed will be removed from probation automatically upon expiration of the probationary period.

2. "Bar against readmission" means that a student may be prohibited from admission or enrollment at U. T. Tyler. The penalty is among those that may be imposed upon a student who fails to respond to a summons from the Chief Student Affairs Officer to discuss allegations that the student has engaged in conduct which may result in disciplinary action.
3. "Restitution" is reimbursement for damage to or misappropriation of property. Reimbursement may take the form of appropriate service or repair or other compensation for damages.
4. "Suspension of rights and privileges" is an elastic penalty that is imposed to fit the particular case. Examples of penalties include ineligibility to participate in official events or activities of U. T. Tyler, whether athletic or nonathletic, to join a registered student organization or participate in any meetings or activities of a registered student organization of which the student may already be a member, to be appointed or elected to or continue to function in any office or position within the student government or of the staff responsible for publication of a student newspaper. Students may also be barred from entering specified buildings or restricted from using particular facilities.
5. "Failing grade" means an F. This penalty is among those that may be given when a student is found guilty of scholastic dishonesty in a course.
6. "Suspension" means that during the period of suspension, a student may not attend any course for which he or she may be registered at U. T. Tyler, may not enter upon the campus or into any building of the U. T. Tyler without prior approval of the Chief Student Affairs Officer and may not enter the campus of any System component institution without prior written approval of the chief student affairs officer of the institution.

V. APPEAL

A. Right to Appeal. The accused student may appeal a disciplinary penalty assessed by the Chief Student Affairs Officer. Either the accused student or the Chief Student Affairs Officer may appeal the decision of the Hearing Officer. All such appeals are made to the President of U. T. Tyler.

B. Appeal of Penalty Assessed by Chief Student Affairs Officer.

1. A written notice of appeal of the penalty assessed by the Chief Student Affairs Officer must be delivered to the President within fourteen (14) days after the student has been notified of the penalty assessed by the Chief

Student Affairs Officer. If the notice of penalty assessed by the Chief Student Affairs Officer is sent by mail, the date the notice is mailed initiates the fourteen (14) day period for giving notice of appeal. A copy of the notice of appeal is to be forwarded by the student to the Chief Student Affairs Officer.

2. An appeal of the penalty assessed by the Chief Student Affairs Officer will be reviewed solely on the basis of the written argument of the student and the Chief Student Affairs Officer. In order for the appeal to be considered, the accused student's written argument must be filed with the President within fourteen (14) days after notice of appeal is given.

C. Appeal of Decision of Hearing Officer.

1. A written notice of appeal of the decision of the Hearing Officer must be delivered to the President within fourteen (14) days after the appealing party has been notified of the decision of the Hearing Officer. If the notice of the decision of the Hearing Officer is sent by mail the date of notice or decision is mailed initiates the fourteen (14) day period for giving notice of appeal. A copy of all notices of appeal must be delivered to the opposing party.
2. Upon receipt of initial notice of appeal, the Chief Student Affairs Officer shall assemble the official record in the case as set forth in Section III.F. In order for the appeal to be considered, all the necessary documentation to be filed by the appealing party, including written argument, must be filed with the President within fourteen (14) days after notice of appeal is given.
3. Arguments either against or in support of the decision under review are to be presented in writing. At the discretion of the President, both parties may present oral arguments.
4. An appeal of the decision of the Hearing Officer will be reviewed solely on the basis of the record from the hearing.

D. Consideration by the President

1. 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.
2. The action of the President shall be communicated in writing to the accused student and the Chief Student Affairs Officer within thirty (30) days after the appeal and related documents have been received.
3. The decision of the President is the final appellate review.

2.10 STUDENT ORGANIZATIONS

A. Establishing New Student Organizations. Student organizations comprise an important part of the student development program of U. T. Tyler. The guidelines for establishing new student organizations are as follows:

1. Any student group wishing to form an organization must complete a petition form available from the Student Life Office. The form requests the name of the organization, the purpose of the organization, and the signature of at least five students, and a faculty advisor. When the petition is completed, it should be returned to the Student Life Office.
2. The Chief Student Affairs Officer or his/her designee will review the petition.
3. When tentative approval is obtained, the organization has 90 days to submit a formal constitution to the Chief Student Affairs Officer.
4. Final approval of the organization is made when the Chief Student Affairs Officer signs the application form and places it and the organization's constitution on file.
5. If an organization is refused registration, the Chief Student Affairs Officer shall provide the applicant with a copy of a written statement of the reasons for refusal. The applicant may appeal the decision to the President.

B. Continuing Registration. After an organization has received final approval from the University, it must register at the beginning of each fall semester with the Student Life Office. Registration materials required include a no hazing agreement, a membership agreement, a current roster of officers, and a fund-raising report. These reports must also be updated at the beginning of the spring semester. Student organizations are also subject to Board of Regents' Rules and Regulations, Part One, Chap. VI, Sec. 4.

Consequences of Rules Violations. An organization that fails to register, fails to submit required information, or violates a Regents' Rule, U. T. Tyler regulation or administrative rule is subject to discipline. The Chief Student Affairs officer may impose one or more of the following:

1. place the organization on probation for not more than C. one calendar year;
2. suspend for not more than one calendar year the organization's right to do the following:
 - a. publicly post signs;
 - b. install a booth;
 - c. publicly assemble or demonstrate;

- d. sponsor or present a public performance or exhibition; e. publicly raise funds or make a solicitation; f. reserve the use of university facilities; or
 - g. participate in intramural sports tournaments or other U. T. Tylersponsored events;
3. require restitution, educational seminars, and community service;
 4. suspend for not more than one calendar year the organization's registration; or 5. cancel the organization's registration for not less than one calendar year.

2.11 STUDENT PUBLICATIONS

A. Preamble.

Student publications and the student press are a valuable aid in establishing and maintaining an atmosphere of free inquiry, responsible discussion, and intellectual exploration on the campus. They are a means of bringing student concerns to the attention of the faculty and the administration and of formulating student opinion on various issues on and off the campus.

Student journalists have the right to determine the editorial content of student publications. This substantial editorial freedom requires a corresponding responsibility for student journalists to be governed by professional standards, avoiding impermissible speech (such as libel) and pursuing truth and fairness in the strongest possible way.

B. Definition.

Student publications and communication media come under the jurisdiction of the Student Media Advisory Board (the Board) if the publications/media receive funds by direct allocation from student fees as recommended to the president by the student fee committee; are written, edited and published by students; and are neither "lab" publications nor co-curricular activities.

Current publications that fall under the above definition include *The Patriot*, a newspaper published by students of The University of Texas at Tyler.

All student publications/media should explicitly and prominently state, "This is a student publication [or insert other medium for "publication"] and

the opinions expressed herein are not necessarily those of the administration, faculty, staff, alumni or student body of the University.”

C. Purpose.

The role of the Student Media Advisory Board is to assist student media in meeting the highest standards of responsible professional practice, including accuracy and fairness; to provide maximum opportunity for an educational experience; and to ensure that, within the bounds of the law, editors are free to develop their own editorial policies and make their own judgments.

D. Composition of the Student Media Advisory Board. 1.

Membership-total of 11.

Five (5) students, one from each college, appointed by their respective deans. These students may not be members of the Student Government Association or members of the staff of any student publication.

Three (3) faculty members, one (1) from the Department of Communication and one (1) from the University at large, both appointed directly by the president of the University, and one (1) at large appointed by the Faculty Senate Chairperson with the concurrence of the Faculty Senate Executive Committee.

One (1) dean of student affairs or his/her designee.

Two (2) professional journalists, both appointed directly by the president. **2.**

Appointment Date.

All appointments will be made no later than April 15 each year for the following academic year, except in the first year when appointments will be made as soon as is practical or when this student media policy is approved by U.T. System.

3. Terms of Office.

The term of office for all board members shall be one year. Members may serve consecutive terms up to a maximum of three years, after which they must remain off the board for at least two consecutive years. They may then be reappointed to annual one-year terms, again up to a maximum of three years for that cycle.

1. The Board shall elect its own chairperson, who shall have a vote in all issues and the authority to adjudicate a tie vote.
2. Meetings of the Board shall be open to the public and shall occur at least once a semester during the academic year. The chairperson or a majority of the voting members of the Board, providing that notice is given three (3) days in advance, may call additional meetings.
3. A quorum shall consist of a majority of the voting members.
4. The Board shall establish such further operating procedures as it deems necessary to carry out its responsibilities and duties as outlined below. These further operating procedures shall be submitted in writing to the President of the University for his/her approval.

F. Responsibilities and Duties.

1. To ensure students' rights to freedom of the press and free speech within the bounds of the law.
2. To set minimum qualifications for managing editors of student media.
3. To establish a procedure for election or appointment of managing editors of student media. Selection for the following year shall be made by April 1 of each year, beginning April 1, 2003.
4. To consult with and advise editors on the development of written policies that will guide day-to-day editorial decisions.
5. To hear complaints against editors. Complaints may be brought by any persons only after all other remedies have been exhausted, first by talking with the reporter, writer or editor involved, and then by talking with the publication editor. Complaints must be made in writing.
6. To recommend to the appropriate dean, or other appropriate university administrator, reprimanding or removing an editor. If the Board determines that matters warrant such action, a hearing shall be conducted with appropriate notice at least ten (10) business days in advance. Any decision to recommend reprimanding or removing an editor requires a majority vote.
7. To establish a procedure for the selection of advisers to publications, who may be tenure-track faculty members, lecturers, or staff members, either full- or part-time. In the case of the student newspaper, the adviser may or may not be expected also to teach in the Department of Communication or other department. If expected to teach, selection must be made in consultation and agreement with the Department of Communication or other department.

8. To recommend to the Dean of the College of Arts and Sciences, or other appropriate university administrator, reprimanding or removing an adviser to a student publication. If the Board determines that matters warrant such action, a hearing shall be held. Any recommendation to reprimand or remove an adviser requires a majority vote. Notice of any meeting at which such a vote is to be taken must be given at least ten (10) business days in advance. The final determination to reprimand or remove an adviser will be made by the Dean of the College of Arts and Sciences or other appropriate University administrator according to established policies of the University.
9. To advise any publication adviser of media editor on any matter as requested, or as deemed appropriate by the Board.

G. Limitations.

1. Student Media.

- a. Students may not publish or distribute material that is “obscene,” as defined by the U.S. Supreme Court and the laws of Texas. Student editors and reporters should be mindful that they are writing for and editing publications intended for the U.T. Tyler community of students, staff, faculty and friends. Students should approach their tasks with a sense of propriety and good taste.
- b. Students may not publish or distribute libelous material. Libel is a serious concern for all publications and other media. Student editors and reporters will make every effort to ensure material in student publications is true, accurate and balanced. Mistakes should be corrected and retracted speedily and graciously. Any student editor or reporter who knowingly submits false or fictitious information for publication will be subject to immediate sanctions up to and including dismissal from the publication staff, as well as expulsion from U.T. Tyler through the standard disciplinary process. Photographs that are altered materially to change their meaning fall into the category of false and fictitious information.
- c. Students may not publish or distribute material intended to cause “a material and substantial disruption of college activities.” Material that stimulates heated discussion or debate does not constitute the type of disruption prohibited.

2. The University and the Board.

- a. Neither the University nor the Board may review content prior to distribution or withhold the medium from distribution. Faculty advisers are expected to teach students about free

- speech and its limitations-i.e., perform the duty of giving accurate and appropriate advice regarding students' application of their knowledge to their journalistic enterprise.
- b. Neither the University nor the Board may ban a publication or sanction the editor solely because content is controversial or the publication takes minority opinions, provided, however, that upon a finding that published material was obscene, libelous, defamatory, false or fictitious information, invaded privacy, or created a material and substantial disruption of the university, an editor shall be subject to appropriate disciplinary action by the University or the Board.
 - c. The University may not cut off student fee funds from a student publication because of disagreement over a particular editorial policy or position taken at a particular time.
 - d. Neither the University nor the Board may prohibit the endorsement of candidates for student office or for public office at any level.

2.12 STUDENT RIGHT-TO-KNOW AND CAMPUS SECURITY ACT

In compliance with the Student Right-to-Know and Campus Security Act (the Act), U. T. Tyler collects specified information on campus crime statistics, campus security policies, and institutional completion or graduation rates.

This law requires timely reports to the campus community on crimes considered to be a threat to students and employees and reported to the campus police or local police agencies. U. T. Tyler 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. The annual campus crime statistics report will reference crimes which occur on property owned or controlled by U. T. Tyler. 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.

U. T. Tyler calculates and discloses institutional completion or graduation rates to all prospective and current students annually.

Prior to the offer of athletics-related student aid to a potential student athlete, U. T. Tyler will provide information on graduation rates specified by the Act to the prospective student and to the student's parents and coach.

2.13 DISABILITY ACCOMMODATION POLICY AND PROCEDURES

A. Purpose and Scope. It is the policy of The University of Texas at Tyler to afford equal opportunity to otherwise qualified students with disabilities to participate in and benefit from all its programs, services and activities.

An otherwise qualified student is an individual with a physical or mental impairment that substantially limits one or more major life functions, has a record of such an impairment, or is regarded as having such an impairment, and who with or without reasonable accommodation is able to meet all of a program's requirements.

B. Reasonable Accommodations. Reasonable accommodations are defined as those academic modifications and auxiliary aids and services that are not unduly burdensome, financially or administratively, and that do not require a fundamental alteration to a program.

Reasonable accommodations can include but are not limited to the following:

1. Program modifications, such as changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted;
2. Adjustments to testing situations such as extended time for taking a test or taking a test in a separate room; and
3. Auxiliary aids and services such as qualified interpreters, notetakers, assistive listening devices or other effective methods of making aurally delivered materials available to students with hearing impairments; taped or brailled tests, readers in libraries, or other effective methods of making materials available for students with visual impairments, and classroom equipment adapted for use by students with manual impairments, and other similar services and actions.

C. Eligibility for Disability Support Services. A student requesting disability support services is required to register for services through the Student Counseling Center. The student requesting services should make an appointment with the counselor at least four weeks prior to the beginning of the semester. During the initial appointment with the counselor, the student will complete an Application for Disability Support Service and provide disability verification information that includes:

1. A specific diagnostic statement identifying the disability, date of the current diagnostic evaluation, and the date of the original diagnosis;
2. A description of the diagnostic criteria and/or diagnostic test(s) used;

3. A statement as to permanency of each condition/disability;
4. Information on how each condition/disability affects the individual with regard to physical, emotional, or cognitive limitations and the severity and limitations within the classroom environment;
5. Treatments, medications, assistive devices, services currently prescribed or in use;
6. Specific recommendations as to the types of reasonable accommodation such as extra time for testing, note taking assistance, auxiliary aids, etc.; and
7. The credentials of the diagnosing professional(s).

D. Procedures. Faculty are encouraged to place information in each course syllabus regarding the availability of disability support services. The following statement is recommended: "If you have a disability including learning disabilities for which you request an accommodation, please contact the Disability Support Services office so that the appropriate arrangements may be made. In accordance with federal law, a student requesting accommodations must provide documentation of his/her disability to the Disability Support Services counselor. For more information, contact Disability Support Services in University Center, room 111. The telephone number is 566-7079 (TDD 5655579)."

Once eligibility has been determined by the support services counselor and accommodations decided upon, a Special Accommodation Request is completed and provided to the student. The Special Accommodation Request is completed each succeeding semester that the student requests disability support services. The student must request disability support services at least 15 days prior to the beginning of each succeeding semester to assure accommodations are received the first week of class. A copy of the student's registration must accompany the request for services. The student should provide the Special Accommodation Request to the appropriate faculty member. The student should discuss with the faculty member relevant information that will assist in providing the approved accommodation. The faculty member will assure that the student receives the approved accommodation. The disability support services counselor is available to the student and faculty member for consultation.

E. Grievance Procedure. Complaints concerning disability accommodations shall be filed in writing to the disability accommodation counselor. The disability accommodation counselor will present the case within five (5) working days to the chief student affairs officer who will pursue the grievance with the appropriate academic institutional officer. A written decision will be mailed to the complainant within ten (10) working days of its receipt by the chief student affairs officer.