

# Manual of Policies and Procedures for Student Affairs

## Subchapter 2.7 Student Organizations

### Subchapter 2.7-100. General Provisions

#### Sec. 2.7-101. Definitions

- a. In this chapter, unless the context requires a different meaning,
1. "director" means the director of Student Engagement or designee;
  2. "hearing officer" means an individual or individuals selected in accordance with procedures adopted by the institution pursuant to the recommendation of the Chief Student Affairs Officer to hear disciplinary charges in a formal hearing, make findings of fact, and, upon a finding of responsibility, impose an appropriate sanction(s);
  3. "organization" means a student group holding a valid registration from the Student Engagement Department;
  4. "president" means the president of The University of Texas at Tyler;
  5. "student" means a person currently enrolled in residence at the university, or who is accepted for admission or readmission to the university, or who has been enrolled at the university in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows, or who is attending an educational program sponsored by the university while that person is on campus;
  6. "university" means The University of Texas at Tyler;
  7. "university facility" means a classroom, auditorium, student residence, other building, or outdoor area, owned or controlled by the university;
  8. "weekday" means Monday through Friday except for official university holidays or skeleton crew days; "day" means calendar day;
  9. "faculty or staff" means a current employee of The University of Texas at Tyler;
  10. "consultant" means any community member who is not a university faculty, staff or student;
  11. "authorized representatives" means any student member authorized to conduct business with the university on behalf of the student organization;
  12. "Chief Student Affairs Officer" is the administrative officer primarily responsible for the development and administration of policies relating to students;

### Subchapter 2.7-200. Registration

#### Sec. 2.7-201. Registration Required

- a. The university encourages student development and participating in organizations as an effective means of establishing interpersonal relationships, developing leadership skills, and generally enhancing the academic program.
- b. The university encourages student advocacy within the limits necessary to accommodate academic needs and ensure public safety, and welcomes its students' involvement with the political, moral, and social issues of the day.
- c. Each student group that seeks to use university facilities shall apply to the Student Engagement Department for registration as an organization each long semester.
- d. Five or more students, with a university faculty or staff advisor, are entitled to register as a new organization. A new student organization is one that has not registered in at least one academic year. At least three students are required to re-register as a student organization (non-new organization).
- e. No organization or group may be registered if the actions or activities of the organization or group, in the opinion of the president and/or the chief student affairs officer, are inimical to the educational purpose and work of the university.

#### Sec. 2.7-202. Eligibility

- a. A group is eligible for registration if:
1. its membership is limited to students, faculty, and staff of the university;

2. its membership is not denied on any basis prohibited by applicable law, including, but not limited to, race, color, national origin, religion, sex, age, disability, or veteran status;
3. it is not under disciplinary penalty prohibiting registration; and
4. it conducts its affairs in accordance with local, state, and federal laws, the Regents' Rules, university policy; and administrative rules.

#### **Sec. 2.7-203. Application**

- a. A group shall apply to register by completing in full and submitting a registration form prescribed by the director and available online with hard copies available in the Student Engagement Department.
- b. The registration form shall include:
  1. names, student IDs, and contact information for the prescribed number of authorized representatives;
  2. name and contact information for the faculty or staff advisor;
  3. organization purpose/mission statement;
  4. a fundraising report.
- c. As a part of the registration process, all authorized representatives and the listed faculty or staff advisor must attend a student organization orientation session each academic year. All authorized representatives and the faculty or staff advisor must also sign and submit the orientation completion form, which includes the membership agreement and non-hazing statement.
- d. A group must also submit a membership roster, constitution, and risk management policy to be kept on file in the Student Engagement Department.
- e. All the above components must be completed and submitted before the group's application for registration will be considered.
- f. Though all organizations must complete the registration process in full as noted above each fall semester, groups have the option to complete a simpler version in the spring semester in accordance with the student organization handbook, located on the student organization website.

#### **Sec. 2.7-204. Action on Application**

- a. The director shall consider the application unless the applicant is ineligible under subsection 2.7-201(e), or sections 2.7-202 - 203.
- b. An organization is not registered until the director signs the application form and places the registration paperwork on file.
- c. The organization will receive confirmation of registration by letter from the director, which is valid for the current long semester.
- d. If an organization is refused registration, the director shall provide the applicant with a copy of a written statement of the reasons for refusal, and the applicant may appeal in accordance with section 2.7-404.

#### **Sec. 2.7-205. Use of University Name or Sponsorship**

- a. Only an organization that is sponsored by the university may use the name of the university or an abbreviation of the name of the university as part of its name.
- b. A student, group, or organization not sponsored by the university may not use the name of the university or an abbreviation of the name of the university as part of its name. A student, group, or organization may use terms such as "campus" as part of its name. An organization may only use the university name to identify with the university [ex: the name Mathematics Association at UT Tyler is permissible. The name UT Tyler Mathematics Association is not permissible].
- c. A student, group, or 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.

### **Subchapter 2.7-300. Rights and Duties**

#### **Sec. 2.7-301. Recognition and Activities**

a. An organization is entitled:

1. to be listed as a registered student organization;
2. to sponsor or present a public performance or exhibition on university property in accordance with MOPP subchapter 7-200;
3. to raise funds or make other permissible solicitations on university property in accordance with MOPP subchapter 7-200;
4. to reserve the use of university facilities in accordance with MOPP subchapter 7-200.

**Sec. 2.7-302. Membership**

a. An organization must restrict its membership to students, faculty, and staff of the university, but it may not deny membership on any basis prohibited by applicable law, including but not limited to, race, color, national origin, religion, sex, age, disability, citizenship, sexual orientation, or veteran status.

b. An organization must maintain an advisor who is a faculty or staff member of the university and who must sign organization registration forms and other applicable forms for student organizations to conduct activities on campus. An organization may have a consultant who is not a faculty or staff member of the university, but the consultant is not eligible to sign organization forms to conduct activities on campus or conduct business on behalf of the organization.

**Sec. 2.7-303. Fiscal Procedure**

a. Student organizations may establish accounts with private financial institutions.

b. Texas law allows a registered student organization to be relieved from state sales tax liability for fund-raising sales occurring one day per month or less where sales are for the benefit of the registered organization and do not involve another entity not authorized for solicitation.

**Sec. 2.7-304. Rules and Regulations for Student Organizations**

a. Student organizations must register once each long semester with the Student Engagement Department. In order to register, a student organization must follow the application procedure outlined in section 2.7-203. Provided they comply with the guidelines stated here, student organizations' registration is valid through the end of each long semester and through the summer months.

b. The name of The University of Texas at Tyler or the name of The University of Texas System cannot be used as part of a student organization's name.

c. A student organization is not allowed to suggest or imply that it is acting with the authority or as an agency of The University of Texas at Tyler.

d. A seal of either The University of Texas at Tyler or the University of Texas System cannot be used by a student organization in connection with any activity of the organization. In addition, a student organization is not allowed to 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.

e. Only registered students, faculty, and staff of The University of Texas at Tyler are eligible for membership in a student organization. As a part of the registration process each long semester, each student organization must sign an agreement that it does not, and will not during the semester, have as a member any individual who is not a student, faculty, or staff member at The University of Texas at Tyler.

f. A student organization that has as a member anyone who is not a student, faculty, or staff member at The University of Texas at Tyler may not use any facility of The University of Texas at Tyler.

g. The president and the chief student affairs officer have the power to deny registration to any student organization or group whose actions or activities, in their opinion, are adverse to the educational purpose and work of The University of Texas at Tyler.

h. A student organization whose registered status has been cancelled cannot re-apply for registration for at least one calendar year following the date of cancellation.

i. A student organization that owes a delinquent monetary debt to the university will not be allowed to use the facilities of the university until such debt is paid.

j. Hazing, with or without the consent of a student inflicting the hazing or the person submitting to the

hazing, is not permitted and subject to immediate discipline. In addition, as a part of the registration process each semester, each organization must sign a written statement acknowledging that the organization does not engage in hazing activities which may be dangerous, harmful, or degrading to the student. For enhanced penalties for disciplinary offenses related to hazing, see MOPP chapter 8.

k. A current copy of an organization's constitution must be submitted at the beginning of each long semester and whenever amendments to the constitution are made.

l. All signs, posters, and fliers must be approved by the Student Engagement Department unless they are posted on a bulletin board, or other designated location, that is occupied and controlled by an academic or administrative unit per MOPP chapter 6.

**Sec. 2.7-305. Risk Management Policy in compliance with Texas Education Code 51.9361**

a. At least once during each academic year, a risk management program will be provided to members and advisors of student organizations as a component of the student organization orientation session. Several opportunities will be given during each long semester for required student organization members and advisors to attend this program as part of the required student organization registration process as outlined in section 2.7-203.

b. All faculty and staff advisors who serve in an advisory capacity to any student organization:

1. Must be older than 21 years of age;
2. May not be a current student of the postsecondary education institution at which the student organization is registered;
3. Must attend the risk assessment program unless the program was previously attended under this code. The institution is required to maintain documentation of attendance for up to three years. Non-attendance by any faculty or staff advisor will result in that organization losing recognition as a registered student organization until the risk management program is completed.

c. Consultants who are not faculty or staff members of the university may complete the risk management program through an appropriate computer-based risk assessment program.

d. The Student Engagement Department will provide a risk management program for members of all student organizations as part of the student organization orientation session.

1. Any member of the organization may attend the program.
2. The designated authorized representatives of each student organization must attend the risk management program once per academic year.
3. Non-attendance by any one authorized representative or faculty or staff advisor of a student organization will result in the represented organization losing recognition as a registered student organization until the risk management program is completed.
4. The student organization may designate up to four authorized representatives. If a student organization has a vacant authorized representative position, the student organization will, to the extent practical, identify and designate an equivalent authorized representative position and the person serving in that position will attend the program.
5. Each advisor or authorized representative required to attend the program will report on the program's contents at a meeting of the full membership of the student organization. The report to the full membership must be documented and the documentation must include the names of all members in attendance. The organization must provide the documentation records to the Student Engagement Department.

e. The risk management program curriculum may include additional appropriate issues as determined by the Student Engagement Department but must include the following topics:

1. possession and use of alcoholic beverages and illegal drugs, including penalties that may be imposed for possession or use;
2. hazing;
3. accessibility in compliance with The Americans with Disabilities Act of 1990 and Revised ADA Regulations Implementing Title II and Title III;
4. sexual abuse and harassment;
5. fire and other safety issues, including the possession and use of a firearm or other weapon or of an explosive device;
6. travel to a destination outside the area in which the institution is located;

7. behavior at parties and other events held by a student organization; and
8. adoption by a student organization of a risk management policy.

f. Notification of the risk management program requirements will include the following.

1. The Student Engagement Department will provide notification of the risk management program attendance and other requirements for registration in writing as a part of the Student Organization Handbook located on the student organizations website.
2. The time, location and date of all student organization orientation sessions, including the risk management programs, will be posted on the Student Engagement website, on campus bulletin boards and electronic monitors and in the Student Engagement office.
3. The Student Engagement Department will provide opportunities for program sessions on alternative dates and times to ensure adequate opportunities for attendance.
4. The Student Engagement Department will collaborate with the Student Organization President's Council to effectively establish the times, location and dates of all programs through student feedback.
5. The Student Engagement Department will develop and provide a computer-based program for consultants who are not faculty or staff of the university.
6. The Student Engagement Department will take attendance at each program.
7. Student organizations found in noncompliance at the conclusion of all published and offered program sessions by the published student organization registration deadline will be ineligible for the remainder of that semester to be a recognized and registered organization on campus until the requirement has been met by all required parties.
8. The Student Engagement Department may impose reasonable sanctions on a person who is required to attend the program and fails to attend.
9. The Student Engagement Department will maintain an appropriate record of attendance and of notice provided until the third anniversary of the date of the program. These records will be provided to the chief student affairs officer at the completion of all programs on a semester basis.

### **Sec. 2.7-306. Release and Indemnification Agreement**

a. Student organizations are required to have each individual member and their dependents fill out and sign a release and indemnification agreement before taking out-of-town trips as an organization. These agreements should be filed with the chief student affairs officer before taking the trip. For additional information and policies related to student travel and off-campus activities hosted more than 25 miles from the university, see MOPP chapter 13.

## **Subchapter 2.7-400. Discipline**

### **Sec. 2.7-401. Administration**

a. An organization violates a Regents' Rule, university policy, or administrative rule when:

1. one or more of its officers or authorized representatives, acting in the scope of their organizational capacities, commits the violation;
2. one or more of its members commit the violation after the action that constitutes the violation was approved by majority vote of those members of the organization present and voting;
3. one or more members of a committee of the organization commit the violation while acting in the scope of the committee's assignment;
4. a member of an organization acting with apparent authority of the organization commits the violation;
5. one or more members of an organization or its officers permit, encourage, aid, or assist any of its members in committing a violation;
6. one or more members of an organization or its officers, under circumstances where such persons knew or should have known that an action constituting a violation was occurring or about to occur, fails to prevent that action; or
7. one or more members of an organization fail to report to appropriate university or civil authorities promptly, their knowledge or any reasonable information about a violation.

b. When the director of student conduct and intervention receives information that an organization has allegedly violated a Regents' Rule, university policy, or administrative rule, they shall investigate the alleged violation. Upon completing the investigation, the director may:

1. dismiss the allegation as unfounded; or
2. summon the authorized representative(s) of the organization for a conference at which the

organization can respond to the charges and, after conferring with the representative(s):

- a. dismiss the allegation; or
- b. find the organization in violation and impose a penalty.

c. The director of student conduct and intervention may impose one or more of the penalties under section 2.7-402 when an organization fails, without good cause, to comply with a summons under subsection 2.7-401(b).

d. Notwithstanding any other provision of this chapter, the director of student conduct and intervention, director of student engagement, and/or chief student affairs officer may take immediate disciplinary action, pending a conference, against an organization that violates a rule or policy of the university or the University of Texas System when, in the opinion of the official, the interest of the university or the University of Texas System would be served by interim action.

e. A student may be disciplined for a violation under MOPP chapter 8 even though the organization of which the student is a member is penalized under this subchapter for the same violation or for a violation growing out of the same factual transaction.

### **Sec. 2.7-402. Penalties**

a. The director of student conduct and intervention or designee, acting pursuant to section 2.7-401, or the hearing officer, after a hearing under this subchapter, may impose one or more of the following penalties for violation of a Regents' Rule, university policy, or administrative rule:

1. place the organization on probation;
2. limit or remove student organization privileges that are provided to registered student organizations;
3. require restitution, educational seminars, and community service;
4. suspend the organization's registration; or
5. cancel the organization's registration;

b. The director of student conduct and intervention or the hearing officer may impose conditions related to the offense and failure to meet the conditions will be considered an additional violation.

### **Sec. 2.7-403. Notice**

a. The director of student conduct and intervention or designee must notify the organization concerned by letter of the penalty imposed and of the group's right to appeal. The director of student conduct and intervention or designee shall send the letter to any authorized representative of the organization.

b. The letter shall

1. describe concisely the findings of violation;
2. outline the penalty imposed; and
3. advise the organization of its rights to appeal in accordance with section 2.7-404.

### **Sec. 2.7-404. Right to Appeal**

a. An organization that has not had its registration suspended or canceled may appeal to the chief student affairs officer or designee.

b. An organization that has had its registration suspended or canceled is entitled to appeal to the chief student affairs officer or to have the director's decision reviewed by a hearing officer. The organization or the director of student conduct and intervention may appeal the decision of the hearing officer to the chief student affairs officer.

c. To appeal any decision, written notice must be given to director of student conduct and intervention within ten days after the day on which the decision or action being appealed is announced. The notice is informal, but shall contain the organization's name, the date of the decision or action, the name of the organization's representative, and the review authority to which the appeal is being made. If the director of student conduct and intervention is the appellant, a copy of the notice shall be given to the accused organization on the same day notice is served by the director of student conduct and intervention.

d. Notice of appeal timely given suspends the imposition of penalty until the appeal is finally decided, but interim action may be taken as authorized under subsection 2.7-401(d).

e. In the case of an appeal to the chief student affairs officer, arguments either against or in support of the decision will be considered, and at the discretion of the chief student affairs officer, will be presented in writing rather than orally.

f. The chief student affairs officer may approve, reject, or modify the decision in question, or may require that the original decision be reopened for the presentation of additional evidence and reconsideration of the decision.

g. In an appeal to a hearing officer, the director's decision will be reviewed for fairness, reasonableness, and compliance with institutional rules as described in subsection 2.7-405. The hearing officer will review written arguments and then meet with both parties together to ask questions, seek clarification, and hear any final comments by the parties.

h. The hearing officer may approve, reject, or modify the director's decision. The criteria on which the hearing officer's decision will be based are fairness, reasonableness, and compliance with institutional rules. Either party may appeal the decision of the hearing officer to the chief student affairs officer.

i. Before an appeal can be considered, all relevant documentation from the previous decision, to be filed by the appealing party, including written arguments when appropriate, must be filed with the reviewing authority within twenty-one days after notice of appeal is given.

j. The action of each reviewing authority shall be communicated in writing to the accused organization and the director of student conduct and intervention. The decision of the chief student affairs officer shall be the final appellate review.

**Sec. 2.7-405. Hearing**

a. The hearing will following the same format for individual student violations as outlined in MOPP chapter 8 and is closed.

b. An authorized representative of the organization may challenge the hearing officer's alleged lack of fairness or objectivity but is not entitled to disqualify the person from serving. It shall be up to the challenged person to determine whether they can serve with fairness and objectivity. If the challenged person disqualifies themselves, another hearing officer shall be appointed.

c. The director of student conduct and intervention shall set the date, time, and place for the hearing and notify the organization's authorized representative.