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# ACADEMIC GRIEVANCE PROCEDURES FOR STUDENTS

## 1. PURPOSE

The purpose of this academic policy statement is to provide for the resolution of student academic grievances in a prompt and equitable manner.

## 2. GENERAL

2.01 Under the provisions of this policy, academic grievances include disputes over:

- a. Course grades
- b. Unauthorized class absences or tardiness
- c. Suspension for academic deficiency
- d. An instructor's alleged unprofessional conduct related to academic matters
- e. Graduate comprehensive and oral examinations
- f. Theses and dissertations

2.02 If the dispute is determined to be based upon professional judgment, the aggrieved student is entitled to have, as appropriate and in turn, the department or school chair, College Academic Review Panel, academic dean, Dean of Graduate Studies (for graduate student issues), and Provost and Vice President for Academic Affairs form an opinion about the dispute and so advise the individual(s) involved. After considering the advice provided by any or all

of the administrators participating in hearing the grievance, the individual(s) involved in the dispute shall retain the academic freedom to decline to change the original judgment in the matter.

2.03 Allegations of student misconduct, as defined in paragraph 5.2, Chapter VI of the Rules and Regulations, Board of Regents, The Texas State University System, and Sam Houston State University Student Guidelines, published by the Dean of Students' Office will be referred to the Dean of Students' Office for necessary action.

2.04 Allegations, questions, or appeals involving academic dishonesty, i.e., cheating, plagiarism, collusion, and/or abuse of resource materials, will be processed in accordance with the procedures set forth in Academic Policy Statement 810213, "Procedures in Cases of Academic Dishonesty."

2.05 If, in turn, the department/school chair, College Academic Review Panel, academic dean, Dean of Graduate Studies (for graduate student issues), or Provost and Vice President for Academic Affairs finds that a disputed action conflicts with federal or state law, university, college, or departmental policy, or with an instructor's stated class policy, a decision should be rendered in favor of the aggrieved student.

### **3. COLLEGE ACADEMIC REVIEW PANEL**

3.01 There shall be in each college a Standing College Academic Review Panel. The members of the panel shall be chosen by procedures established by the college dean. The panel will consist of three faculty members and two student members. The chair of the panel will be selected from the panel members by the appointees to the panel. A department/school chair or any party to the appeal being heard may not serve on the panel. At least two faculty members and at least one student member must be present for action to be taken.

3.02 The Academic Review Panel will be involved in an alleged grievance only after the normal procedures outlined in paragraph 4.01.a and 4.01.b below have been exhausted.

3.03 The Academic Review Panel will hear only appeals involving disputes over those matters set forth in paragraph 2.01.a through 2.01.f of this policy. Appeals regarding university/college degree requirements, student misconduct, or academic dishonesty will not be addressed by the panel.

### **4. PROCEDURES**

4.01 The following steps are to be followed in pursuing an academic grievance or an appeal of suspension for academic deficiency (a grade point average below 2.00):

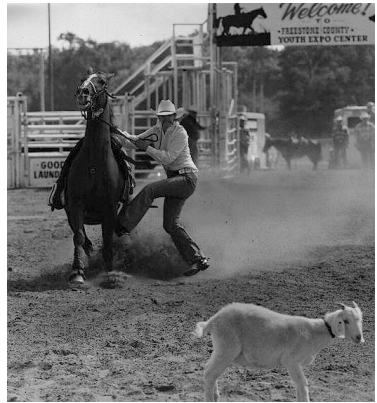
a. In the event of an academic grievance, the student must first appeal to his/her instructor or committee chair for a resolution of the matter and must do so in writing and within thirty days following the final course exam for the semester or summer session during which the dispute arises. (If the grievance involves a suspension for academic deficiency, the student appeals directly to the appropriate academic dean.)

b. If an academic grievance is not satisfactorily resolved with the instructor or committee chair, the student may appeal to the chair of the academic department/school in which the complaint or dispute is centered. The student appealing must provide a written summary of the pertinent issues of the grievance. In addition, a student may include other faculty or staff members or any other informed individual who might act as advocates in support of his/her appeal.

c. If the student remains aggrieved after an appeal to the chair of the department/school, the student may forward the written appeal (plus any other additional material) to the college dean in whose college the dispute arose with a request to have the case heard by the College Academic Review Panel. Within fifteen working days of receiving the appeal, the Panel will investigate the alleged grievance and present such findings and recommendations as the Panel finds appropriate as soon as possible to the grievant and to other relevant parties, including the department/school chair and the faculty member(s) against whom the grievance is directed. During the panel hearing(s), all parties involved in the original grievance will be invited to appear before the Panel. The grievant may request either oral or written statements from advocates. The inclusion of these statements at the hearing(s) will be at the discretion of the Panel. Under no circumstances will advocates be permitted to directly question or cross-examine any person who is involved in the grievance. Legal counsel, if included by the grievant, may act only in an advisory capacity and

may not be a directly active participant in the proceedings.

d. If a resolution of an academic grievance by the Review Panel is not accepted, the student may request in writing that the grievance be forwarded to the college dean in whose college the dispute arose for review and adjudication. The dean will receive all documents pertaining to the dispute from the academic Review Panel and the dean will inform the student, the instructor, and/or the committee chair, and the administrators participating in the appeals process of the decision and the disposition of the matter within fifteen working days of receipt of the appeal. The dean's decision is final.



# DEAN OF STUDENTS' POLICIES

## **ALCOHOLIC BEVERAGE DISTRIBUTION POLICY**

### **General University Policy**

The possession and consumption of alcoholic beverages on any property owned and/or controlled by Sam Houston State University are prohibited except where permitted explicitly by published policies. The legal age for the purchase, consumption and/or possession of alcoholic beverages in the state of Texas is 21. Violators of this state law and university policy will be subject to university penalties and criminal charges.

Students who are 21 years of age or older may be permitted to have alcoholic beverages in their residence hall rooms, but not in common areas of residence halls as specified in other published alcoholic beverages policies.

The sale or service of alcoholic beverages on the campus of Sam Houston State University is not permitted except in "special use" buildings or facilities designated and approved by the university president.

Sponsoring organizations of events where alcoholic beverages are to be served in special use buildings or other designated facilities are required to complete a "Request to Serve Alcoholic Beverages" Form. The completed form will authorize the service of alcoholic beverages in conjunction with a scheduled special event. The form requires the approval signature of several university administrators including the university president; therefore, the request should be initiated at least fifteen (15) business days in advance of the event.

### **SHSU Alcoholic Beverage Distribution Policy**

A permit to serve alcoholic beverages on the campus of Sam Houston State University is a privilege granted to registered groups. Failing to adhere to university regulations may result in the denial of future permits.

1. A permit DOES NOT
  - A. Give the sponsoring organization the right to sell alcoholic beverages. Selling includes, but is not limited to the following:
    1. The price of beverages being included in the admission price.
    2. The price of beverage being included in the food ticket. Only existing licensed catering services on the Sam Houston State University campus can sell alcoholic beverages.
  - B. Give the sponsor the right to purchase beverages at a discount.
  - C. Give the sponsor the right to the space for the event. Space and facilities for the event must be reserved with the specific facilities manager through the normal university procedures.
2. Once a permit is granted, the organization is responsible for obeying all university, state, city, and federal laws governing the distribution and consumption of alcoholic beverages.
3. The legal age for drinking in Texas is 21. Giving alcoholic beverages to a minor can result in a fine of \$500 plus university disciplinary action. A minor producing false identification to secure alcoholic beverages carries a fine of \$25 to \$500 plus disciplinary action.

4. At all events where alcoholic beverages are distributed, there must be a sign clearly stating that individuals under 21 years of age are not permitted to drink the alcoholic beverages being distributed.
5. At all events where alcoholic beverages are distributed, a check must be made for age.
6. Non-alcoholic beverages must be available in equally attractive variety to the alcoholic beverage and must be displayed in equal prominence as the alcoholic beverage. Also, if the alcoholic beverage is free, all other beverages must be free.
7. The amount of alcoholic beverages at an event is to be relative to the number of guests attending the function.
8. Food items must be available in sufficient amounts for the number of persons attending the function.
9. It is required that all advertisement note the availability of non-alcoholic beverages and food, as prominently as alcohol. If alcohol is to be advertised, it may not be the main emphasis of the notice.
10. Questions regarding the distribution of alcoholic beverages should be directed to the Dean of Students' Office, Suite 215 in the LSC, (936) 294-1785.

## **POLICY REGULATING USE OF BICYCLES, ROLLER-SKATES/ IN-LINE SKATES AND SKATEBOARDS ON THE CAMPUS OF SAM HOUSTON STATE UNIVERSITY**

### **Article I: Prohibitions**

Section 1. Bicycles: Bicycles shall not be ridden or operated on properties owned, leased, or otherwise controlled by Sam Houston State University, except on streets, parking lots or bike lanes where provided. Bicycles are not to be taken inside campus buildings without specific permission from building manager, supervisor or director. Bicycles are not to

be ridden inside campus buildings or on any common pedestrian walking areas on campus. (e.g., mall areas, sidewalks, pathways, planted areas, or handicap ramps, etc. However, bicycles may be walked through these areas.) Bicycles are not to be secured to handrails, light poles, trees or any other campus fixture not provided for that purpose. Bicycles should be parked in designated parking areas and/or secured in bicycle racks.

Section 2. Roller-skates/In-line Skates: Roller-skates and/or in-line skates shall not be used on properties owned, leased, or otherwise controlled by Sam Houston State University, except in areas where bicycles may be ridden. Members of an authorized university skating club may use roller-skates or in-line skates under conditions approved in advance, in writing, in accordance with published university policy (Co-Curricular Use of University Facilities).

Section 3. Skateboards: Skateboards shall not be ridden or operated on properties owned, leased, or otherwise controlled by Sam Houston State University, including but not limited to buildings, mall areas, sidewalks, streets, alleys, and parking facilities.

### **Article II: Safety**

Section 1. Required Conduct: All bicycling, roller-skating/in-line skating shall be done in a reasonable, prudent and careful manner with due regard for the safety of the user/operator and all other persons.

### **Article III: Violations**

Section 1. Penalty: Any person who operates or uses a bicycle, roller-skates/in-line skates, or skateboard in violation of this policy is subject to all appropriate university penalties and actions pursuant to V.T.C.A. Education Code.

Section 2. Citation/Impoundment: Any Texas Peace Officer who is a member of or represents the University Police Depart-

ment, who observes a person violating this policy, is authorized to issue a citation. Fees are determined by the number of citations incurred each semester.

1st Citation	\$ 5.00
2nd Citation	\$15.00
3rd/Subsequent Citations	\$25.00

### Section 3. Violators' Obligation and Appeal Procedure:

A. Citations for violations may be paid at the Cashier's Office or the University Police Office or by mail to the University Police Office.

B. Citations are subject to appeal and appeals must be filed within three (3) class days after the issuance of the citation. All appeals must be on the official appeal form secured from the University Police Office. The Dean of Students' Office will set the date, time, and place for appeals.

C. All citations appealed shall be adjudicated through the university's Parking Appeals Committee. The Parking Appeals Committee shall be comprised of a pool of students, faculty and administrative staff appointed by the president. Any two or three members of the pool will constitute an appropriate hearing committee. The Parking Appeals Committee shall hear all appeals filed by faculty, staff, and students.

D. Students who fail to resolve citations are subject to disciplinary action.

E. Any person receiving three or more unresolved citations shall be considered to be in flagrant violation of this policy and their bicycle, roller-skates/in-line skates, or skateboard may be impounded and held at the University Police Department pending final action by the Dean of Students.

## CODE OF STUDENT CONDUCT AND DISCIPLINE

### 5. STUDENT CONDUCT AND DISCIPLINE.

5.1 Acquaintance with Policies, Rules, and Regulations. Each student is expected to be fully acquainted and comply with all published policies, rules, and regulations of the component, copies of which shall be available to each student for review online and/or at various locations on each campus. Students are also expected to comply with all federal and state laws.

5.2 Student Misconduct. Each student is expected to act in a manner consistent with the component's functions as an educational institution, including off campus conduct that is likely to have an adverse effect on the component or on the educational process. No person or group of persons acting in concert may willfully violate the following rules. Specific examples of misconduct for which students may be subject to disciplinary action include, but are not limited to, the following:

- (1) Commission of an act that would constitute an offense under appropriate federal, state, or municipal law.
- (2) Violation of any Regents' rule, regulation, or order or component policy, rule, or regulation, including any rule or regulation governing residential living in component-owned facilities or breach of a residential living contract.
- (3) Failure to comply with the direction of a component official acting in the performance of his or her duties; or, failure to heed an official summons to the office of a component official within the designated time.
- (4) Giving false testimony or other evidence at a campus dis-



ciplinary or other administrative proceeding.

(5) Failure to meet financial obligations to the component.

(6) Unauthorized use or possession of ammunition, firearms, illegal knives (knives with blades longer than five and one-half inches, hand instruments designed to cut or stab another by being thrown, stiletos, poniards, Bowie knives, swords, and/or spears), or other illegal weapons on component property.

(7) Conduct that significantly endangers the health or safety of other persons, including members of the component community or visitors on the campus, including, by way of example, unauthorized throwing of any objects in or from component facilities.

(8) Stealing, destroying, defacing, damaging, or misusing component property (including misuse of fire or life-safety equipment or property) or property belonging to another.

(9) Engaging in hazing or voluntarily submitting to hazing, including an initiation by an organization that involves any dangerous, harmful, or degrading act to a student. Violation of this policy renders the student(s) involved and the organization subject to discipline.

(10) Possessing and/or using, without authorization according to the component policy, intoxicating beverages in a classroom building, laboratory, auditorium, library building, faculty or administrative office, residence hall or apartment, intercollegiate and intramural athletic facility, or any other public campus area, or being intoxicated in any public area of the campus.

(11) Gambling in any form on component property.

(12) Illegal possession, use, sale, or distribution of any quantity, whether usable or not, of any drug, narcotic, or controlled substance.

(13) Advocating or recommending, either orally or in writing, the conscious and deliberate violation of any federal, state, or local law. Advocacy means addressing an individual or group for imminent action and steering it to such action as opposed to the abstract espousal of the moral propriety of a course of action.

(14) Forgery, alteration, or misuse of component documents, forms, records, or identification cards; or issuance of a check to the component or its contractors without sufficient funds.

(15) All students must carry and when requested by a University Official furnish their Bearkat One ID card. Any falsification, misrepresentation or other misuse of the Bearkat OneCard is prohibited.

(16) Unauthorized possession, ignition, or detonation, on component property, of any explosive device, fireworks, liquid, or object that is flammable or capable of causing damage by fire or explosion to persons or property.

(17) Unauthorized entry into or use of component buildings, facilities, equipment, or resources, or possession or use of component keys for unauthorized purposes.

(18) Failure to maintain a current official mailing address in the Registrar's office and/or giving a false or fictitious address to a component office or official.

(19) Making false alarms or reports where the person knowingly initiates, communicates, or circu-

lates a report of a present, past, or future bombing, fire, offense, or other emergency that is known as false or baseless and that would ordinarily cause action by an official or volunteer agency organized to deal with emergencies; place a person in fear of imminent serious bodily injury; or prevent or interrupt the occupation of a building, room, aircraft, automobile, or other mode of conveyance.

(20) Harassment where the individual intentionally threatens, in person, by telephone, electronically, in writing, or by other means, to take unlawful action against any person and by this action intentionally, knowingly, or recklessly annoys or alarms the recipient or intends to annoy or alarm the recipient.

(21) Academic dishonesty (see subparagraph 5.3).

(22) Campus disruptive activities (see subparagraph 5.4) or disorderly conduct on component-owned or controlled property or at a component-sponsored or supervised function that inhibit or interfere with the educational responsibility of the component community or the component's social-educational activities shall include but not be limited to: using abusive, indecent, profane or vulgar language; making offensive gestures or displays that tend to incite a breach of the peace; perpetrating fights, assaults, acts of sexual violence, abuse, or threats; or evincing some obviously offensive manner or committing an act that causes a person to feel threatened. Such prohibition includes disorderly classroom conduct that obstructs, interferes with, inhibits and/or disrupts teaching and/or related classroom activities.

(23) Using authority granted by state law, System rule, or component policy to deprive any person of his or her civil rights.

(24) Violation of component policy relating to electronic network facilities such as local area networks and the Internet.

(25) Any attempt to commit these prohibited acts.

5.3 Academic Honesty. The component expects all students to engage in all academic pursuits in a manner that is above reproach and to maintain complete honesty and integrity in the academic experiences both in and out of the classroom. The component may initiate disciplinary proceedings against a student accused of any form of academic dishonesty, including but not limited to, cheating on an examination or other academic work, plagiarism, collusion, and the abuse of resource materials.

5.31 "Cheating" includes, but is not limited to:

(1) Copying from another student's test paper, a laboratory report, other report, or computer files, data listings, and/or programs.

(2) Using, during a test, materials not authorized by the person giving the test.

(3) Collaborating, without authorization, with another person during an examination or in preparing academic work.

(4) Knowingly, and without authorization, using, buying, selling, stealing, transporting, soliciting, copying, or possessing, in whole or in part, the contents of an unadministered test.

(5) Substituting for another student; permitting any other person; or otherwise assisting any other person to substitute for oneself or for

another student in the taking of an examination or test or the preparation of academic work to be submitted for academic credit.

(6) Bribing another person to obtain an unadministered test or information about an unadministered test.

(7) Purchasing, or other wise acquiring and submitting as one's own work any research paper or other writing assignment prepared by an individual or firm. This section does not apply to the typing of the rough and/or final versions of an assignment by a professional typist.

5.32 "Plagiarism" means the appropriation and the unacknowledged incorporation of another's work or idea into one's own work offered for credit.

5.33 "Collusion" means the unauthorized collaboration with another person in preparing work offered for credit.

5.34 "Abuse of resource materials" means the mutilation, destruction, concealment, theft or alteration of materials provided to assist students in the mastery of course materials.

5.35 Academic work means the preparation of an essay, dissertation, thesis, report, problem, assignment, or other project that the student submits as a course requirement or for a grade.

5.36 Disciplinary Procedures for Academic Dishonesty:

(1) Academic Process. All academic dishonesty cases may be first considered and reviewed by the faculty member. If the faculty member believes that an academic penalty is necessary, he/she

may assign a penalty but must notify the student of his/her right to appeal to the department chair, the dean and, eventually, to the vice president for academic affairs (whose decision shall be final) before imposition of the penalty. At each step in the process, the student shall be entitled to written notice of the offense and/or of the administrative decision, an opportunity to respond, and an impartial disposition as to the merits of his/her case. After completion of the academic process, the academic officer making final disposition of the case may refer the matter to the chief student affairs officer for any additional discipline that may be appropriate.

(2) Disciplinary Process. In the case of flagrant or repeated violations, the chief student affairs officer may take such additional disciplinary action. No disciplinary action shall become effective against the student until the student has received procedural due process under Subsection 5.6 and following except as provided under Subsection 5 (15).

(3) Honor Code. If a component has adopted an Honor Code which includes an Honor Council that makes decisions on appeals of penalty grades issued by a faculty member and disciplinary action on cases of flagrant or repeated violations, the hearings which consider disciplinary action must afford the students procedural due

process under Subsection 5.6. Appeals of academic decisions rendered by an Honor Council shall be heard by the Vice President for Academic Affairs and appeals of disciplinary decisions rendered by an Honor Council shall be heard by the Chief Student Affairs Officer. In the event of conflicts, these Rules and Regulations shall govern.

5.4 Campus Disruptive Activities. Pursuant to Education Code, Subsection 51.935 (Disruptive Activities), the components shall adhere to the following rules and regulations:

5.41 No person or group of persons acting in concert may intentionally engage in disruptive activity or disrupt a lawful assembly on a component campus. Disruptive activity means:

- (1) Obstructing or restraining the passage of persons to the campus or an area of the campus or to an exit, entrance, or hallway of any building without the authorization of the administration of the component;
- (2) Seizing control of an area of a campus or any building or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity; or
- (3) Disrupting and/or preventing or attempting to prevent by force or violence or the threat of force or violence any lawful assembly authorized by the component administration. A lawful assembly is disrupted when a person in attendance is rendered incapable of participating in the assembly due to

the use of force or violence or a reasonable fear of force or violence.

5.42 Any person who is convicted the third time of violating this statute shall not thereafter be eligible to attend any school, college, or university receiving funds from the state of Texas for a period of two years from such third conviction.

5.43 Nothing herein shall be construed to infringe upon any right of free speech or expression guaranteed by the Constitution of the United States or the state of Texas.

5.5 Suspended, Expelled, and Dismissed Student Restriction. No student who has been suspended, expelled, or dismissed for disciplinary reasons from a component of the System shall, during the applicable period of discipline, be eligible to enroll at any other System component. The registrar of a component is authorized to make an appropriate notation on the student's transcript to accomplish this objective and to remove the notation when the student's disciplinary record had been cleared.

5.6 Procedure for Administration of Discipline. The chief student affairs officer shall have primary authority and responsibility for the administration of student discipline at the component and for investigating allegations that a student has violated System and/or component rules and regulations, or specific orders and instructions issued by an administrative official of the component.

5.61 The chief student affairs officer or his/her appointee, hereto referred to as officer, will investigate the alleged violations. During the investigation, if the student is available, the officer will give the student an opportunity to explain the incident. If the officer concludes that the student has violated a System or component policy,

the officer will determine (but not assess) an appropriate disciplinary penalty.

(1) The officer will discuss his or her findings and his or her determination of an appropriate penalty with the student if the student is available and will give the student an opportunity either to accept or reject the officer's decision.

(2) If the student accepts the officer's decision, the student will so indicate in writing and waive his or her right to a hearing. The officer may then assess the disciplinary penalty.

(3) If the student does not accept the officer's decision or does not waive his or her right to a hearing, a disciplinary hearing will be scheduled in accordance with Subsections 5.7 and 5.10.

5.62 If the student does not execute a written waiver of the hearing process, then the officer shall prepare a written statement of charges and of the evidence supporting such charges, including a list of witnesses and a brief summary of the testimony to be given by each, and shall send a notification of such charges and statement to the accused student by certified mail, return receipt requested, addressed to the address appearing in the Registrar's records, or shall hand deliver said document with the student signing a receipt.

### **Sam Houston State University — Formal Mediation**

In matters involving interpersonal disputes, the Hearing Officer may suggest that the matter be submitted to mediation. If the involved parties (the accused[s] and

complainant[s]) agree the matter will be submitted to mediation before the mediator acceptable to all parties.

The goal of the mediation is the execution of a "Contract of Resolution" which will specify the terms of the parties' settlement of their dispute. The Contract of Resolution will be placed in each involved student's disciplinary file. Any violation of the terms of the Contract of Resolution shall be grounds for formal disciplinary action.

If the involved parties are unable to agree upon a resolution, the matter will proceed to formal disciplinary proceedings. The Mediator shall at all times retain discretion to terminate the mediation and proceed to formal disciplinary proceedings where he/she determines that the mediation process is not making adequate progress toward an appropriate resolution. All Contracts of Resolution must be approved by the Chief Judicial Officer. Whenever mediation is unsuccessful and the matter proceeds to formal disciplinary hearings.

5.7 Student Disciplinary Hearings. In those cases in which the accused student disputes the facts upon which the charges are based, such charges shall be heard and determined by a fair and impartial person or committee, hereinafter called the hearing officer or hearing committee, selected in accordance with procedures adopted by the component. Except in those cases where immediate interim disciplinary action has been taken under authority of Subsection 5.(14), the accused student shall be given at least five (5) class days written notice by the chief student affairs officer, or a designated appointee, of the date, time, and place for such hearings and the name or names of the hearing officer or hearing committee. Hearings held under Subsection 5.(14) will be held under the same procedures set forth below, but will be held as soon as practicable within twelve (12) class days after the disciplinary action has been taken unless otherwise agreed to by the student.

Upon a hearing of the charges, the component representative has the burden of going forward with the evidence and the burden of proving the charges by the greater weight of the credible evidence. The hearing shall be conducted in accordance with procedures adopted by the component that assure both parties (component representative and accused student) the following minimal rights:

5.71 Both parties will exchange lists of witnesses, expected testimony, copies of documents to be introduced, and notice of intent to use legal counsel, at a reasonable time prior to the hearing.

5.72 Each party shall have the right to appear and present evidence in person and to be advised during the hearing by a designated representative or counsel of choice. Each party shall limit its presentation to relevant evidence. The accused student must attend the hearing if the student desires to present evidence. The hearing may proceed notwithstanding the accused student's failure to appear.

5.73 Both the component representative and the accused student shall have the right to question witnesses. The accused student may question witnesses with the advice of a designated representative or counsel. All questions shall be limited to relevant evidence.

5.74 The hearing will be recorded. If either party desires to appeal the finding, a copy of the recording will be produced at the expense of the party appealing the finding, and both parties will be furnished a copy for appeals purposes only.

5.8 Student's Right to Challenge Impartiality. The accused student may challenge the impartiality of the hearing officer or a member of the hearing committee at any time prior to the introduc-

tion of any evidence. The hearing officer or member of the committee shall be the sole judge of whether he or she can serve with fairness and objectivity. In the event the challenged hearing officer or member of the hearing committee chooses not to serve, a substitute will be chosen in accordance with procedures adopted by the component.

5.9 Determination of Hearing. The hearing officer or hearing committee shall render a decision to both parties as soon as practicable as to the guilt or innocence of the accused student and shall, if necessary, assess a penalty or penalties including, but not necessarily limited to:

- (1) Verbal or written warning.
- (2) Requirement that the student complete a special project that may be, but is not limited to, writing an essay, attending a special class or lecture, or attending counseling sessions. The special project may be imposed only for a definite term.
- (3) Cancellation of residence hall or apartment contract.
- (4) Disciplinary probation imposed for a definite period of time which stipulates that future violations may result in disciplinary suspension.
- (5) Ineligibility for election to student office for a specified period of time.
- (6) Removal from student or organization office for a specified period of time.
- (7) Prohibition from representing the component in any special honorary role.
- (8) Withholding of official transcript or degree.
- (9) Bar against readmission.
- (10) Restitution whether monetary or by specific du-

ties or reimbursement for damage to or misappropriation of component, student, or employee property.

(11) Denial or non-recognition of a degree.

(12) Suspension of rights and privileges for a specific period of time, including access to electronic network facilities and participation in athletic, extracurricular, or other student activities.

(13) Failing or reduction of a grade in test or course, and/or retaking of test or course, and/or performing additional academic work not required of other students in the course.

(14) Suspension from the component for a specified period of time. During suspension, a student shall not attend classes or participate in any component campus activities.

(15) Loss of or ineligibility for student grant or loan.

(16) Expulsion from the component. A student who is expelled from the component is not eligible for readmission to the component.

(17) Dismissal from the component. A student, who is dismissed, is separated from the component for an indefinite period of time.

(18) Recording sanctions in Subsections 5.9(9), (11), (13), (14), (15), and (18) may be made on a student's permanent transcript. The component may maintain confidential records of all other sanctions and may consider any prior sanction received by a student in assessing a subsequent sanction. The

component shall develop a procedure for expunging those records not transcribed on a student's permanent transcript within a reasonable time not to exceed five (5) years after the student ceases to be enrolled.

(20) A student who, by a preponderance of the evidence, under these Rules and Regulations, is found to have illegally possessed, used, sold or distributed any drug, narcotic, or controlled substance, whether the infraction is found to have occurred on or off campus, shall be subject to discipline, ranging from mandatory, university or college approved counseling to expulsion. Mitigating or aggravating factors in assessing the proper level of discipline shall include, but not necessarily be limited to, the student's motive for engaging in the behavior; disciplinary history; effect of the behavior on safety and security of the university or college community; and the likelihood that the behavior will recur. A student who has been suspended, dismissed, probated or expelled from any system component shall be ineligible to enroll at any other system component during the applicable period of discipline. The registrar of each component is authorized to make an appropriate notation on the student's transcript to accomplish this objective and to remove the notation when the student's disciplinary record has been cleared. A second infraction

for a drug-related offense shall result in permanent expulsion from the component and from all other institutions in The Texas State University System.

(21) The levying of a monetary fine.

5.10 Appeal. Neither party may appeal if the hearing officer or hearing committee determines that the allegations against the accused student are true but the only punishment assessed is verbal or written warning. In those cases, the determination of the hearing officer or hearing committee is final. However, in all other cases, either party may appeal to the chief student affairs officer. If the hearing officer has been an appointee designated by the chief student affairs officer or if the determination has been made by a hearing committee, the appeal will be made to the chief student affairs officer or designated appointee. If the chief student affairs officer has served as the hearing officer, the appeal will be made to the vice president in charge of student affairs. Written notice of appeal must be received by the appeal officer within five (5) business days after the decision. An appeal is not simply a rehearing of the original case. An appeal must be based on: 1) whether or not a fair hearing was afforded. A fair hearing includes notice of the alleged misconduct, and an opportunity to present evidence; 2) whether or not the sanctions levied were appropriate to the offense; 3) whether or not the finding was supported by the evidence; and/or 4) whether or not new evidence is introduced that was not available at the time of the hearing. Both parties, at the discretion of the appeal officer, may submit oral or written arguments, to support their positions. In order for the appeal to be considered, the appealing party must submit all necessary documentation, including written argu-

ments, when appropriate, to the appeal officer within five (5) business days after giving notice of appeal. The appeal officer may approve, reject, modify the decision, or remand the matter to the original hearing officer or hearing committee for reconsideration. The appeal officer shall respond to the appeal within ten (10) business days after all the documentation was received and all testimony was heard, or he or she may postpone a decision for good cause.

5.11 Review of the Vice President in charge of Student Affairs. The vice president may review any disciplinary case and may approve, reject, modify the decision or remand the matter to the original hearing officer or committee for reconsideration.

5.12 President's Right to Review. The president may review any disciplinary case, and approve, reject, or modify the decision or remand the matter to the original hearing officer or hearing committee for reconsideration.

5.13 Board of Regents' Right to Review. The Board of Regents retains the right to review, any disciplinary action and approve, reject, modify the decision, or remand the matter to the original hearing officer or hearing committee for reconsideration.

5.14 Interim Disciplinary Action. The chief student affairs officer, the vice president in charge of student affairs, or the president of the component may take immediate interim disciplinary action, including suspension, pending a hearing against a student for violation of a rule and regulation of the System or of the component at which the accused is a student when the continuing presence of the student poses a danger to persons or property or an ongoing threat of disrupting the academic process. In the event that the interim disciplinary action includes suspension, the component official involved shall, as soon as possible, notify the President



and the Vice Chancellor and General Counsel of such action.

5.15 Civil Proceedings. Every student is expected to obey all federal, state, and local laws and is expected to be familiar with the requirements of such laws. Any student who violates any provision of those laws is subject to disciplinary action, including expulsion, notwithstanding any action taken by civil authorities on account of the violation.

## **STUDENT COMPUTER USE POLICY**

All students, full- or part-time, are granted permission to use the computing resources of the university. The use of these systems is governed by the following rules and any violation of these rules may result in disciplinary actions as well as possible legal actions.

The permission for use is granted to each student by Sam Houston State University for non-commercial use of the computing and communications facilities and services of the university, including its computer systems, associated peripherals and files, telephone and network access, and all university microcomputers, according to the terms described herein.

This permission extends to the use of licensed software according to the regulations set forth herein by Sam Houston State University for the use of such software. The student use of such software is governed by the terms of licensing agreements between the university and the software licensors, and the student must abide by the terms of those agreements. These software programs are proprietary and may, therefore, be subject to copyright or patent restrictions as defined in the license agreements. Students must not copy, disclose, transfer, or remove any proprietary programs from the media on which this software resides. Students must not use Sam Houston State University equipment or software to violate the terms of any software license agreement. Information on specific

software licenses on all public computer systems can be obtained from the university Computer Services Department or other appropriate department.

Students must not use Sam Houston State University's computer systems, including any of its communications facilities and services, in any way which deliberately diminishes or interferes with the reasonable and private use of any computer systems, or which is intended to do same. Sam Houston State University retains the right to inspect and/or remove, when necessary, as a function of responsible system management, all disk files stored on the university computing facilities.

Upon violation or misuse of the computing facilities at Sam Houston State University, the university retains the right to deny future computing privileges at all university-owned computing facilities. In addition any student found in violation may also be subject to further disciplinary action, as well as legal action under Section 1, Title 7, Chapter 33 of the Texas Penal Code, as well as legal action by the owners and licensors of proprietary software for violation of copyright laws and licensor agreements.

## **DEBTS OF STUDENTS**

### **Debts of Students or Organizations**

Neither the system nor any component university is responsible for debts contracted by individual students or by student organizations. On the other hand, all students and student organizations are expected to conduct themselves honorably in all commercial transactions. Neither the system nor any component university will assume the role of a collection agency except for monies owed to the system or one of its component universities, nor will the system or any of its component universities adjudicate disputes between students and creditors over the existence or the amounts of debts except with the prior approval of the president of the university or his designated appointee in those cases where the interests of the university may be a factor.

## **Students' Financial Obligations**

Students are expected to meet their financial obligations to the university within the designated time allowed. Registration fees, or the first payment of the installment fee plan, are payable at the time of registration, and students are not entitled to enter class or laboratory until their fees and deposits have been paid. Other charges are due at registration or within ten days after a bill is rendered by the university or according to the special payment instructions that may be printed on the bill:

### **Sanctions for Failure to Pay**

Failure of any student to resolve his/her financial obligation to the university or failure to pay in the allotted time the amount owed to the university for tuition, fees, or charges permitted by law may result in any or all of the following:

1. Assessment of late fees and reinstatement fees.
2. Dismissal from the university or other disciplinary action.
3. Withholding of future registration privileges.
4. Withholding the issuance of grades or a transcript.
5. Withholding the conferring of a degree.
6. Bar against readmission for the student.
7. Denial of credit for work done during the semester in which tuition and fees are owed.

## **CO-CURRICULAR USE OF UNIVERSITY FACILITIES**

### **1. Purpose and Application**

1.1 The physical facilities of the university are an integral part of the total structure and must be utilized to give the greatest support to the total program of the university. Primary consideration in the use of facilities must be the fulfillment of the educational needs of the university community. The administration does not desire to deny an autho-

rized individual or organization the use of any facility so long as this use does not impede the university's educational function. It is, therefore, necessary for all functions on campus, except for those using recreational and/or athletic facilities, academic buildings, or those facilities managed by the President's Office which require the use of institutional facilities to receive the approval of the director of the Lowman Student Center and for the appropriate facility to be scheduled and reserved through the LSC Office in accordance with the provisions of paragraph 3.1 of this policy.

1.2 The purpose of this policy is to delineate policy relating to the co-curricular use of university facilities.

1.3 As a general rule, parents and spouses of students and members of the faculty, persons who visit and consult with members of the administration or faculty, and others who have a legitimate interest in the university and who desire to occasionally visit the university campus are welcome. The facilities and campus of the university are, however, reserved for and dedicated to educational use and no use may be made of the same which is inconsistent with that primary use.

1.4 The university, acting on its own or at the request of an officially recognized campus organization, may invite speakers, performers, or entertainers to appear before audiences on the university campus. For further information see Sec. 4.3 Time, Place and Manner Restrictions.

1.5 No person or persons who substantially interfere with or who threaten with the apparent ability to carry out such threat to substantially interfere with the normal activities of the university or to substantially interfere with or deny the lawful rights of others to use the facilities of the university shall enter or remain upon the university campus.

## 2. Permission to Use

2.1 The following groups are welcome to use the university facilities upon receipt and confirmation of their request for use.

- a. Student organizations as recognized by the university and appropriately sponsored.
- b. Academic organizations, faculty and university staff groups.
- c. Participants in short courses or specialized programs administered by the university.
- d. Professional societies or business organizations participating in programs related to academic activities of the university.
- e. Groups sponsored by a university department.
- f. Groups or individuals sponsored or invited by the university president or his designated official(s).

2.2 In addition to the specific regulations contained in this document, certain general responsibilities are incumbent upon organizations using the facilities and each organization is accountable for its activities in the context of these general responsibilities.

- a. The activities shall be consonant with the purpose of the organization and the university and with established university regulations and public laws.
- b. The organization shall not engage in activities which interfere with the ongoing activities of the university or of any other approved organization.
- c. The organization shall be responsible for its members' behavior when:

- (1) they are acting as members of the organizations (with or without official approval) rather than as individuals.
- (2) an event is held (officially or unofficially) in the name of the organization.

(3) they act in a manner which indicates such action is motivated by mutual membership in the organization.

(4) the association between, and the action of the individuals under circumstances which draw attention to the organization rather than to themselves as individuals.

(5) Organizations are responsible for damages, injuries, etc., that occur during use.

## 3. Conditions and Limitations on Use of Facilities

3.1 Requests for approval of functions and for facilities must be made on the appropriate form provided and available in the Lowman Student Center (LSC) office, and on the LSC website [www.shsu.edu/~lsc](http://www.shsu.edu/~lsc). All signatures must be obtained, questions answered, and the request presented a minimum of two (2) business days prior to the desired date of use. For the Room Reservation Request Form and Semester Meeting Room Reservation Request Form, the final acknowledgment of a reservation should come from the director of the LSC within two (2) business days after submission. For the Facilities Reservation Form, the final confirmation of the reservation will be made via e-mail to the e-mail address provided on the reservation form.

3.2 Sponsoring organizations assume full responsibility for any financial obligations, damage to facilities or equipment, actions of participants, and for having read and understood the university Code of Student Conduct and Discipline and the university Policy on Speech and Assembly. A faculty/staff advisor may be required to be in attendance during the scheduled use of any university facility by an organization.

3.3 Whenever non-university groups share with university groups in the use

of university facilities, it must be upon the invitation of the university and with the understanding that the sponsoring organization assumes full responsibility for the activity.

3.4 The university is no way obligated for functions in which an organization has contracted an outside individual or group (such as a speaker, entertainment group, dance band, etc.) and there is an honorarium or fee involved unless a contract is signed by an official representative of the university specifically authorized by the president of the university.

3.5 Admission charges may be made or an offering may be received if university approval is given at the time the reservation is completed for the use of its facilities.

#### **4. Arrangements**

Any representative authorized by a campus recognized organization may pick up the appropriate reservation request form from the LSC Office, located in Room 311. The request form must be completed, signed by the organizational representative making the reservation and the faculty/staff sponsor, and then returned to the director of the LSC for final approval.

#### **5. Off-Campus Activities**

Any wholly off-campus activity will not require university approval. If any activity is planned that involves university facilities and off-campus facilities, that portion that is held on campus must be cleared and approved through the usual arrangement procedures.

#### **6. Legal Considerations and Disruptions**

6.1 Non-members of the university community are required, while on the campus, to observe and comply with the rules and regulations adopted by the university or the Board of Regents: copies of the same to be found in the Dean of Students' Office as well as those specific statutes of the state of Texas relating to university property. Non-members of the university community are also required, while on campus, to

identify themselves upon the request of a university official or University Police or other law enforcement officer in the performance of his or her duty.

6.2 The university campus is not a sanctuary and any person who violates any local, state, or federal law shall not be protected nor given any preferred status in the eyes of the law by reason of the fact that the violation occurred on the university campus or by reason of the fact that the violator is a member of the university community.

6.3 When it appears to the president, or any university official or an officer of the University Police authorized and designated by him to maintain order, that any non-member of the university community has violated on the campus, any local, state, or federal law or any university rule or regulation, such person or persons may be ordered by such official or officer of the University Police to leave the university campus, and should the university see fit, charges filed against such person or persons.

6.4 The president may make due application to any court for injunctive or other judicial relief in regard to the threatened or actual violation of any of the above-mentioned rules or regulations.

#### **7. Review**

7.1 The responsibility of review and to recommend the revision or cancellation of this Policy Statement resides with the vice president for student services.

7.2 This policy shall be reviewed annually.

#### **8. Appeal**

Students or university-recognized student organizations may follow the student affairs grievance procedure in any appeal of this policy.

# GENERAL PROVISIONS FOR CAMPUS ACTIVITIES

## 1. Campus Disruptive Activities

Pursuant to V.T.C.A. Education Code, Section 4.30 (Disruptive Activities) all university personnel, students, and others shall follow the RULES AND REGULATIONS as specified in Chapter VI, Subsection 5.4, et seq., while in university facilities or on university property.

## 2. Notice to Chancellor and Board

When dealing with disruptive activities at a System university, the president shall take immediate action to utilize all lawful measures to halt and eliminate any and all such disruptive activities and shall immediately notify the Chancellor and the Chairman of the Board of Regents.

## 3. Solicitation, Demonstrations, Use of University Facilities, Motor Driven Vehicles and Equipment

3.1 Solicitation. The term “solicitation” means: (1) the sale or offer for sale of any property or service, or (2) the receipt of or request for any gift or contribution. The term “solicit” means to engage in solicitation.

3.11 No person may solicit on the campus of any component university. However, the following activities are not solicitation:

- (1) The sale or offer for sale of any newspaper, magazine, or other publication by means of a vending machine or distribution stand in an area designated by the president or an appointee.
- (2) The sale or offer for sale of food, drink and other items through vending machines operated by the university or its subcontractor in an area designated by the president or an appointee.
- (3) The sale or offer for sale of any university publication, book, or other material used

in the academic work of the university by the university or its subcontractor in an area designated by the president or an appointee.

(4) The operation by the university or its subcontractor of a bookstore, specialty store, laundry, cafeteria, or other service maintained for the convenience of the university’s students, faculty, or staff.

(5) The sale or offer for sale by the university or its subcontractor of food, and drinks, souvenirs, and programs at athletic contests or other events sponsored or authorized by the university.

(6) The advertisement of any activity, item, or product sponsored or authorized by the university and approved by the president or an appointee.

(7) The collection of tuition and fees in connection with enrollment of students in courses and programs.

(8) The collection of fees or dues by registered student, faculty, or staff organizations.

(9) The collection of fees or contributions for the exhibition of movies or other programs, including fine arts and athletic events sponsored by the university or by registered student, faculty, or staff organizations.

(10) Activities sponsored by registered student, faculty, or staff organizations on behalf of charitable organizations, provided they are conducted in accordance with nondiscrimina-

tory policies approved by the president or an appointee.

(11) Events sponsored by a registered student, faculty, or staff organization or the university that are authorized and scheduled in accordance with the facilities-use regulations of the university. All signs, tickets, and literature advertising the event must identify the sponsoring organization. The university may require that members of the sponsoring organization solicit directly, and may prevent organizations from using nonmembers to solicit for the organization.

(12) Activities of agents of companies authorized by the university to provide instruments, equipment, supplies, health insurance, optional retirement programs, tax-sheltered annuities, or other services to the university or its employees.

(13) Advertisements appearing in any university publication.

(14) Advertisements sent through the United States Postal Service.

3.12 Solicitation. The provisions listed in Sections 3.11(1)-3.11(14) must take place in a manner that:

(1) preserves an academic atmosphere and does not disrupt classes, university programs, or other activities.

(2) maintains security and safety for persons and property;

(3) protects the privacy of students, faculty, and staff;

(4) permits the free flow of pedestrian and vehicular traffic;

(5) protects persons on campus from crime and avoids unlawful activities;

(6) preserves the beauty of the university's campus, buildings, and facilities;

(7) maintains the campus, buildings, and facilities in a clean, orderly, and appealing appearance, and avoids unnecessary wear and tear on buildings, grounds, or facilities;

(8) protects students, faculty, and staff from deception, fraud, and commercial exploitation; and

(9) eliminates unnecessary costs and waste of university resources.

3.121 The president may prohibit persons or organizations from soliciting on campus if they fail to follow these rules.

3.122 The president may require that the student government and each registered student organization file a sworn statement disclosing: (1) the sources and amounts of money received from solicitation during the preceding or current semester or summer session, and (2) the payees and amounts of expenditures of funds received from solicitations. Any student government or registered student organization failing to comply with the request of the president shall be prohibited from solicitation on the campus

until such organization comes into compliance.

3.2 Demonstrations, Publications, Posters, etc. Reasonable and nondiscriminatory rules and regulations as to time, place, and manner may be promulgated by the president of the university to authorize student, faculty, staff, and their registered organizations to petition, distribute publications, post signs, set up booths, and/or peacefully demonstrate on the university campus. Such regulations shall prohibit any activity that would interfere with academic or institutional programs.

3.21 No group or person, whether or not a student or employee, shall publicly display, distribute, or disseminate on the university campus any petition, handbill, or piece of literature, work, or material that is obscene, vulgar, or libelous, or that advocates the deliberate violation of any federal, state, or local law (see Subsection 3.22). Literature may not be distributed where the manner or form of said distribution constitutes disorderly conduct, disrupts classroom discussion, impedes the maintenance of public order, or constitutes a danger to the person distributing or disseminating the material or to any group or individual.

3.22 For the purposes of Subsection 3.21, advocacy means addressing the group for imminent action and steering it to such action as opposed to the abstract espousal of the moral propriety of a course of action.

3.23 Any group or person, whether or not a student or employee, demonstrating on campus shall adhere to the provisions of V.T.C.A. Education Code, Section 4.30, as cited in Chapter VI, Subsection 5.4, of these RULES AND REGULATIONS.

3.3 Use of System Facilities by University Organizations. Registered student, faculty, and/or staff organizations may use the university's buildings and/or grounds in compliance with reasonable and nondiscriminatory university rules and regulations approved by the university president that shall specify the policies and procedures under which such organizations may reserve the university's buildings and/or grounds for their use. Extracurricular student, faculty, or staff activities involving the use of System-owned buildings and grounds shall be conducted in accordance with local, state, and national law and in accordance with the applicable System and university regulations. Such activities shall not disrupt or disturb the academic and university program and shall not result in damage to or defacement of property. Registered student, faculty, or staff organizations may not enter into joint sponsorship of any on-campus project or program which involves financial commitments or the scheduling or use of facilities with individuals, groups, or students that are not registered without prior written approval of the university president or his designee through normal administrative channels.

3.4 Use of System Facilities by Outside Groups. Use of grounds and physical facilities of the System, especially auditoriums, gymnasiums, and large rooms, by outside individuals, groups, or associations shall be subject to policies approved by the university president. The university policies covering the use of facilities shall be subject to the following rules in which the "System" shall mean any component university.

3.41 The System will not permit the unrestricted use by non-System groups of any of its facilities.

3.42 The System will not enter into joint sponsorship of any proj-

ect or program that is to result in private gain for the cooperating individuals, group, or associations unless the president has reviewed the project or program and has determined that such joint sponsorship serves a public purpose and adequate contractual or other controls ensure its realization as required by Article 3, Section 51, of the Texas Constitution.

3.43 The System will not enter into joint sponsorship of any program or activity in which the educational implications or benefits are not self-evident and which does not directly supplement the educational purposes of the System.

3.44 The System, established as a public university without regard to political affiliation or religious faith, cannot be a joint sponsor with any non-campus organization for political or sectarian gatherings. However, the appearance by or on behalf of a candidate for public office may be authorized under conditions prescribed by the Board in Section 4 of this Chapter.

3.45 Whenever non-System groups share in the use of System buildings, it must be upon the invitation of the System and under its joint sponsorship, and with the further understanding that all the conditions governing such sponsorship are to be set by the System.

3.46 The System, when entering into joint sponsorship of any program or activity, reserves the right to approve advertising as well as news releases.

3.47 The authorization for use of the System's facilities for functions other than the university's own activities shall be at the sole

discretion of the president and subject to the needs and the convenience of the System which are always to have priority in the scheduling of facilities.

3.48 In the case of programs for which the System is a joint sponsor with some other individual, group, or organization, the fee to be paid by the co-sponsor will be a matter for negotiation in each case, subject to final approval by the university president or a designated appointee, and will be specified in the agreement providing for the joint sponsorship.

3.5 Use of Motor-driven Vehicles or Equipment. The president of each university shall promulgate a policy, specifying conditions for operation or use by students of university owned, controlled or leased motor-driven vehicles or motor-driven equipment. The policy shall include, but not necessarily be limited to, requirements that users of such vehicles or equipment operate the same only during specified hours; document proof of current medical insurance coverage; signed medical treatment authorization forms; and signed liability waivers in favor of the university, the Board of Regents, the System, and their respective officers, employees, or agents.

#### **4. Speech and Assembly**

4.1 Definition. Freedom of inquiry and discussion is basic and essential to intellectual development. However, these freedoms must be exercised in a manner that does not illegally derogate the rights of others or interfere with the academic programs and administrative processes of a component.

4.2 Off-Campus Speakers in Component Facilities. The freedoms of speech and assembly guaranteed by the First and Fourteenth Amendments to the United States Constitution shall be enjoyed by the students, faculty, and staff



of the components of The Texas State University System with respect to the opportunity to hear off-campus or outside speakers.

4.21 If a registered campus organization is sponsoring a campus speaker, it has the responsibility of making clear the fact that the organization, not the component, is extending the invitation to speak and that any views the speaker may express are the speaker's own and not necessarily those of the System or of the component.

4.22 Students, faculty, staff, and registered organizations campaigning for public office on behalf of candidates for public office must abide by the provisions of this section.

4.23 Speakers to be paid from state funds to speak on a component campus shall speak in a facility that is open to the public. This subsection does not apply to classes, seminars, symposia, and conferences intended for the use and benefit of students, faculty, staff, and invited guests. No person may obstruct or lessen in any way the opportunity for the audience to. The number of students, faculty, staff, and guests may be limited to prevent a hazard to the safety of the audience.

4.24 Off-campus speakers who have not been sponsored or invited by a registered student, faculty, or staff organization or by the component administration shall be prohibited from speaking to groups in campus facilities and buildings unless the speaker is speaking to an off-campus organization that has been authorized to meet on the campus.

4.25 With the prior written approval of the component president,

the component may, at its sole discretion, lease or rent space in the student center or other appropriate buildings or grounds for political rallies and meetings provided that space is made available to legitimate political candidates in a nondiscriminatory fashion and the rent for such space is based on a fair market value.

4.3 Time, Place and Manner Restrictions. While freedom of speech and assembly is encouraged, the law recognizes that there is no absolute right to assembly or to make or hear a speech at any time or place regardless of the circumstances, content of speech, purpose of assembly, or probable consequences of such meeting or speech. The issuance of invitations to outside speakers shall be limited as follows:

4.31 A request to invite an outside speaker will be considered by the component only when made by a registered student, faculty, or staff organization. No invitation shall be issued to an outside speaker without prior written concurrence of the component president or a designee for scheduling of speaker dates and assignment of campus facilities.

4.32 Any speaker request shall be made in writing to the president or a designee by an officer of a registered student, faculty, or staff organization, or by an administrative officer of the component, desiring to sponsor the proposed speaker not later than six (6) business days prior to the date of the proposed speaking engagement. This request shall contain the name of the sponsoring organization; the proposed date, time, and location of the meeting; the expected size of the audience; and the topic of speech. Any request not acted upon by the component

president or a designee within five (5) business days after submission shall be deemed granted.

4.33 A request made by a registered organization may be denied only if the component president, or the authorized designee, determines, after proper inquiry, that the proposed speech will constitute a clear and present danger to the component's orderly operation as defined in Subsection 2.5.

4.34 Where the request for an outside speaker is denied, the sponsoring organization may appeal to the president or a authorized designee in writing within three (3) business days of the denial. A hearing within will be held within four (4) business days following the filing of its appeal before an impartial board or administrator appointed by the president for a de novo consideration of the request. Such board or administrator shall make a recommendation to the component president, whose decision shall be final. If the president fails to decide the matter within seven (7) business days following the filing of the appeal, it shall be deemed granted, and the speaker's invitation may be issued by the organization.

4.35 Where the request for an outside speaker is granted and the speaker accepts the invitation, the sponsoring organization shall inform the president or a designee, immediately in writing of such acceptance. The president or a designee, may, at his or her discretion, require that the meeting be chaired by a member of the administration or faculty and that a statement be made at the meeting that the views presented are not necessarily those of the component or of the sponsoring orga-

nization. By acceptance of the invitation to speak, the speaker shall assume full responsibility for any violation of law committed by the speaker while on campus.

4.4 Assembly on Component Grounds. Any group or person, whether or not a student or employee, and whether or not invited by a registered student, faculty, or staff organization, may assemble and engage in free speech activities on the grounds of the campus. However, the component president or a designee may adopt reasonable nondiscriminatory rules and regulations as to time, place, and manner of such activities and may prohibit such activities if it is determined, after proper inquiry, that the proposed speech constitutes a clear and present danger as defined in Subsection 4.5 below.

4.5 Clear and Present Danger. Proposed speech which constitutes a clear and present danger to the component's orderly operation by the speaker's advocacy (i.e., preparing the group addressed and steeling it to such action as opposed to the abstract espousal of the propriety of resort to force) may be prohibited. In determining the existence of a clear and present danger, the component president, may consider all relevant factors, including whether, within the past five years such speaker has incited violence resulting in the destruction of property at any public institution or has willfully caused the forcible disruption of regularly scheduled classes or other educational functions at any such institution. There must be not only advocacy to action but also a reasonable apprehension of imminent danger to the essential functions and purposes of the component.

# **PARADES, PUBLICATIONS, DEMONSTRATIONS AND RALLIES**

## **1. Purpose**

The purpose of this policy is to govern the conduct of all parades, demonstrations, rallies, and use of the Free Expression Area on university property or at university sponsored events.

## **2. Review**

This policy shall be reviewed annually by the chief student affairs officer.

## **3. Policy**

3.1 Parades, demonstrations, and rallies must comply with these rules and university policy and must not:

- a. Result in a breach of peace or violation of any law.
- b. Interfere with the free and unrestricted flow of pedestrian and vehicular traffic on campus or the entry or the exit to any university building, structure, or facility.
- c. Materially disrupt or interfere with normal activities of the university.

3.2 Demonstrations, Publications, Posters. Reasonable and nondiscriminatory Rules and Regulations as to time, place, and manner may be promulgated by the president or a designee of the component to authorize students, faculty, staff, and their registered component organizations to petition, distribute publications, post signs, set up booths and/or peacefully demonstrate on the component campus. Such regulation shall prohibit any activity that would interfere with academic or component programs.

3.21 No group or person, whether or not a student or employee, shall publicly display, distribute, or disseminate on the component campus any petition, handbill, or piece of literature, work, or material that is obscene, vulgar, or libelous,

or that advocates the deliberate violation of any federal, state, or local law. Literature may not be distributed where the manner or form of said distribution constitutes disorderly conduct, disrupts classroom discussion, impedes the maintenance of public order, or constitutes a danger to the person distributing or disseminating the material or to any group or individual.

3.22 For the purposes of Subsection 2.21, advocacy means addressing the group for imminent action and steering, bolstering, or bracing it to such action as opposed to the abstract espousal of the moral propriety of a course of action.

3.23 Any group or person, whether or not a student or employee, demonstrating on campus shall adhere to the provisions of Education Code, Section 4.30, as cited in Chapter VI, Subsection 3.4, of these Rules and Regulations.

3.3 Disruptive Activities. Disruptive activities are prohibited on a component campus. See Education Code, Section 51.935 and Chapter VI, Subsection 5.4. The president shall promptly utilize all lawful measures to halt and eliminate any and all such disruptive activities and shall immediately notify the Chancellor and the Chairman of the Board of Regents.

## **STUDENTS WITH DISABILITIES**

### **Services to Students with Disabilities**

It is the policy of Sam Houston State University that no otherwise qualified disabled individual shall, solely by reason of his/her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any academic program or activity.

Students seeking academic accommodations under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990 should register with Sam Houston State University Services for Students with Disabilities (SSD). In order for students with disabilities to be eligible for academic accommodations and adjustments, they need to provide documentation that shows evidence of a “substantially limiting” disability as defined by federal legislation noted above. Service and documentation guidelines are available in the SSD office. Students needing interpreter services should notify SSD at least two months in advance of the semester.

Adaptive technology is located in the SSD, the Newton Gresham Library (NGL), and computer labs around campus. SSD and NGL have CCTVs, screen readers, and scanners. Each computer lab has a large monitor and Zoom Text - level 2.

If you feel that you have been discriminated against, you may file a grievance. Prior to filing a formal grievance, students are encouraged to resolve the issue directly with the individual involved. Procedures for filing academic grievances are provided in this document. If you are not satisfied, you may appeal to the ADA Compliance and Oversight Committee.

Students with disabilities may request admissions or registration assistance by calling the Undergraduate Admissions Office (936) 294-1828 or Registrar’s Office (936) 294-1040.

Telecommunication Device for the Deaf (TDD) locations are as follows with corresponding telephone numbers:

- Dean of Students’ Office: (936) 294-3785
  - Counseling Center and Services for Students with Disabilities: (936) 294-3786
  - University Police: (936) 294-3787
  - Office of Undergraduate Admissions: (936) 294-3788
  - Registrar’s Office: (936) 294-3789
- Services for Students with Disabilities is located in the Counseling Center (936)

294-1720. Hours of operation are Monday through Friday, 8 a.m. to 5 p.m.

## HAZING ACT

(The following is excerpted from state of Texas statutes and is binding on this university.)

### SUBCHAPTER F. HAZING

Texas Education Code § 37.151 - § 37.157

#### 37.151. Definitions

In this subchapter:

- (1) “Educational institution” includes a public or private high school.
- (2) “Pledge” means any person who has been accepted by or is considering an offer of membership from, or is in the process of qualifying for membership in an organization.
- (3) “Pledging” means any action or activity related to becoming a member of an organization.
- (4) “Student” means any person who:
  - (A) is registered in or in attendance at an educational institution;
  - (B) has been accepted for admission at the educational institution where the hazing incident occurs; or
  - (C) intends to attend an educational institution during any of its regular sessions after a period of scheduled vacation.
- (5) “Organization” means a fraternity, sorority, association, corporation, order, society, corps, club, or service, social, or similar group, whose members are primarily students.
- (6) “Hazing” means 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 an organization. The term includes:

(A) any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;

(B) any type of physical activity, such as sleep deprivation, exposure to the elements, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;

(C) any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;

(D) any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, 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 subdivision; and  
(E) any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code.

### **37.152. Personal Hazing Offense**

(a) A person commits an offense if the person:

(1) engages in hazing;

(2) solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing;

(3) recklessly permits hazing to occur; or

(4) has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or has firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge in writing to the dean of students or other appropriate official of the institution.

(b) The offense of failing to report is a Class B misdemeanor.

(c) Any other offense under this section that does not cause serious bodily injury to another is a Class B misdemeanor.

(d) Any other offense under this section that causes serious bodily injury to another is a Class A misdemeanor.

(e) Any other offense under this section that causes the death of another is a state jail felony.

(f) Except if an offense causes the death of a student, in sentencing a person convicted of an offense under this section, the court may require the person to perform community service, subject to the same conditions imposed on a person placed on community supervision under Section 11, Article 42.12, Code of Criminal Procedure, for an appropriate period of time in lieu of confinement in county jail or in lieu of a part of the time the person is sentenced to confinement in county jail.

### **37.153. Organization Hazing Offense**

(a) An organization commits an 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.

(b) An offense under this section is a misdemeanor punishable by:

- (1) a fine of not less than \$ 5,000 nor more than \$ 10,000; or
- (2) if the court finds that the offense caused personal injury, property damage, or other loss, a fine of not less than \$ 5,000 nor more than double the amount lost or expenses incurred because of the injury, damage, or loss.

### **37.154. Consent Not a Defense**

It is not a defense to prosecution of an offense under this subchapter that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

### **37.155. Immunity From Prosecution Available**

In the prosecution of an offense under this subchapter, the court may grant immunity from prosecution for the offense to each person who is subpoenaed to testify for the prosecution and who does testify for the prosecution. Any person reporting a specific hazing incident involving a student in an educational institution to the dean of students or other appropriate official of the institution is immune from civil or criminal liability that might otherwise be incurred or imposed as a result of the report. Immunity extends to participation in any judicial proceeding resulting from the report. A person reporting in bad faith or with malice is not protected by this section.

### **37.156. Offenses in Addition to Other Penal Provisions**

This subchapter does not affect or repeal any penal law of this state. This subchapter does not limit or affect the right of an educational institution to enforce its own penalties against hazing.

### **37.157. Reporting by Medical Authorities**

A doctor or other medical practitioner who treats a student who may have been subjected to hazing activities:

- (1) may report the suspected hazing activities to police or other law enforcement officials; and
- (2) is immune from civil or other liability that might otherwise be imposed or incurred as a result of the report, unless the report is made in bad faith or with malice.

## **PARKING AND TRAFFIC**

All students, full or part-time, who operate a motor vehicle on university property, regularly or occasionally, are required to register those vehicles with the Department of Public Safety Services and obtain a parking decal assigning a designated area or areas for parking. Students at the time of regular registration, will obtain their parking decal for the vehicle to be operated on campus. During preregistration, students will indicate if a parking permit is requested. When registration payment is made, the students will take their paid receipt to the Public Safety Services Building (or other location posted) and their parking permit will be issued. At all other times, any vehicle registration or change of vehicles will be accomplished at the Department of Public Safety Services located at 2424 South Sam Houston Avenue. Students are expected to become familiar with and obey the Parking and Traffic Regulations. A copy of the regulations is issued with each parking decal. As in any community, a system of fines is established for various violations. All University Police citations are subject to a hearing, but a request for a hearing must be filed within three (3) days of issuance through the Parking Appeals Committee. An official form requesting such a hearing must be secured in person from the Department of Public Safety Services Office, located at 2424 South Sam Houston Avenue.

The Parking Appeals Committee shall be made up of faculty, students, and staff.

Any person receiving 3 or more unresolved citations shall be considered to be in flagrant violation of university parking regulations.

The university reserves the right to impound or have impounded any vehicle which is parked in a manner dangerous to vehicular or pedestrian traffic, or in flagrant violation of university parking regulations. The vehicle owner shall bear all costs involved in such vehicle removal.

Students' records, transcripts, and grades may be tagged and held for failure to resolve their parking citations. Moving violations are issued on Justice of Peace Court Summons and are adjudicated in the Justice of Peace Court, Walker County, Texas, and the City of Huntsville Municipal Court. Some flagrant parking violations may be assigned to the Justice of Peace Court (handicapped space violation would be an example).

AVOID parking citations by reading and obeying university parking regulations.

## **POSTING AND DISTRIBUTION OF PRINTED MATERIALS**

### **1. Purpose**

1.1 The purpose of this statement is to delineate policy and procedure relating to the posting and/or distribution of printed materials on the university campus.

1.2 The specific objective is to establish policies and practices pertaining to the distribution of printed materials on the university campus so as to provide an atmosphere conducive to the educational purposes of the university.

### **2. Review**

2.1 The responsibility to review and to recommend the revision or cancellation of this policy statement resides with the Department of Student Activities.

2.2 This policy shall be reviewed annually.

### **3. Eligibility**

3.1 Students and officially registered campus organizations may post and/or distribute printed materials on the university campus in compliance with university policy.

3.2 Private Enterprise and/or Off-Campus Organizations will be permitted to post and/or distribute printed materials on the university campus only during Bearkat Mania. Posting and/or distribution of printed materials at times other than Bearkat Mania will be subject to approval by the Director of Student Activities.

### **4. Posting**

4.1 No signs, posters, or advertisements shall be nailed, tied, hung, written or otherwise affixed to any trees, bushes, buildings, walkways, posts, fences or any university fixture. **ALSO, NO HANDBILLS MAY BE PLACED ON CARS PARKED ON UNIVERSITY PROPERTY.**

4.2 Students and officially registered campus organizations may post printed material on designated campus bulletin boards with stamped approval of the Department of Student Activities. The building liaison or their designate is responsible for monitoring their building's bulletin boards.

4.3 Printed materials may be posted on the bulletin boards in the Lowman Student Center with the stamped approval of the Department of Student Activities and in accordance with the posted policy next to each bulletin board.

4.4 All printed materials must conform to the general rules as follow:

1. Printed materials may not exceed an overall size of 14" x 22".

2. Posted materials must not cover prior posted materials and must not extend beyond the edges of the bulletin board.

3. Defaced material is subject to removal.

4. Posted materials must identify campus affiliate, sponsoring organization, or individual student.

5. Materials may be posted for a period not to exceed two weeks or until the conclusion of the event (whichever applies first). Prompt

removal of expired postings is the responsibility of the sponsoring student or organization.

6. Materials posted in violation of printed policies are subject to removal and sanction by the university (Dean of Students' Office).

## 5. Distribution

5.1 Students and officially registered campus organizations may distribute printed materials on the university campus in compliance with university policy. Approval for distribution of printed materials, except in recreational and/or athletic facilities, residence halls, and academic buildings, requires completion and approval of a Campus Reservation Form available from the LSC Staff Office, located in Room 311.

5.2 Distribution in residence halls will not be permitted. Residence hall mail boxes are not to be used for distributing printed materials by campus organizations, private enterprise, or individuals unless the appropriate bulk rate or standard postal rates have been paid. Door to door distribution will not be permitted.

## 6. Special Printed Materials

6.1 Advertisement of co-sponsored activities should give equal billing to the sponsoring campus organization. The organization's name and/or logo should be prominent and visible on all printed materials.

6.2 Guidelines for Advertising Alcohol-Related Functions on campus. Purpose: To encourage the responsible use of alcohol, and to insure that advertising for alcohol-related functions convey the basic principles of responsible hosting.

a. Non-alcoholic beverages and/or food must be advertised equal to the advertising for alcoholic drinks (same size print, etc.).

b. Any printed advertisement for an activity involving alcohol must be stamped or printed with: "Responsible Use of Alcohol is Expected."

c. The activity must be portrayed as a social activity, having a purpose other than the consumption of alcohol.

d. The overall advertisement must be in "good taste," as determined by the Office of Student Activities (no "Drink and Drown," etc.).

e. The advertising material must clearly indicate sponsorship by an officially registered campus organization.

f. All policies and procedures as published in the solicitation policy in this publication must be followed.

## 7. Organization Letters, Signs and Logos

7.1 Organization letters, signs and logos may be placed on campus. All letters, signs and logos are limited to a maximum height of four feet.

## 8. Appeals

8.1 Appeals of this policy by students or university registered student organizations will be reviewed by the Dean of Students' Office.

# PUBLICATIONS OF STUDENT GROUPS

The university affirms its position that freedom of expression, as well as inquiry, is essential to a student's educational development. Vigorous intellectual explorations by students may sometimes result in questioning of popular conceptions, and this in turn, may elicit the concern of society at large. One of the axioms upon which our nation was built, however, is that truth needs no protection, but is vital by vigorous debate in a market place where all ideas can be presented and then tested by the reason of free people.

Publications of student groups are encouraged on the campus of Sam Houston State University. However, freedom of inquiry and expression does not confer an absolute right that would give immunity to every possible use of language. Sam Houston State University expects its students to observe the stan-



dards of propriety and good judgement in the exercise of such freedom. Students may publish and distribute free material that is not libelous or obscene or that does not promote or encourage the violation of law of the state of Texas or the United States or the disruption of the university's academic process.

Literature may not be distributed where the manner or form of said distribution constitutes disorderly conduct, disrupts classroom discussion, impedes the maintenance of public order, or constitutes a danger to the person disseminating the material or to any other group or individual.

In order to promote and protect the right of privacy, the distribution of literature or circulation of petitions will not be allowed to captive audiences such as in the classroom buildings, in study areas, or in residential units of the university.

## **STUDENT ORGANIZATIONS POLICY**

Sam Houston State University is guided by the precept that in no aspect of its program shall there be differences in the treatment of persons because of race, creed, color, sex or national origin. It is reflected in policies governing programs of extracurricular life and activities. In accordance with this principle along with other published student policies, all organizations will refrain from conducting any pledging, initiation, or other extracurricular activities that will in any way be detrimental, defamatory, ridiculing or embarrassing to any race, color, creed or national origin. All organizations should be well aware of the state of Texas Statute on Hazing.

### **1. Statement of Purpose**

Sam Houston State University recognizes both the right of students to form into organizations and the benefits which can result from membership in groups having similar or common interests or purposes.

It is the purpose of this document to set forth the procedures by which student organizations can be officially registered, to

establish the rights and responsibilities of students acting in a group capacity, and to establish policies and regulations governing all group activities. In addition, administrative and judicial procedures are set forth whereby those registered student organizations and groups accused of violating the policies will be afforded due process, and if appropriate, fair and just penalties. The university may issue regulations governing the eligibility of students for participation in student organizations.

### **2. Definition of a Student Organization**

A student organization consists of at least five students joined together for a common lawful purpose and formally registered with the university.

### **3. Rights and Responsibilities of Student Organizations**

General rights of student organizations are the same as those granted to every citizen of the United States of America under the Bill of Rights. Individuals are subject to the penal and civil statutes of the city, state and federal government; regulations of the Board of Regents; and regulations of the university. The university may suspend recognition of a student organization for violating the Student Organization Policy. The following are the general rights and responsibilities of recognized student organizations.

#### **3.1 General Rights**

- a. Right to use university facilities under conditions established by the university Facilities Use Policy.
- b. Right to seek faculty and administrative advisement including a faculty/staff advisor.
- c. Right to freedom of choice in the selection of members, providing there is no discrimination on the basis of race, creed, color, religion, ethnic origin, or sex.
- d. Right to use campus news and publicity media including the right of public recognition in university catalogs, newspapers and other publications.

e. Right to indicate that the organization is officially registered with the university.

f. Right to invite off-campus guests to appear for regularly scheduled meetings and assemblies. Meetings and speakers must be scheduled in accordance with the Speech and Assembly Policy as approved by the Board of Regents.

g. Right to distribute organizational literature under conditions specified by the policy for the Distribution of Printed Materials and Subsection 6 (in the Student Guidelines) of the Student Organizations Policy.

h. Right to hold profit-making activities and to solicit funds for organizational activities in accordance with university regulations.

### 3.2 General Responsibilities.

a. The responsibility to manage itself and carry out its activities in accordance with its own constitution: local, state, and federal laws, and university regulations and policies.

b. The responsibility to conduct its business and fiscal operations in accordance with normal standards of good business management and practice, including, but not limited to, prompt discharge of all obligations.

c. The responsibility to be cognizant of the special role it enjoys as an integral part of the academic community of Sam Houston State University, and to act accordingly in the best interest of its members and the university.

d. The responsibility for any damages or injuries that occur during their events.

### 3.3 Specific Limitations on Rights and Responsibilities of Student Organizations.

a. While recognizing rights of student organizations, the university

does not grant to organizations the right, expressed or implied, to speak for the university.

b. The activity of student organizations or their individual members, taking place off university-owned or controlled property, are entirely the responsibility of the student organization. The university accepts no responsibility for off-campus activities by allowing advertising of such activities on the campus. However, the university will not ignore any activity off-campus that reflects adversely on the university or the community.

c. Activities of student organizations are subject to the provision of the university Facilities Use Policy.

d. Membership in an organization is limited to Sam Houston State University students, spouses of students, faculty and staff. The holding of offices is limited to registered SHSU students except when national regulations require that an office be held by a faculty member. Student membership in an organization must be no fewer than five. Membership is not denied to anyone on the basis of race, color, religion, creed, sex, or national origin.

e. Officers or student leaders representing the university in an official capacity (e.g., university committees, Board of Regents' Advisory Committees, off-campus conferences or programs, etc.) must be current students; or they must be members of the faculty or university staff. To be eligible to serve as an officer in a registered student organization a student must be enrolled full-time (12 hours undergraduate or 9 hours graduate), have and maintain a 2.0

SHSU grade point average (GPA) cumulatively, and must not be on disciplinary probation. When an election is held in a registered student organization, the names of the new officers must be transmitted to the Department of Student Activities within three days after the election.

f. Students who do not meet the minimum GPA requirements at the time of elections may not serve in a leadership capacity. In the event a student is elected to office without the minimum GPA requirements, the organization must hold a re-election immediately. Organizations not meeting the above requirements will be placed on probation and may have their registered status revoked.

g. Each registered organization is expected to include within its constitution and/or bylaws officer eligibility requirements which must at least match those required by the university. An organization may require additional academic requirements it deems appropriate to hold office or membership.

#### **4. Procedure for Formation and Registration of New Organizations**

##### **4.1 Permanent Organizations**

a. Any group of students having a purpose which is within the policies of this document may be registered with the university. Registration of a campus organization does not constitute endorsement of its program or purpose, but is simply a charter to exist on the university campus and may be withdrawn by the Student Organizations Board according to the specifications of this document.

b. The group will file the Sam Houston State University Student Organization Registration Application with the coordinator of the

student organizations as designated by the vice president of student services. The application shall include the organization's name, the constitution or statement of purpose, name of officers or contact persons, number of members, and intent to affiliate with off-campus organizations.

c. If formation of the organization is not complete at the time of filing of the Sam Houston State University Student Organization Registration Application, the coordinator of student organizations will assist in making arrangements for the organization to use university facilities for a limited amount of time for organizational purposes on a meeting-to-meeting basis until the organizational process is completed and the required information can be filed.

d. At the time of filing, the president or contact person for the organization will sign a statement indicating that he or she is familiar with and will uphold the aforementioned Rights and Responsibilities of Student Organizations (Section 3, Student Organizations Policy)

e. When the required application forms have been filed with the coordinator of student organizations, the coordinator will contact the Student Organizations Board to review the application.

After review, the coordinator will notify the president and faculty/staff advisor whether their application has been approved or denied.

(1) Upon approval of registration, the application will be signed by the coordinator of student organizations, the chairman of the Student Organizations Board, The

Director of Student Activities, the Vice President for Student Services, the President of the University or his appointed designee, and returned to the organization within 10 days as formal notification of registration. A copy of the approved application will be filed in the office of the coordinator of student organizations that the group is eligible for all of the rights of registered student organizations.

(2) Should the Student Organizations Board feel that the petitioning organization does not meet the requirements for registration, the coordinator of student organizations will notify the pending organization with the board's recommendations and its decision regarding their status. This notification will be stored on file in the coordinator's office. The organization may then work with the organizations' coordinator to review the requirements for registration established herein.

#### 4.2 Registration for a Limited Purpose (Ad Hoc Registration).

Registration for a limited purpose (ad hoc registration) is available for those groups which want to organize with some short-term goal in mind, that is, one which can be accomplished in less than one academic year. Their registration will expire on the date indicated on the registration form. It is anticipated that few ad hoc registrations will be granted. The board's decision will be contingent upon the extenuating circumstances of the application.

#### 4.3 Maintenance of Registered Status.

a. At the beginning of each fall, spring, and summer semesters,

all student organizations wishing to maintain their registered status for that semester will submit to the coordinator of student organizations (no later than the twelfth class day) a list of the new officers, number of members, and the faculty/staff advisor on the semester update form provided for that purpose. Once the information has been processed, registration may be automatic.

b. It is only necessary for an organization to resubmit information such as an organization's tax ID number, copies of the 501 C tax forms or the organization's constitution or statement of purpose when it has been requested by the coordinator of organizations or the Director of Student Activities. Both a National and an SHSU constitution may be requested. The organization has 2 business days to submit the most recent addition of their constitution and/or bylaws to the coordinator of organizations. Any documents requested by a university official must be provided within the given deadline.

c. Should the Organizations Board feel that the organization does not meet the requirements for continued registration, the coordinator of organizations will provide the necessary information to the student representatives and the organization advisor. Copies of this information will also be filed in the coordinator's office. The organization may then request through the coordinator a meeting with the Organizations Board to appeal the decision. The coordinator will assist in making provision for the group to continue to use university facilities for a designated period of time.

#### 4.4 Administrative Discipline.

a. Any member of the university community may file a complaint against a registered student organization when he or she feels that the organization has failed to comply with the Rights and Responsibilities of Student Organizations. The complaint may be registered with the coordinator of organizations, the Dean of Students or his/her designate the vice president for student services or designated appointee. If the vice president for student services or designated appointee investigates the complaint, the results will be reported to the Dean of Students' Office. The Dean of Students' may hear the case or refer it to the coordinator of organizations. If the incident is referred the coordinator of organizations will convene the Student Organizations Board who will determine the validity of the complaint by a two-thirds vote with all members voting. In the event that such a complaint is deemed valid, the coordinator will notify the organization in writing of the charge against it and will set up a hearing before the board.

b. The organization's hearing before the Student Organizations Board is informal and within fair and properly established procedures of due process. It provides a hearing for the organization's president, the faculty/staff advisor, persons who committed the alleged violation, witnesses, charges, defenses, rebuttal evidence, and arguments. The discipline committee shall consist of the organizations board and the Director of Student Activities. At the conclusion of the hearing, the committee shall deliberate in private to determine if the group

is responsible for any violation(s) of the Rights and Responsibilities of Student Organizations, and may dismiss the charges or take any of the action outlined in Section 5.2e. The organization shall be informed in writing, within 3 class days, of the decision by the organizations coordinator, and a copy of the decision shall be made a part of the organization's file in the office of the coordinator. The decision of the board is final.

#### 4.5 Organization Changes.

Registered organizations are required to submit to the coordinator of student organizations any changes in officers, advisers, and/or purposes of the organization within three class days of such a change. Failure to do so may result in withdrawal of registration.

### 5. The Student Organizations Board

#### 5.1 Composition.

a. The Student Organizations Board shall consist of five students, four faculty, and one member of the administration, who shall be selected as follows:

(1) The six student members, one representative from each of the five colleges and one representative at-large, shall be selected by the president of the Student Government Association with the approval of the senate. Each student member shall serve a term of one year.

(2) The four faculty members shall be appointed by the president of the university from a list of eight recommended by the Faculty Senate. Each faculty member shall serve for a two-year term and shall be eligible for reappointment. The terms shall be arranged to permit

the expiration of the terms of two faculty members each year.

(3) The administration member shall be the coordinator of student organizations. This member shall serve as a resource person and shall not vote.

b. The board chairman shall be appointed by the president of the university, and may be selected from either student appointees or faculty appointees. The secretary shall be the coordinator of student organizations.

c. The board shall hold open meetings, except that by a majority vote the board may close a meeting.

d. A quorum shall consist of five members, including a minimum of two faculty.

## 5.2 Responsibilities.

a. The board shall review applications for registration and maintenance of registration by student organizations.

b. The board shall review actions of student organizations. Actions for which all student organizations are subject to review by the board shall be:

(1) Noncompliance with the provisions of the university Student Organization Policy.

(2) Noncompliance with the provisions of the university Facilities Use Policy.

(3) Noncompliance with the university Speakers Policy.

(4) Noncompliance with the organization's stated purposes and goals or disruption of the educational process of the university.

(5) Violations of the laws of the State of Texas or of poli-

cies and regulations of the university and the Board of Regents.

c. The board reserves the right to refuse registration of an organization if the purposes and goals of the organization do not aid in providing a social and intellectual climate conducive to the fullest development of the student.

d. The board may grant registration to an organization for a limited time pending the compliance of the group with the purposes and goals as stated in their constitution.

e. The Student Organizations Board may impose the following penalties:

(1) Suspensions of the rights of the organization to:

(a) Use university facilities;

(b) Sponsor any activity;

(c) Participate in campus affairs;

(2) Suspension of Registration – This penalty shall be for a stated period of time but in no case less than the remainder of the academic year in which the offense is committed. An organization placed on Suspension of Registration may not function on campus in any manner and the general rights of registered student organizations are withdrawn.

(3) Revoke the action that prompted the complaint and instruct the organization to either present an acceptable solution or implement a solution that has been dictated by the Student Organizations Board.

## 7. Solicitation

The term “solicitation” as used herein means the sale or offer for sale of any property or service, whether for immediate or future delivery, and the receipt of or request for any gift or contribution.

7.1 Organizational Solicitation. Organizations soliciting on campus must comply with the guidelines below.

a. Organizations may solicit with approval of the director of the Lowman Student Center for their own projects or charitable activities. A Campus Reservation Form must be completed by the organization and approved by the director of the Lowman Student Center.

b. Any organizations collecting financial donations for which there is no exchange of merchandise or services shall be accountable for funds received to the coordinator of student organizations within five class days of the completion of the drive.

c. Any organization failing to comply with Section 6.1(1a) and Section 6.1(1b) above may be denied future solicitation privileges.

7.2 Distribution of Printed Materials. Officially registered campus organizations may distribute materials on campus provided they adhere to the Procedures for Distribution of Printed Materials Policy as printed in this handbook. Failure to comply with the policy and procedures may result in the cancellation of this privilege and/or the suspension of the organization. Distributing students and campus organizations will be responsible for cleaning up any litter that may result from such distributions.

## 8. Procedure for Amendment

Amendments to the Student Organizations Policy may be initiated by any member of the university community through the coordinator of student organizations. The coordi-

nator will forward the amendments through the appropriate channels with final approval granted by the university president.

## RISK MANAGEMENT GUIDELINES

### 1. Purpose

Every student organization no matter how large or small inherently possesses exposure to risk and safety concerns. Therefore the purpose of this policy is to assist in creating a safe environment where students, faculty and staff members can enjoy the benefits of membership, affiliation and participation in the activities and events of registered Sam Houston State University student organizations.

### 2. Review

These guidelines shall be reviewed annually by the Office of Student Activities.

### 3. Guidelines

These guidelines shall apply to all registered and unregistered student organizations and their members at Sam Houston State University. All student organization members, officers, advisors, and affiliated persons should emphasize safety during all club/organizations related activities.

### 4. Alcohol And Drugs

4.1 The possession, use, sale or consumption of Alcoholic Beverages during formal or informal organization events, or any activity (it is considered a Sam Houston State University event or activity if an observer would reasonably associate the event or activity with the organization) or situation sponsored, coordinated, endorsed, or associated by or with the organization must be in compliance with any and all applicable laws and policies of the State of Texas, Walker County, City of Huntsville, Sam Houston State University and The Texas State University System.

4.2 The purchase or use of a bulk quantity or common source containers of alcoholic beverages, (e.g. kegs, cases of beer, beer balls, party balls, bars,

or alcoholic punch) is prohibited at all events or activities.

4.3 All social events where alcohol is involved must be served by a licensed insured Third Party Vendor, and have appropriate security on the premises.

4.4. Purchasing alcohol with organization funds is prohibited.

4.5 No organization members, collectively or individually, shall serve to, purchase for, or sell alcoholic beverages to any persons under 21 years of age.

4.6 Open parties (not located at a third party vendor or those events with unrestricted access to the public without specific invitation) where alcohol is present, are strictly prohibited.

4.7 No organization may co-sponsor an event with an alcohol distributor, charitable organization or tavern (tavern defined as an establishment generating more than half of its annual gross sales from alcohol) where alcohol is given away, sold or otherwise provided to those present.

4.8 No organization may co-sponsor or co-finance an event where alcohol is purchased by either of the host organizations or groups.

4.9 No organization or its members shall permit, encourage, tolerate, or participate in drinking games involving alcoholic beverages.

4.10 The possession, use, or sale of any **ILLEGAL DRUGS OR CONTROLLED SUBSTANCES** at any organization event or any activity that an observer would reasonably associate with the organization is strictly prohibited.

## **5. Hazing**

5.1 No student organization, its members or affiliates shall conduct or condone hazing activities.

5.2 All organizations and their leaders shall review annually the Hazing Act passed by the State Legislature, 1987. This Act is fully enumerated in the

“Student Guidelines” of Sam Houston State University and binding on all student organizations, their members and affiliates.

## **6. Sexual Abuse and Harassment**

6.1 No student organization should condone or tolerate any form of sexually abusive behavior on the part of its members or affiliates, whether physical, mental or emotional. This includes any actions that are demeaning to women or men including but not limited to date rape, gang rape, sexual assault, verbal harassment or threats.

6.2 All organizations and their leaders shall review annually the University’s policy on Sexual Harassment and Sexual Assault. These policies are found in “Student Guidelines” of Sam Houston State University and binding on all student organizations, its members and affiliates.

## **7. Travel**

All members of student organizations traveling in representation of SHSU should follow all safety and emergency procedures as established by the club/organizations advisor and university officials. Any accidents or incidents should be reported to the appropriate university official within 24 hours after the occurrence. Emergencies should be reported to the University Police Department at (936) 294-1794. This number is monitored 24 hours a day.

## **8. Education and Review**

Each student organization should annually educate and review with its officers, members and affiliates the Student Organization Risk Management Guidelines of Sam Houston State University. These Risk Management Guidelines are made available in the Dean of Students’ Office and the Office of Student Activities and reprinted in “Student Guidelines.” Copies should be obtained and distributed to all advisors, officers, members and affiliates before the start of classes each semester.

## **9. Violations**

The Student Organizations Board and/or the Dean of Students Office may review, in-



investigate and adjudicate possible violations of the Risk Management Guidelines or Code of Student Conduct by any organization, its members or affiliates. The procedures and sanctions for violations may be found in this publication.

## **STUDENT ABSENCE NOTIFICATION POLICY**

The student is responsible for communicating directly with his or her instructor(s) when he or she is going to miss or has missed class. If possible, students should notify instructors and make arrangements for missed assignments before the absence occurs. Official notification by the Dean of Students' Office to instructors when absence from classes is for a period of fewer than three (3) consecutive class days is generally not made. The Dean of Students' Office will not provide verification for an absence for non-critical or non-emergency situations.

When a student misses class for legitimate reasons/ emergency situations and when the absence from classes is likely to be for an extended period (generally three class days or more), students may contact the Dean of Students' Office by completing the "Absence Notification Request Form" (available in person or online at [www.shsu.edu/deanofstudents](http://www.shsu.edu/deanofstudents)) to request notification be sent to their instructors. If the student is physically unable to contact the office, a family member may submit the notification request.

Absence notices will not be granted after ten (10) business days from the last date of absence. The Dean of Students' Office reserves the right to grant or reject notification requests at any time for any student.

**Excusing the student is at the sole discretion of the faculty member.**

## **STUDENT GRIEVANCE PROCEDURES**

A grievance may arise out of a decision or action reached or taken in the course of official duty by a member of the faculty,

staff, administration, or student of Sam Houston State University. A grievable action is defined below. The purpose of the grievance procedures is to provide a process for an impartial review and to ensure that the rights of students are properly recognized and protected.

Students with academic grievances are directed to the Academic Grievance Procedures located in the Sam Houston State University Undergraduate Catalog.

Retaliation for filing a grievance will not be tolerated.

### **Definitions of Grievable Actions**

A grievable action is an action that:

- a. Is in violation of written campus policies or procedures, or
- b. Constitutes arbitrary, capricious, or unequal application of written campus policies or procedures.

The Dean of Students' Office provides Student Grievance Services to address concerns of currently enrolled SHSU students. The function of this service is to personally assist students in achieving satisfactory resolutions to university related challenges listed above. Additionally, the Dean of Students Office makes referrals to appropriate campus departments/offices when necessary [www.shsu.edu/~slo\\_www](http://www.shsu.edu/~slo_www).

# RELATED UNIVERSITY POLICIES

## **AIDS POLICY**

Sam Houston State University seeks to minimize the HIV/AIDS health risk on campus. To prevent the spread of AIDS, Sam Houston State University has adopted an educational program aimed at increasing faculty, staff, and student awareness. The university will respond to each AIDS case on an individual basis subject to prevailing medical research and current legal opinion, using as a guide the American College Health Association's General Statements on Institutional Response to AIDS. The University Health Center is the designated central source for AIDS educational materials, information regarding AIDS testing, counseling, and referral for medical care. In the event that a student, or a faculty or staff member, is known to have AIDS or is medically diagnosed as a carrier of the HIV virus, the university physician will make appropriate recommendations as may be medically necessary. The welfare of the student and the prevention of transmission of the disease are of primary concern in such cases. Students who fail to abide by such conditions and are found to endanger themselves or the campus community by such noncompliance, may be referred to the university Crisis Team. University employees who fail to abide by such recommendations will be subject to disciplinary actions on the same basis as any other work rule violation. The patient's rights of nondiscrimination, privacy and confidentiality shall be honored as provided for under State and Federal law. Because of

the extensive medical research currently underway on AIDS and the additional medical evidence which may become available with regard to AIDS, this policy statement is subject to change. Nothing herein shall be construed as an assumption of risk or of other legal responsibility by Sam Houston State University for the health or welfare of any individual beyond the limits of previously existing university policy or State law.

## **DRUG-FREE WORKPLACE POLICY**

The Board of Regents and the administration of SHSU support the national policy of the United States of America to stop the illicit use of drugs and the abuse of alcohol in our society. In keeping with The Drug-Free Schools and Communities Act, SHSU has adopted a Drug-Free Workplace Policy and implemented a Drug Awareness Program to prevent the illicit use of drugs and the abuse of alcohol by students and employees.

The SHSU Drug-Free Workplace Policy prohibits the unlawful possession, use, or distribution of drugs and alcohol by employees on university property or as any part of the university activity.

The unlawful use, possession, or distribution of drugs or alcohol will result in a disciplinary penalty of disciplinary probation, demotion, suspension without pay, or termination, depending upon the circumstances.

The SHSU Drug Awareness program is a three part program to inform employees about:

1. Health risk involved in the use of illicit drugs and the abuse of alcohol which often result in poor health and premature death.
2. Help available for drug and alcohol counseling, treatment, and rehabilitation that is offered to all SHSU employees.
3. Local sanctions which include fines and/or imprisonment for violation of local, state, or federal drug laws.

SHSU is obligated to uphold laws which prohibit the possession, use, or distribution of controlled substances. Any employee who is found to be in violation of these laws will be dismissed and referred to the appropriate legal authority for prosecution. The SHSU Human Resources Department is the source of information and confidential assistance for any employee who is seeking help for a drug or alcohol related problem. Please contact the Human Resources Department, located in the Estill Building, Suite 3344, phone number (936) 294-1069 if you need additional information about this program.

## **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974**

### **1. Access to Records**

Compliance with the Family Education Rights and Privacy Act requires that a university policy be provided to eligible students upon request. (Subpart A Section 99.5) The following information complies with this act. The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. They are:

- (1) The right to inspect and review the students' education records within 45 days of the day the university receives a request for access.

Students should submit to the registrar, dean, head of the department, or other appropriate official, written requests that identify the record(s) they wish to inspect. The university official

will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the university official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed. (2) The right to request amendment of the student's education records that the student believes are inaccurate or misleading.

Students may ask the university to amend a record that they believe is inaccurate or misleading. They should write the university official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the university decides not to amend the record as requested by the student, the university will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedure will be provided to the student when notified of the right to a hearing.

(3) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the university in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the university has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance commit-

tee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an educational record in order to fulfill his or her professional responsibility.

Upon request, the university discloses education records without consent to officials of another school, in which a student seeks or intends to enroll. [Note: FERPA requires an institution to make a reasonable attempt to notify the student of the records request unless the institution states in its annual notification that it intends to forward records on request. The right to file a complaint with the U.S. Department of Education concerning alleged failures by State University to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Ave., SW  
Washington, DC 20202-4605.

## **2. Directory Information**

Under the terms of the Family Educational Rights and Privacy Act, Sam Houston State University has established the following as directory information: (1) Name, (2) Local/Home Address, (3) Major, (4) Minor, (5) Local/Home Telephone Number, (6) Degrees, Diplomas, and Certificates and Date of Award, (7) Honors and Awards, (8) Classification, (9) Extracurricular Activities, (10) Birthdate and Place of Birth, (11) Names and Addresses of Parents/Legal Guardians, (12) Weight, Height, and Related Information of Athletic Team Member (13) Age, Race, Sex, and Marital Status.

The above directory information will be available for release to the general public. However, the act states that each student has the right to inform Sam Houston State University that any or all of the above information is not to be released. Sam Houston State University will honor the student's

request to restrict the release of "Directory Information" as listed above, but cannot assume responsibility to contact the student for subsequent permission to release the information. Regardless of the effect upon the student, the institution assumes no liability for honoring the student's instructions to restrict the release of "Directory Information." A student may restrict the release of directory information by either using the "SAMINFO" or submitting written notification to the Registrar's Office, in the Administration Building. Notification must be given prior to the twelfth class day of the Fall and Spring semesters and the fourth class day of each summer term. A student who has restricted the release of personal information (FERPA) will not have his or her name listed in the Dean's List of Academic Honors or the President's Honor Roll, the Commencement Program, and/or Honors List.

## **FRESHMAN REQUIRED HOUSING AND MEAL PLAN POLICY**

All freshman students are required to reside in university housing and to purchase a 7-day 20 or 15 meal plan during their freshman year, which will normally include the fall and spring semesters. Anyone signing an academic year housing/meal plan contract will be required to fulfill the terms of that contract. Exceptions to the Freshman Required Housing and Meal Plan Policy may be made by the Department of Residence Life. Please refer to the current Residence Life Handbook for complete information on Residence Life policies. You may also contact the Department of Residence Life at (936) 294-1812.

## **RACIAL HARASSMENT POLICY**

### **Policy on Prohibition of Racial Harassment**

System universities shall provide equal educational opportunities for all students and equal employment opportunities for all

applicants and employees, and otherwise foster an environment free of racial intimidation, humiliation, and harassment. Racial harassment, as defined herein, is expressly prohibited.

### **1. Definition of Racial Harassment**

“Racial Harassment” is defined as extreme or outrageous acts or communications that are intended to harass, intimidate, or humiliate students, faculty, staff, or visitors on account of race, color, or national origin and that reasonably cause them to suffer severe emotional distress.

a. It is a violation of the Texas State University System’s (TSUS) RULES AND REGULATIONS for any student, faculty, or staff employee to engage in racial harassment of any person on the campuses of the component universities or in connection with a university sponsored activity.

b. It is a violation of the RULES AND REGULATIONS for any student, faculty, or staff person to use authority granted by state law, by system rule, or by university policy to deprive any person of his or her civil rights on a component campus or in connection with a university sponsored activity.

c. If a violation of a TSUS’s rule and/or of a university regulation or policy is committed on campus and/or in connection with a university sponsored activity because of the race, color, or national origin of any person directly harmed by such violation, the violator’s discriminatory purpose shall be treated as an aggravating factor for the purpose of determining the appropriate penalty.

### **2. Disciplinary Rules**

Students, faculty, and staff employee offenders are subject to disciplinary action as appropriate under the circumstances for violation of this policy.

Procedures for Redressing Racial Harassment Complaints of Students, Faculty, Staff, or Visitors shall be in accordance with published procedures established by the com-

ponent universities. All complaints shall be considered informal until they are filed in writing.

Once a disciplinary penalty is imposed, the accused, whether a student or a faculty or staff employee, shall have his/her full right to invoke applicable appeal procedures according to existing university policies.

## **SEXUAL ASSAULT POLICY**

### **Statement of Policy**

Sam Houston State University is committed to creating and maintaining an environment that discourages sexual assault. Sexual assault is defined within the context of this policy as sexual intercourse or other sexual act committed against another without their consent.

### **What to do if you are sexually assaulted:**

A. If you believe that you are still in danger, you should call the University Police Department at 936-294-1000.

B. Seek medical attention as soon as possible. You can call the campus Health Center at 936-294-1805 during regular business hours or go to the Emergency Room at the Huntsville Memorial Hospital. Be sure to tell the examining physician or nurse that you were sexually assaulted.

### **Making a complaint of sexual assault:**

A. Sexual assault is a crime. If you have been sexually assaulted, SHSU strongly recommends that you make a report to the police who, where warranted, will pursue criminal charges. However, the decision to make a report to the police must be made by the victim. Except where the university believes there is a threat of imminent harm to the university, the university will not make a report of an alleged sexual assault to the police without the victim’s consent.

B. Sexual assault also violates SHSU’s rules and regulations governing student conduct. The university has instituted this policy to protect the accused, and

to maintain the confidentiality of the identity of those involved to the extent possible.

1. How to report sexual assault at SHSU:

A student who chooses to make a complaint through the University's internal disciplinary proceedings must make a report to one of the University's designated Sexual Assault Officers. These Officers are located in the Dean of Students' Office.

2. What happens once a complaint is made

The Office of Judicial Affairs will investigate the allegation. This will require interviews with the victim and the alleged assailant. In some circumstances, interviews with other persons who have knowledge of the circumstances surrounding the alleged incident may also be conducted. Whenever possible, the Sexual Assault Officer will not reveal the identity of the victim during the investigative process. In any event, the Sexual Assault Officer will not reveal the identity of the victim without the victim's consent.

**What to do if you are accused of sexual assault:**

- A. Take the allegation seriously.
- B. You may wish to consult an attorney, especially if a criminal complaint has or may be filed with the local police.

## **SEXUAL HARASSMENT**

It is the policy of Sam Houston State University to review and resolve complaints of sexual harassment by any member of the university community, including faculty, staff, students, or visitors. Sexual harassment is a form of sex discrimination and will be treated as such by the university. Sexual harassment occurs when any person, regardless of gender, is the recipient of unwelcome sexual

advances, unwelcome requests of sexual favors, or other unwelcome verbal, visual or physical conduct of a sexual nature.

Quid pro quo harassment occurs when submission to sexually harassing conduct (as stated above) is made either explicitly or implicitly a term or condition of an individual's education or employment, or when submission to or rejection of such conduct by an individual is used as a basis for academic or employment decisions affecting the individual's education or employment. Quid pro quo harassment is equally unlawful whether the student resists and suffers the threatened harm or submits and thus avoids the threatened harm.

Hostile environment sexual harassment occurs when sexually harassing conduct (as stated above) by an employee, by another student, or by a third party is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from an education program or activity, or creates an intimidating, hostile, offensive or demeaning education or work environment.

Each supervisor has a responsibility to maintain the workplace free of all sex discrimination, including sexual harassment. This duty includes discussing this policy with all employees plus assuring students that they are not to endure sexual harassment from university employees or other students. Allegations of sex discrimination will be given immediate attention, and the person charging harassment may do so without fear of retaliation or reprisal. However, false accusations may result in disciplinary action up to and including termination.

Students wishing information and/or consultation concerning sexual harassment may obtain a complete unabridged copy of this policy (which is contained in the Administrative Policies and Procedures Manual in the Newton Gresham Library) or contact the Dean of Students' Office.

## **STUDENT RESIGNATION POLICY**

### **1. PURPOSE**

To establish a standard procedure for the processing of student resignations from the University.

### **2. DEFINITION**

Resignation refers to a situation in which a student withdraws from all classes in which he/she is enrolled at the University.

### **3. GUIDELINES**

3.01 If a student resigns from the 1st class day through the 12th class day (4th class day in the summer), no record of the resignation will appear on the student's academic record.

3.02 If a student resigns after the 12th class day (4th class day in the summer) and prior to taking any final examination, a record of the resignation will appear on the student's academic record with a mark of "W."

3.03 To resign (officially withdraw) from the University, a student must either report to the Registrar's Office to complete a Resignation Request or use the online resignation form.

3.04 The resignation becomes effective on the date the form is received by the Registrar's Office. This date will be used for determining any eligible refund.

3.05 The Refund Policy of the University is directed by the Texas Education Code, Section 54.006.

### **4. REQUEST TO WITHDRAW AFTER DEADLINE BASED ON EXTENUATING CIRCUMSTANCES**

4.01 A resignation request after the deadline will be considered where, in the University's judgment, the student has demonstrated extenuating circumstances such as incapacity due to a significant personal injury or to an injury and/or illness requiring an extensive period of recuperation; a significant personal emergency; or inability to contact the University by the deadline because of a medical or personal emergency.

4.02 The student will need to make this request in writing to the academic dean of the major field of study.

4.03 Written verification of emergency must be provided by a physician, hospital, etc. Death in the immediate family may be verified by an obituary notice or a memorial folder.

4.04 The student will be notified of the dean's decision.

4.05 The student may appeal the dean's decision to the Office of the Provost and Vice President for Academic Affairs.

## **TUITION REBATES FOR CERTAIN UNDERGRADUATES**

(a) A qualified student is eligible for a rebate of a portion of the undergraduate tuition the student has paid if the student:

(1) is awarded a baccalaureate degree from a general academic teaching institution within the period prescribed by Section 56.462(1)(A) or (B), as applicable, to qualify for forgiveness of a Texas B-On-time loan; and

(2) has attempted no more than three hours in excess of the minimum number of semester credit hours required to complete the degree, including:

(A) transfer credits; and

(B) course credit earned exclusively by examination, except that, for purposes of this subsection, only the number of semester credit hours earned exclusively by examination in excess of nine semester credit hours is treated as hours attempted.

(b) The amount of tuition to be rebated to a student under this section is \$1,000, unless the total amount of undergraduate tuition paid by the student to the institution of higher education awarding the degree was less than \$1,000, in which event the amount of tuition to be rebated is an amount equal to the amount of undergraduate tuition paid by the student to the institution.

However, a student who paid the institution awarding the degree an amount of undergraduate tuition less than \$1,000 may qualify for an increase in the amount of the rebate, not to exceed a total rebate of \$1,000, for any amount of undergraduate tuition the student paid to other institutions of higher education by providing the institution with proof of the total amount of that tuition paid to other institutions of higher education.

(c) A student who has transferred from another institution of higher education shall provide the institution awarding the degree an official transcript from each institution attended by the student in order that the period during which the student has been enrolled in a general academic teaching institution and the total number of hours attempted by the student can be verified.

(d) To qualify for a rebate under this section, the student must have been a resident of this state and entitled to pay tuition at the rate provided by this chapter for a resident student at all times while pursuing the degree.

(e) All institutions of higher education shall notify each first-time freshman student of the tuition rebate program.

(f) The institution awarding the degree shall pay the rebate under this section from local funds.

(g) If a student entitled to a rebate under this section has an outstanding student loan, including an emergency loan, owed or guaranteed by this state, including the Texas Guaranteed Student Loan Corporation, the institution shall apply the amount of the rebate to the student's loan. If a student has more than one outstanding loan, the institution shall apply the amount of the rebate to the loans as directed by the student or, if the student fails to provide timely instructions on the application of the amount, the institution shall apply the amount of the rebate to the loans according to priorities established by the coordinating board. If the amount of the rebate exceeds the amount of the loan indebtedness, the institution shall pay the student the excess amount.

(h) The legislature shall account in the General Appropriations Act for the rebates authorized by this section in a way that provides a corresponding increase in the general revenue funds appropriated to the institution. It is the intent of the legislature that rebates authorized by this section shall be financed by savings to the state resulting from reductions in the number of courses taken by undergraduate students.

(i) The coordinating board, in consultation with the institutions of higher education, shall adopt rules for the administration of this section, including a rule to allow an otherwise eligible student to receive a rebate under this section if the student is not awarded a baccalaureate degree within the period required by Subsection (a)(1) solely as a result of a hardship or other good cause. The performance of active duty military service by a student shall be recognized as "good cause" for purposes of this section.

Added by Acts 1997, 75th Leg., ch. 1073, § 1.09, eff. Aug. 1, 1997. Amended by Acts 2003, 78th Leg., ch. 611, § 1, eff. June 20, 2003; Acts 2005, 79th Leg., ch. 292, § 3, eff. June 17, 2005.

## **EMERGENCY PROCEDURES QUICK REFERENCE**

**FIRE** – In case of fire or when the fire alarm sounds:

- Evacuate the building immediately
- Do not use the elevators
- Assist those with mobility problems
- Contact University Police at 936-294-1000 (4-1000 on campus)
- Report to supervisor at the designated site
- Do not re-enter the building until instructed

**SEVERE WEATHER:**

- Stay away from windows
- Take immediate shelter
- Monitor local radio and television stations



- Today @ Sam for University closings
- Contact University Police at 936-294-1000 (4-1000 on campus)

#### MEDICAL EMERGENCIES:

- Contact University Police at 936-294-1000 (4-1000 on campus)
- Provide your name, location, number injured and description of injuries
- Stay on the phone for instructions on what to do

#### DISRUPTIVE BEHAVIOR:

- Contact University Police at 936-294-1000 (4-1000 on campus)
- Give your name, location, what is happening and number of people involved (shooters/victims) if known
- If possible, exit the building or area immediately
- If exit is impossible, get to a room, lock or barricade the door, keep quiet, remain in place until all clear is given by law enforcement officials

#### BOMB THREATS/SUSPICIOUS ITEMS:

- Pay close attention to the exact words the caller is using, document the call
- Contact University Police at 936-294-1000 (4-1000 on campus)
- Do not touch or handle suspicious items or packages
- Keep others away from area
- Notify your supervisor

#### HAZARDOUS SITUATIONS:

- Contact University Police at 936-294-1000 (4-1000 on campus)
- Provide information on type and size of spill (if known)
- Evacuate the immediate area and building as directed
- Get decontamination instructions from authorities
- Do not re-enter area until all clear is given

Sam Houston State University provides this report to comply with the Students Right

To Know and Campus Security Act of 1990. Sam Houston State University is a state-assisted institution of higher education located in Huntsville, Texas. The campus, including its agriculture facilities, consists of approximately 225 acres in and outside the city of Huntsville, Texas, which has a population of approximately 35,000. The university enrolls approximately 15,000 students supported by 1,500 faculty and staff.