

**APPENDIX A****STUDENTS' RIGHTS  
AND  
RESPONSIBILITIES**

1. **Constitutional Rights:** Subject to the applicable provisions of The Rules and Regulations of the Board of Regents of The University of Texas System and the *Handbook of Operating Procedures of The University of Texas at San Antonio*, students have the rights accorded to all persons under the United States Constitution regarding freedom of speech, peaceful assembly, and association. Causes may be supported by individual students and by student organizations, through the use of lawful means that do not disrupt the operations of the University. These rights carry with them the responsibility for each individual student to accord the same rights to other students and student groups and not to interfere with or obstruct the rights of others to use University facilities. The University regulates the time, place, and manner of these activities on campus and establishes certain guidelines for the activities of student organizations and students to facilitate the orderly use of campus facilities and to prevent disruption of University operations.
2. **Academic Procedures:** Students have the right to be informed about the evaluation methods which will be employed by the instructor and the right to review tests and other written work after the instructor has evaluated it. A student with an academic grievance should first seek to resolve the problem directly with the instructor of the course. If the matter cannot be resolved at that level, the grievance should be submitted in writing to the department chair/division director or other designated administrator. The student may appeal the decision to the Dean of the College and then to the Dean of Undergraduate Studies for an undergraduate or the Dean of Graduate Studies for a graduate student. The decision of the Dean of Undergraduate Studies or the Dean of Graduate Studies is final.
3. **Discipline Procedures:** A student or an organization accused of violating a Regents' rule or regulation, University regulation, or administrative rule is accorded the rights of procedural due process. An accused student or organization is entitled to a hearing before a University Hearing Officer, although a student may waive the right to a hearing and accept administrative disposition of the case. A student also has the right to appeal a discipline decision. (See Sec. 701, Student Code of Conduct.)
4. **Student Records:** The educational records of students are considered to be confidential under both state and federal law. The University's procedures regarding access to student records, including academic, health center, counseling, financial aid, and discipline records shall be in accordance with the applicable provisions of the federal *Family Educational Rights and Privacy Act of 1974* (FERPA) and the *Texas Public Information Act*.

# STUDENT CODE OF CONDUCT

## General Provisions

### Sec. 101. Introduction

By enrolling at The University of Texas at San Antonio, a student neither loses the rights nor escapes the responsibilities of citizenship. All students are expected to obey federal, state, and local laws, the Rules and Regulations of the Board of Regents of The University of Texas System, the rules and regulations of The University of Texas at San Antonio, and directives issued by an administrative official in the course of his or her duties. A student who enrolls at the University is charged with the obligation to conduct himself or herself in a manner compatible with the University's function as an educational institution; consequently, conduct which interferes with the use or utilization of University facilities by other persons may be punished regardless of whether such conduct is specifically proscribed by the provisions of the Student Code of Conduct.

### Sec. 102. Definitions

In this chapter, unless the context requires a different meaning:

1. "complaint" is a written statement of the essential facts constituting a violation of Regents' Rules, University policies, or administrative rules;
2. "vice president" means the Vice President for Student Affairs or the vice president's delegate or representative;
3. "the Office of Student Judicial Affairs" means the Director or Coordinator for Student Judicial Affairs, the vice president's delegates for matters pertaining to student misconduct;
4. "faculty member" means a person who is employed by the University for the purpose of teaching a class and who has authority to assign grades for the class;
5. "hearing officer" means a person appointed by the President to hear disciplinary charges, make findings of fact and, upon a finding of guilt, impose an appropriate sanction(s);
6. "president" means the President of The University of Texas at San Antonio;
7. "student" means a person who
  - a. is currently enrolled at the University;
  - b. is accepted for admission or readmission to the University;
  - c. has been enrolled at the University in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows;
  - d. is attending an additional program sponsored by the University while that person is on campus; or
  - e. has engaged in prohibited conduct at a time when he or she met the criteria of (a), (b), (c) or (d);
8. "System" means The University of Texas System;
9. "University" means The University of Texas at San Antonio; and
10. "weekday" means Monday through Friday except for official University holidays; "day" means calendar day.

### Sec. 103. Application

- A. The Student Code of Conduct applies to individual students, prescribes the standards of conduct expected of students enrolled at the University, outlines actions that can be taken when conduct is not in conformity with the prescribed standards and establishes due process procedures for the imposition of such actions.
- B. A student may be punished by the University for conduct that is proscribed by the University even though the student may be punished by local, state, or federal authorities for the same conduct, but the penalties imposed by the University shall not be used merely to duplicate penalties imposed by local, state, or federal authorities.

**Sec. 104. Miscellaneous**

- A. Computation of time: Where the required action must be taken on a specified number of days either before or after the date upon which an act or event takes place or is to take place, the date of the act or event from which the time is computed shall not be included.
- B. Service: Service of every notice, request, or decision required by the Student Code of Conduct may be made by delivering a copy of the documentation to the person to be served either in person or by mail. A written notice, request, or decision may be served on a student by mailing to the address appearing in the records of the registrar.

**Student Standards of Conduct****Sec. 201. Conduct Expected of Students**

A student is expected and required to obey federal, state, and local laws, to comply with the Regents' Rules and Regulations, with University rules and regulations, with directives issued by an administrative official of the System or the University in the course of his or her authorized duties, and to observe standards of conduct appropriate for an academic institution.

**Sec. 202. Specific Conduct Proscribed**

- A. Disciplinary proceedings may be initiated against any student for any of the following acts or violations:
  1. the violation of any provision of the Regents' Rules and Regulations of The University of Texas System;
  2. the violation of any rule or regulation of the University, including but not limited to, those relating to on-campus housing, the registration of student organizations, the use of University facilities or grounds, and the time, place, and manner of expression or expression-related conduct;
  3. failure to comply with any order or instruction of an official of the University or The University of Texas System acting in the course of his or her authorized duties;
  4. damaging, destroying, or defacing property, equipment, supplies, buildings, or facilities owned, leased, or controlled by the University or the System and/or damaging, destroying, defacing, or taking without authorization property located on campus and belonging to any student, employee, or visitor;
  5. the unauthorized entry into or upon property owned, leased, or controlled by the University;
  6. forging, altering, mutilating, or destroying any University document or record, entering false information in such documents or records, or giving a false response to an inquiry made by an official of the University or The University of Texas System acting in the course of his or her duties;
  7. forging or altering any parking permit, traffic ticket, or parking ticket issued by the System or the University, any ticket for admission to a program or event sponsored by the University, any means of identification issued by the University, any instrument obligating the University to pay any sum of money, any key which may be used for entering any building owned or controlled by the System or the University, or participating in such action with other persons;
  8. using or participating with others in the use of any University record, instrument, or document that does not specifically relate to the person or persons making use of same, except to the extent such use may be authorized by statute, a rule or regulation of the University, or the written permission of either the person to whom such record, instrument, or document relates or the University official having custody of same;
  9. using or participating with others in the use of any permit, means of identification, or key issued by the University to a person other than the user;
  10. engaging in, or encouraging, aiding, or assisting any other person to engage in, any act that is commonly known and recognized as hazing. The term hazing includes, but is not limited to, "walks," "rallies," "paddling" and all other acts that may be now or hereafter defined as such by Section 51.936 of the Texas Education Code. Acts constituting hazing shall not be justified or excused by the fact that they were performed either with the consent of the person subjected to such hazing or as a part of the requirements for becoming a pledge or member of any fraternity, sorority, club, society, association, or organization;
  11. failure or refusal to pay any monetary debt or obligation owed to the University. A check, draft, or order tendered to the University shall not discharge a debt or obligation unless the University receives payment upon presentation of such check, draft, or order;
  12. use, manufacture, possession, sale, or distribution on the campus of the substances defined and regulated under Chapters 481, 484, and 485 of the Texas Health and Safety Code, except as may be allowed by the provisions of such articles. If a student is found guilty of the illegal use, possession, and/or sale of a drug or narcotic on campus, the

minimum penalty shall be suspension from the institution for a specified period of time; and/or suspension of rights and privileges;

13. use or possession of any intoxicating beverage is prohibited in classroom buildings, laboratories, auditoriums, library buildings, museums, faculty and administrative offices, intercollegiate and intramural facilities, and all other public areas. However, with the prior consent of the Vice President for Student Affairs, the foregoing provisions of this section may be waived with respect to any specific affair sponsored by the institution. The exception to this provision is the use or consumption of alcohol in nonpublic areas, such as University apartments. With respect to the possession and consumption of alcoholic beverages, state law will be strictly enforced on campus at all times;
14. any conduct which constitutes a violation of a federal, state, or local law regardless of whether the conduct takes place on or off campus or results in the imposition of the penalty prescribed by the federal, state, or local law;
15. possession or use of firearms, imitation firearms, explosives, ammunition, hazardous chemicals, or weapons as defined by state or federal law on University premises or on any property or in any building or facility owned or controlled by the System is strictly prohibited unless authorized by the Vice President for Student Affairs and by federal, state, or local laws;
16. advocacy, either oral or written, that is directed to inciting or producing imminent lawless action and is likely to incite or produce such action;
17. physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct that threatens or endangers the health or safety of any persons within any building, structure, or stadium owned or controlled by the System or the University, or at any function, program, event, or assembly conducted, sponsored, supervised, or authorized by the University;
18. engaging in conduct, either alone or in concert with other people, that is intended to obstruct, disrupt, or interfere with, or that in fact obstructs, disrupts, or interferes with any scheduled class, laboratory, education or research activity, athletic event or contest, concert, program, assembly, or other activity either sponsored, performed, authorized, or participated in by the System or the University, any administrative process, procedure or function of the System or the University, any disciplinary hearing conducted by the University with regard to any student, faculty member or employee, any authorized or lawful use of property owned or controlled by the System or the University, any officer, official, agent, or employee of the University or System in the performance of his or her duties or the performance of any service the University has undertaken to perform or has contracted to have performed for the benefit of the students, faculty, officials, officers, agents, or employees of the University. Examples include but are not limited to such acts as: stand-ins, sit-ins, lock-ins, lock-outs, parades, marches, picketing, concerts, speeches, solicitations, campaigning, or group demonstrations;
19. entering, walking, running, lying, playing, remaining, or being in the water of any University fountain or other artificial body of water located on the campus unless such person has been granted permission by the University President to enter, remain, or be in such waters; or dumping, throwing, placing, or causing any material, object, trash, waste, or debris to be placed in the water of any campus fountain or other artificial body of water;
20. unauthorized appearance on the campus after having been suspended or expelled from the University or any other component institution of The University of Texas System for disciplinary reasons;
21. failure to notify University authorities of personal knowledge of any violation of the Student Code of Conduct;
22. making a charge of a violation of the Student Code of Conduct against a member of the University community that is knowingly false;
23. attempted or actual theft of or damage to property of the University or property of a member of the University community or other personnel or public property on University property;
24. theft or other abuse of computer time, including, but not limited to:
  - a. unauthorized entry into a file, to use, read, or change the contents or for any other purpose;
  - b. unauthorized transfer of a file;
  - c. unauthorized use of another individual's identification or password;
25. engaging in "stalking," which is defined as knowingly engaging in conduct that includes following another person on more than one occasion with the same course of conduct or scheme being directed specifically at the person. It should be known that the behavior would cause a reasonable person:
  - a. to feel threatened or fear bodily injury or death for himself or herself or a member of the person's family
  - b. to feel that a crime would be committed against the person's property
26. engaging in the unauthorized use of property, equipment, supplies, buildings, or facilities owned or controlled by the System or the University;

27. otherwise engaging in conduct that is inappropriate for members of an academic institution (such conduct includes, but is not limited to: pranks, throwing food at persons or property, public nudity, and harassing telephone calls).
- B. Neither the President of the University nor any System officer, nor any representative of either of them when dealing with disruptive activities, shall negotiate or attempt to negotiate with any person or persons engaged in any disruptive activity on the campus. When such a situation arises, the President or System officer, or any representative of either of them, shall take immediate action to utilize all lawful measures to halt and eliminate any and all such disruptive activities that come to their attention.
- C. It is unlawful for any person on any property of the University to refuse to identify himself or herself to an institutional representative in response to a request. A person identifies himself or herself by giving his or her name and complete address substantiated by a current driver's license, voter registration card, or other official documentation; and by stating truthfully whether he or she is a student or employee of the U.T. System or a component institution.

### **Sec. 203. Scholastic Dishonesty**

- A. The Office of Student Judicial Affairs or faculty may initiate disciplinary proceedings against any student accused of scholastic dishonesty.
- B. "Scholastic dishonesty" includes, but is not limited to, cheating, plagiarism, collusion, falsifying academic records, and any act designed to give unfair advantage to the student (such as, but not limited to, submission of essentially the same written assignment for two courses without the prior permission of the instructor, providing false or misleading information in an effort to receive a postponement or an extension on a test, quiz, or other assignment), or the attempt to commit such an act.
- C. "Cheating" includes, but is not limited to:
1. copying from another student's test paper;
  2. using, during a test, materials not authorized by the person giving the test;
  3. failing to comply with instructions given by the person administering the test;
  4. possession during a test of materials which are not authorized by the person giving the test, such as class notes or specifically designed "crib notes." The presence of textbooks constitutes a violation only if they have been specifically prohibited by the person administering the test;
  5. using, buying, stealing, transporting, or soliciting in whole or part the contents of an unadministered test, test key, homework solution, or computer program;
  6. collaborating with or seeking aid from another student during a test or other assignment without authority;
  7. discussing the contents of an examination with another student who will take the examination;
  8. divulging the contents of an examination, for the purpose of preserving questions for use by another, when the instructor has designated that the examination is not to be removed from the examination room or not to be returned to the student;
  9. substituting for another person, or permitting another person to substitute for one's self to take a course, or a test, or to complete a course-related assignment;
  10. paying or offering money or other valuable thing to, or coercing another person to obtain an unadministered test, test key, homework solution, or computer program, or information about an unadministered test, test key, homework solution, or computer program;
  11. falsifying research data, laboratory reports, and/or other academic work offered for credit;
  12. taking, keeping, misplacing, or damaging the property of the University or of another, if the student knows or reasonably should know that an unfair academic advantage would be gained by such conduct; and
  13. misrepresenting facts, including providing false grades or résumés, for the purpose of obtaining an academic or financial benefit or injuring another student academically or financially.
- D. "Plagiarism" includes, but is not limited to, the appropriation, buying, receiving as a gift, or obtaining by any means another's work and the submission of it as one's own academic work offered for credit.
- E. "Collusion" includes, but is not limited to, the unauthorized collaboration with another person in preparing academic assignments offered for credit or collaboration with another person to commit a violation of any section of the rules on scholastic dishonesty.
- F. "Falsifying academic records" includes, but is not limited to, the altering or assisting in the altering of any official record of the University or The University of Texas System, the submission of false information or the omission of requested information that is required for or related to any academic record of the University or The University of Texas System. Academic records include, but are not limited to, applications for admission, the awarding of a degree, grade reports, test

papers, registration materials, grade change forms, and reporting forms used by the Office of the Registrar. A former student who engages in such conduct is subject to a bar against readmission, revocation of a degree, and withdrawal of a diploma.

## Disciplinary Penalties

### Sec. 301. Authorized Disciplinary Penalties

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

1. Disciplinary warning
2. Disciplinary probation
3. Withholding of grades, official transcript, or degree
4. Bar against readmission or drop from current enrollment and bar against readmission
5. Restitution or reimbursement for damage to or misappropriation of institutional or system property
6. Suspension of rights and privileges
7. Failing grade
8. Suspension
9. Expulsion
10. Educational programs
11. Revocation of degree, denial of degree, and/or withdrawal of diploma
12. Deferral of penalty
13. Other penalty as deemed appropriate under the circumstances

### Sec. 302. Explanation of Disciplinary Penalties

- A. Disciplinary warning is a written statement expressing disapproval of conduct.
- B. Disciplinary probation indicates that further violations may result in suspension or expulsion. Under disciplinary probation, the student will not be considered in "good standing" with the University. Students who are assessed this penalty will be removed from probation automatically upon expiration of the probationary period.
- C. Bar against readmission means that a student may be prohibited from admission or enrollment at the University. This penalty is among those that may be imposed upon a student who fails to respond to a summons from the Office of the Vice President for Student Affairs to discuss allegations that the student has engaged in conduct which may result in disciplinary action.
- D. Restitution requires a student to reimburse the University for loss from, damage to, or unauthorized taking or use of property owned or leased by the University when the conduct of the student has caused or contributed to cause such loss. The student shall be advised of the amount of the loss and that failure to make restitution by a specified date will result in suspension from the University until such time as restitution shall have been made.
- E. Suspension of rights and privileges means that a student shall not be eligible to participate in official events or activities of the University, whether athletic or nonathletic, shall not join a registered student organization or participate in any meetings or activities of a registered student organization of which he or she may already be a member and shall not be appointed or elected to or continue to function in any office or position within student government or the staff responsible for publication of a student newspaper. Students may also be barred from entering specified buildings or restricted from using particular facilities. This penalty may be enforced in part or in full.
- F. A failing grade means an "F." This penalty is among those that may be given when a student is found guilty of scholastic dishonesty in a course.
- G. Suspension or expulsion from the University means that during the period of suspension or expulsion, a student may not attend any courses for which he or she may be registered, may not enter upon the campus or into any building thereon except in response to an official summons from the Vice President for Student Affairs, may not be initiated into an honorary or service organization and may not receive credit at a component institution of The University of Texas System for scholastic work done in residence, by correspondence, or extension. Suspension may not exceed a period of one calendar year. Any special conditions outlined in the suspension notice must be met before readmission can be granted.

- H. Expulsion from the University means that a student will be dropped from current enrollment, and a bar against readmission imposed. Expulsion is permanent separation from the institution.
- I. Educational programs are activities developed to expand the student's understanding of the regulation or policy and/or help the student learn more about himself or herself in relation to the policy or the violation.
- J. Possession or distribution of drugs or alcohol: The University will impose at least a minimum disciplinary penalty of suspension for a specified period of time or suspension of rights and privileges, or both, for conduct related to the use, possession, or distribution of drugs that are prohibited by state, federal, or local law. Other penalties that may be imposed for conduct related to the unlawful use, possession, or distribution of drugs or alcohol include disciplinary probation, payment for damage to or misappropriation of property, suspension of rights and privileges, suspension for a specified period of time, expulsion, or such other penalty as may be deemed appropriate under the circumstances.
- K. Debts to the University: Students who owe a debt to the University may be denied admission or readmission to the University and have their official transcripts, grades, diplomas, and degrees to which they would otherwise be entitled withheld until the debt is paid. Students who write bad checks to the University for tuition and fees will have their registration canceled. Bad checks written to the University for other purposes will subject the student to legal and/or disciplinary action.
- L. Deferral of penalty (e.g., probation, suspension) may be imposed on a student for whom the specific penalty deferred is appropriate but for whom there are mitigating circumstances as determined by the Office of Student Judicial Affairs or Hearing Officer. If a student is found to have violated any rule of The University of Texas at San Antonio and/or The University of Texas System while the deferred penalty is in effect, the minimum penalty for such a violation will be the penalty that had been deferred. The facts of the case may be decided by a University Hearing Officer and/or appealed to the Vice President for Student Affairs, but the minimum penalty may not.

The Office of Student Judicial Affairs or Hearing Officer may impose conditions related to the offense. Failure to meet such conditions shall be considered an additional violation.

### **Sec. 303. Authorized Academic Penalties**

- A. A faculty member, the Office of Student Judicial Affairs, or a Hearing Officer may impose one or more of the following penalties for scholastic dishonesty:
  1. written warning that further scholastic dishonesty violations may result in a more severe penalty;
  2. no credit, or reduced credit for the paper, assignment, or test in question;
  3. retaking of examination or resubmission of assignment;
  4. failing grade or reduced final grade for the course.
- B. The Office of Student Judicial Affairs, with approval of the student's academic dean, may assign an academic penalty for violation of a University policy concerning scholastic dishonesty to a student who fails without good cause to appear for a preliminary meeting or formal hearing.
- C. A student who is in violation of University regulations concerning scholastic dishonesty may also be subject to one or more of the penalties in Section 301.

## **Initiation of Disciplinary Charges**

### **Sec. 401. Investigation**

- A. Upon receiving information that a student has allegedly violated Regents' Rules, University regulations, or administrative rules, the Office of Student Judicial Affairs shall investigate the alleged violation. After completing the preliminary investigation, the Office of Student Judicial Affairs may dismiss the allegation as unfounded or summon the student for a preliminary meeting.
- B. A student may be summoned by written request of the Office of Student Judicial Affairs for a meeting to discuss the allegations. The written request shall specify a place for the meeting and a time at least three weekdays after the date of the written request. The written request may be mailed to the address appearing in the records of the registrar or may be hand delivered to the student. If a student fails to appear without good cause, as determined by the Office of Student Judicial Affairs, the Office may bar or cancel the student's enrollment or otherwise alter the status of the student until the student complies with the summons, or the Office may proceed to implement the disciplinary hearing procedures provided in Sec. 501, et seq. The refusal of a student to accept delivery of the notice or the failure to maintain a current address with the registrar shall not be good cause for the failure to respond to a summons.

- C. The purpose of the preliminary conference is to allow the Office of Student Judicial Affairs to discuss the alleged offense(s) with the accused student. At this meeting the student is given a copy of the complaint/referral and a copy of the Student Code of Conduct.

**Sec. 402. Disposition of the Charges**

The student must choose one of two decision-making approaches: (1) an administrative decision made by the Office of Student Judicial Affairs; or (2) a formal hearing.

- A. When the student does not dispute the facts alleged, the Office of Student Judicial Affairs shall make an administrative decision, and a written waiver of the right to a formal hearing must be executed. The student shall be informed of the action taken in writing. The decision of the Office of Student Judicial Affairs may be appealed as in the case of the decision rendered subsequent to a hearing. The appeal is limited to the issue of penalty.
- B. In any case where the accused student selects the formal hearing as the decision-making approach or refuses to execute a written waiver of a hearing, such charges shall be heard and determined by a fair and impartial Hearing Officer. A Hearing Officer will be chosen in accordance with the procedures of the institution.

**Sec. 403. Immediate Interim Discipline**

- A. Pending a hearing or other disposition of the allegations against a student, the Vice President for Student Affairs or the President of the University, or their designee, may take such immediate interim disciplinary action as is appropriate to the circumstances, including suspension and bar from the campus when it reasonably appears from the circumstances that the continuing presence of the student poses a potential danger to persons or property or a potential threat for disrupting any activity authorized by the University. The Vice President for Student Affairs or the President may authorize interim withholding of the student's grades, degree, or official transcript when such action is in the best interest of the University.
- B. When interim disciplinary action has been taken, a hearing of the charges against the student will be held under the procedures specified in Sec. 501, et seq., but will be held within 10 days after the interim disciplinary action was taken.
- C. As an alternative to a hearing of the charges before a Hearing Officer, the accused student may choose to have the charges disposed of in accordance with an administrative decision as set forth under procedures specified in Sec. 402.

## Hearing

**Sec. 501. Notice of Hearing**

- A. The Office of Student Judicial Affairs shall notify the accused student in writing of the statement of charges and a summary statement of evidence supporting the charge; the name of the person who will act as Hearing Officer; the date, time, and place of the hearing; and that both the accused student and the Office of Student Judicial Affairs will be accorded the following rights in connection with such hearing:
1. the right to have actual copies of documents that each intends to present, including a list of the names of witnesses and a brief summary of their testimony;
  2. the right to appear, present testimony of witnesses and documentary evidence, cross-examine witnesses and be assisted by an advisor of choice. The advisor may be an attorney. If the accused student's advisor is an attorney, the Office of Student Judicial Affairs's advisor may be an attorney from the Office of General Counsel of the UT System. An advisor may confer with and advise the Office of Student Judicial Affairs or the accused student, but shall not be permitted to question witnesses, introduce evidence, make objections, or present argument to the Hearing Officer; and
  3. the right to have all proceedings at the hearing recorded electronically. The recording of the hearing shall be made under the direction of the Hearing Officer.
- B. The required notice shall be hand delivered to the student or sent by mail, addressed to the address of the accused student as it appears in the registrar's records and shall be mailed not less than 10 days prior to the date specified for the hearing. A notice sent by mail will be considered to have been received on the third day after the date of mailing not to include Sundays. The requirements of this paragraph shall not be applicable in any case where immediate interim action has been taken in accordance with Sec. 403.

**Sec. 502. Postponement of Hearing**

- A. Upon a showing of good cause by either the accused student or the Office of Student Judicial Affairs, the Hearing Officer may postpone the hearing.

- B. Application for postponement shall be in writing and shall set forth the facts upon which the party relies as constituting good cause.
- C. The application for postponement must be presented to the Hearing Officer and the opposing party no later than the third day preceding the date specified for the hearing. Any application received after that date will be granted only in the case of extreme hardship or emergency.
- D. Upon granting a postponement, the Hearing Officer shall notify the accused student and the Office of Student Judicial Affairs of the new date, time, and place for the hearing. It shall be the responsibility of the accused student and the Office of Student Judicial Affairs to notify their respective witnesses accordingly.

**Sec. 503. Challenge to the Hearing Officer**

- A. An accused student may challenge the ability of the Hearing Officer to render a fair, impartial, and objective decision.
- B. The challenge must be made in writing and presented to the Office of Student Judicial Affairs up to three days preceding the day specified for the hearing. The reason or reasons upon which the challenge is based shall be set forth fully and shall be confined solely to the fairness, impartiality, and objectivity of the Hearing Officer.
- C. It shall be up to the Hearing Officer to determine whether he or she can render a fair, impartial, and objective decision in the case. If the challenge is sustained, the Assistant Vice President for Student Life shall promptly select a qualified person to serve as Hearing Officer, in accordance with procedures of the institution.

**Sec. 504. Disclosure of Evidence**

- A. In order that the case be fully developed for the benefit of the Hearing Officer, the Office of Student Judicial Affairs and the accused student shall be required to disclose to each other the names of the witnesses they expect to be present and actual copies of documents and other evidence relied upon.
- B. The parties are encouraged to exchange this information at the earliest practical time but not later than five days prior to the date of the hearing. Upon objection by the opposing party, witnesses or other evidence not so disclosed will be excluded by the Hearing Officer unless it be shown by the party offering same that the existence of the testimony to be given by the witness or the evidence offered was unknown to the offering party five days prior to the date of the hearing and could not have been discovered by the use of reasonable diligence.
- C. The provisions of this section shall not prohibit either party from offering at the hearing evidence that is strictly in rebuttal to evidence offered by the other party.

**Sec. 505. Request for Public Hearing**

- A. The accused student may request that the hearing be open to the public. In the absence of such a request, the hearing will not be open to the public or representatives of the news media.
- B. A request that the hearing be open to the public must be made in writing and delivered to the Office of Student Judicial Affairs no later than the third day preceding the date specified for the hearing.
- C. An accused student who requests a public hearing is not entitled to require that such hearing be held in any particular place or that the facility in which the hearing is held accommodate any specific number of persons. The determination of the suitability of the facility in which the hearing is to be held will rest solely within the discretion of the Office of Student Judicial Affairs.

**Sec. 506. Authority of the Hearing Officer**

The Hearing Officer shall have and exercise such power and authority as may be deemed appropriate or necessary to ensure that a fair and impartial hearing of the charges is conducted in accordance with the provisions of the Student Code of Conduct. At the discretion of the Hearing Officer, one or more commissioned peace officers from the police department of the University shall be available throughout the hearing to enforce the orders and rulings of the Hearing Officer, control admission to the hearing, and perform such other duties as the hearing may require.

**Sec. 507. Order and Decorum**

- A. If, in the opinion of the Hearing Officer, the demeanor or conduct of any person or persons in attendance at the hearing causes or contributes to any disruption, disturbance, or distraction of the hearing, such person or persons shall be required to leave the hearing room.
- B. No camera or photographic equipment of any kind, nor any equipment which may be used to record or transmit sound, shall be permitted in the hearing room or in the hallway outside of the hearing room during the progress of the hearing or

any recess thereof. This prohibition shall not apply to any equipment used under the direction of the Hearing Officer to make the official recording of the hearing.

- C. Persons in attendance at the hearing shall not consume any food or beverage, nor read any newspaper, magazine, or book during the progress of the hearing.
- D. If the accused student has requested a public hearing in accordance with Section 505, a reasonable number of seats will be provided within the hearing room for use by persons who wish to attend the hearing. The number of seats to be provided and the arrangement thereof shall be determined by the Office of Student Judicial Affairs after giving consideration to the size of the hearing room and necessity for maintaining clear access to all doors to the hearing room. Admission of the public shall be on a first-come basis, and no one shall be allowed to stand, sit on the floor, or bring additional seats into the hearing room. Designation of the hearing as a public hearing does not mean that everyone who wishes to attend will be accommodated, and the refusal to admit persons after seating within the hearing room has been filled will not be a denial of a public hearing.

### **Sec. 508. Order of Proceedings**

- A. The hearing shall be called to order and shall proceed in the following manner:
  - 1. the Hearing Officer shall read the charges against the accused student, explain the rights of the parties, and entertain questions from either party concerning the procedures to be followed;
  - 2. the Office of Student Judicial Affairs shall proceed to present evidence in support of the charges;
  - 3. the accused student shall present evidence in support of his or her defense to the charges;
  - 4. each party may then present rebuttal evidence;
  - 5. argument may then be presented by each party; and
  - 6. the Office of Student Judicial Affairs may recommend a penalty to be assessed by the Hearing Officer. The recommendation may be based upon past practice of the University for violations of a similar nature, the past disciplinary record of the student, or other factors deemed relevant by the Office of Student Judicial Affairs. The accused student shall be entitled to respond to the recommendation of the Office of Student Judicial Affairs.
- B. An accused student who fails to appear in person at his or her disciplinary hearing shall remain accountable. The hearing will be held without the accused student's presence, and a decision will be rendered by the Hearing Officer.

### **Sec. 509. Burden of Proof**

- A. The Office of Student Judicial Affairs shall have the burden of establishing the truth of the charges against the accused student by the greater weight of the credible evidence.
- B. As the party having the burden of proof, the Office of Student Judicial Affairs shall have the right to open and conclude both in presenting evidence and in argument.

### **Sec. 510. Oath and Removal of Witness**

- A. Each witness shall swear or affirm that the testimony he or she will give will be true. The Hearing Officer shall administer the required oath or affirmation to each testifying witness.
- B. At the request of either party, all witnesses may be removed from the hearing room so they cannot hear the testimony of any other witness. Neither party nor their advisors shall be placed under the rule. Witnesses removed shall be instructed by the Hearing Officer not to converse with each other or with any other person about the case other than with the parties or their advisor, and that they are not to read any report of or comment upon the testimony given at the hearing while isolated. Violation of such instructions will result in the imposition of such sanction as the Hearing Officer may deem appropriate.

### **Sec. 511. Record of the Hearing**

The record of the proceedings will be made electronically. In the event the decision of the Hearing Officer is appealed, the record can be made available to the appealing party by submitting a written request. The official record will consist of the recording of the hearing, the documents received in evidence, and the decision of the hearing officer. At the request of the President, the recording of the hearing will be transcribed, and both parties will be furnished a copy of the transcript.

### **Sec. 512. Evidence**

- A. The term "evidence" refers to the means by which alleged facts are either proved or disproved. It includes the testimony of witnesses and documentary or objective exhibits offered by the parties.

- B. The Hearing Officer shall be the sole judge of the admissibility of evidence, the credibility of the witnesses, and the weight to be given to the evidence or any inference drawn there from. The Hearing Officer may ask such questions of witnesses, the parties, or their counsel as may be deemed appropriate to ascertain the facts, or to aid the Hearing Officer in deciding upon the admissibility of evidence, the credibility of a witness, or the weight given to evidence admitted. The Hearing Officer is entitled to have the advice and assistance of legal counsel from the Office of General Counsel of the U.T. System. Legal rules of evidence do not apply to Student Code of Conduct hearings.
- C. Either party may object to the admission of evidence upon any ground that they deem appropriate. The Hearing Officer shall rule upon such objections and either admit or exclude the objectionable evidence.
- D. Evidence which is irrelevant, immaterial, or unduly repetitious will be excluded by the Hearing Officer upon objection of either party.
- E. Documents, letters, writings, pictures, drawings, or objects that a party plans to offer in evidence shall first be given to the Hearing Officer to be marked and identified as the exhibit of that party and listed by the Hearing Officer. After being marked and identified, each exhibit shall be shown to the opposing party. Unless the opposing party disputes the authenticity of the exhibit or has no knowledge with respect thereto, the exhibit may be offered without authentication; however, the exhibit may be objected to on grounds other than authenticity.

### **Sec. 513. Agreements of the Parties**

Any of the provisions of this chapter relating to the time within which an act must be performed or the procedures for conducting the hearing may be altered by written agreement of the parties, duly signed and presented to the Hearing Officer for inclusion in the record of the case.

### **Sec. 514. Decision of the Hearing Officer**

The Hearing Officer shall prepare and render a written decision setting forth findings of fact in the case and conclusions with respect to the accused student's responsibility for the charges. If the Hearing Officer concludes that the accused student is responsible for any charge, the disciplinary action shall be stated in the decision. A copy of the decision shall be given to the accused student and the Office of Student Judicial Affairs, and the original shall be made a part of the student's University record. Guilt of the illegal use, possession, or sale of a drug or narcotic on campus requires the assessment of a minimum penalty provided in Section 202 (A) 12.

## **Disciplinary Records**

### **Sec. 601. Hearing Record**

- A. The record in a disciplinary proceeding shall consist of:
  1. a copy of the statement of charges and evidence required by Section 401;
  2. a copy of the notice required by Section 501;
  3. all motions or requests presented to the Hearing Officer by either party;
  4. all agreements entered into by the parties;
  5. the electronic recording of the proceedings and any transcript thereof;
  6. all exhibits admitted into evidence and the Hearing Officer's listing thereof; and
  7. the decision of the Hearing Officer.
- B. Upon rendition of a decision, the Hearing Officer shall certify to the completeness of the record. The contents of the record shall be separated from the student's academic record. It will not be open to public inspection, but will be available to personnel of the University, The University of Texas System, and the student involved. Parents of students under 18 or anyone with the student's signature on a release form may have access to the student's records. The record may also be available in the event of an appeal of the decision of the Hearing Officer or the University or any court action by the student involved.
- C. The record in a disciplinary case as described in Subsection (A) of this section may be destroyed by the Office of Student Judicial Affairs six years after final disposition of the case. Prior to destroying the record, the Office of Student Judicial Affairs shall prepare a record reflecting the name of the student involved, the nature of the charge, the penalty assessed, final disposition of the case, and such other information as may be deemed pertinent to be maintained as a permanent confidential record which may be released only in accordance with Subsection (B) of this section.

**Sec. 602. Notation of Penalty**

- A. The Office of Student Judicial Affairs shall notify the Assistant Vice President for Student Life when one of the following penalties is assessed in a disciplinary case:
  - 1. bar against readmission;
  - 2. drop from enrollment and bar against readmission;
  - 3. denial of degree or transcript;
  - 4. suspension from the University; or
  - 5. expulsion from the University.
- B. The Assistant Vice President for Student Life may make a permanent notation of such action on the transcript of the student involved, or a note may be attached to the student's record stating that a hold has been placed on the transcript and/or enrollment. The note shall be removed from the transcript upon expiration of the period for which the action was taken.

**Appeal****Sec. 701. Right to Appeal**

- A. The accused student may appeal a disciplinary penalty assessed by the Office of Student Judicial Affairs.
- B. Either the accused student or the Office of Student Judicial Affairs may appeal the decision of the Hearing Officer.

**Sec. 702. Appeal of Penalty Assessed by the Office of Student Judicial Affairs**

- A. A written notice of appeal of the penalty assessed by the Office of Student Judicial Affairs must be delivered to the Vice President for Student Affairs within fourteen (14) days after the student has been notified of the penalty assessed by the Office of Student Judicial Affairs. If the notice of penalty assessed by the Office of Student Judicial Affairs is sent by mail, the date the notice is mailed initiates the fourteen (14) day period for giving notice of appeal. A copy of the notice of appeal is to be forwarded by the student to the Office of Student Judicial Affairs.
- B. An appeal of the penalty assessed by the Office of Student Judicial Affairs will be reviewed solely on the basis of the written argument of the student and the Office of Student Judicial Affairs. In order for the appeal to be considered, the accused student's written argument must be filed with the Vice President within fourteen (14) days after notice of appeal is given.
- C. The action of the Vice President shall be communicated in writing to the accused student and the Office of Student Judicial Affairs within thirty (30) days after the appeal and related documents have been received.
- D. The decision of the Vice President may be appealed to the President.

**Sec. 703. Appeal of Decision of Hearing Officer**

- A. A written notice of appeal of the decision of the Hearing Officer must be delivered to the Vice President for Student Affairs within fourteen (14) days after the appealing party has been notified of the decision of the Hearing Officer. If the notice of the decision of the Hearing Officer is sent by mail, the date the notice or decision is mailed initiates the fourteen (14) day period for giving notice of appeal. A copy of all notices of appeal must be delivered to the opposing party.
- B. Upon receipt of the initial notice of appeal, the Office of Student Judicial Affairs shall assemble the record in the case as set forth in Sec. 601 (A). In order for the appeal to be considered, all the necessary documentation to be filed by the appealing party, including written argument, must be filed with the Vice President within fourteen (14) days after notice of appeal is given.
- C. Arguments either against or in support of the decision under review are to be presented in writing. At the discretion of the Vice President, both parties may present oral argument.
- D. An appeal of the decision of the Hearing Officer will be reviewed solely on the basis of the record from the hearing.
- E. The action of the Vice President shall be communicated in writing to the accused student and the Office of Student Judicial Affairs within thirty (30) days after the appeal and related documents have been received.
- F. The decision of the Vice President may be appealed to the President.

**Sec. 704. Appeal of Decision of Vice President**

- A. A written notice of appeal of the decision of the Vice President for Student Affairs must be delivered to the President within fourteen (14) days after the appealing party has been notified of the decision of the Vice President. If the notice of the decision of the Vice President is sent by mail, the date the notice or decision is mailed initiates the fourteen (14) day period for giving notice of appeal. A copy of all notices of appeal must be delivered to the opposing party.

- B. Upon receipt of the initial notice of appeal, the Office of Student Judicial Affairs shall assemble the record in the case as set forth in Sec. 601 (A). In order for the appeal to be considered, all the necessary documentation to be filed by the appealing party, including written argument, must be filed with the President within fourteen (14) days after notice of appeal is given.
- C. Arguments either against or in support of the decision under review are to be presented in writing. At the discretion of the President, both parties may present oral argument.
- D. An appeal of the decision of the Vice President will be reviewed on the basis of all previously submitted arguments and records.

**Sec. 705. Consideration by President**

- A. The President may approve, reject, or modify the decision in question, or may require that the original hearing be reopened for the presentation of additional evidence and reconsideration of the decision. It is provided, however, that if finding as to guilt is upheld in a case involving the illegal use, possession, and/or sale of a drug or narcotic on campus, the penalty may not be reduced below the minimum penalty prescribed by Sec. 202 (A) (12) of the Student Code of Conduct.
- B. The action of the President shall be communicated in writing to the accused student and the Office of Student Judicial Affairs within thirty (30) days after the appeal and related documents have been received.
- C. The decision of the President is the final appellate review.

**Sec. 706. Effect of Appeal Upon Disciplinary Action**

- A. An appeal of the decision of the Hearing Officer or of a penalty assessed by the Office of Student Judicial Affairs shall suspend the imposition of the prescribed disciplinary action pending final disposition of the appeal.
- B. If upon final disposition of any case in which the action has been suspended during appeal, the reviewing authority whose decision becomes final finds that the original action can no longer be imposed because of passage of time, such authority may specify a new period of time for which the original action will be imposed, or in any case where imposition of the original action will no longer be effective because of a change in the status of the student involved, such authority shall prescribe a substitute disciplinary action deemed appropriate to the conduct involved.

**APPENDIX C****UNIVERSITY****POLICIES****Freedom of Speech and Assembly**

The freedoms of speech and assembly are basic and essential to intellectual development. However, these activities are subject to the well-established right of colleges and universities to regulate time, place, and manner so that the activities do not intrude or interfere with the academic programs and administrative processes of the System or the component institutions. Each component institution may designate one or more appropriate areas on the campus where students, faculty, and staff may engage in rallies, group demonstrations, or public oratory without prior administrative approval. All rallies, group demonstrations, and public oratory must be conducted in accordance with the provisions of Series 40501, Sec. 1 of the Regents' Rules and Regulations and the reasonable and nondiscriminatory rules and regulations of the component institution.

Students, faculty, or staff who are candidates for public office or who wish to campaign on behalf of a particular candidate or candidates may engage in conduct in behalf of such candidacy in the areas designated pursuant to Series 40501, Sec. 2 of the Regents' Rules and Regulations or in accordance with the provisions of Series 40501, Sec. 3 on the Regents' Rules and Regulations relating to off-campus speakers.

UTSA's policy on free speech and assembly provides for designated areas at both the 1604 and the Downtown Campuses where amplified sound may be used for special gatherings. Areas include the University Center (UC) patio, located immediately southwest of the UC, and the south end of the Central Plaza (side closest to Arts Building) on the 1604 Campus; and the Bill Miller Plaza area, centrally located east of the Frio Street Building, at the Downtown Campus. These areas are available for use by any UTSA student, staff, or faculty unless the area has been previously reserved for a specific event. (Regents' Rules and Regulations, 40501, Sec. 1). Contact the Student Activities Office at (210) 458-4160 (458-2816 Downtown) to obtain a copy of UTSA's policy on free speech and assembly and for additional information regarding use of amplified sound areas.

**Nondiscrimination Policy**

The Regents adopted the following revised statement against discrimination for The University of Texas System and all component institutions: To the extent provided by applicable law, no person shall be excluded from participation in, denied the benefits of, or be subject to discrimination under any program or activity sponsored or conducted by the System or any of its component institutions, on the basis of race, color, national origin, religion, sex, age, veteran status, or disability. (Regents' Rules and Regulations, 10701, Sec. 1, and *Handbook of Operating Procedures*, Chapter 9, 9.1).

**Policy on AIDS, HIV Infection, and HBV**

The University of Texas at San Antonio recognizes Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV) as serious public health threats and is committed to encouraging an informed and educated response to issues and questions concerning these infections.

A complete copy of The University of Texas System Policy and Guidelines on Acquired Immune Deficiency Syndrome, Human Immunodeficiency Virus Infection, and Hepatitis B is available at the Health Services Office. Contact Health Services at (210) 458-4142 at the 1604 Campus or (210) 458-2930 at the Downtown Campus or by visiting their offices at RWC 1.500 (1604) or BV 1.308 (DT).

## Posting Materials on Campus

A student or student organization may publicly post an approved sign on University property. Signs include billboards, decals, notices, placards, posters, and any kind of hand-held signs. Posting is defined as any means used for displaying a sign. A detailed explanation of University posting policy may be obtained from the Student Activities Office at UC 1.02.08 (1604 Campus) or DB 1.302 (Downtown Campus). All materials must be approved for posting by the Student Activities Office.

## Prohibition of Hazing

Under state law (§ 37.151 through 37.157 and 51.936, Texas Education Code) individuals or organizations engaging in hazing could be subject to fines and charged with a criminal offense.

According to law, a person can commit a hazing offense not only by engaging in a hazing activity but also by soliciting, directing, encouraging, aiding, or attempting to aid another in hazing; by intentionally, knowingly, or recklessly allowing hazing to occur; or by failing to report in writing to the Office of Student Life firsthand knowledge that a hazing incident is planned or has occurred. The fact that a person consented to or acquiesced in a hazing activity is not a defense to prosecution for hazing under the law.

In an effort to encourage reporting of hazing incidents, the law grants immunity from civil or criminal liability to any person who reports a specific hazing event to the Office of Student Life and immunizes that person from participation in any judicial proceeding resulting from that report.

The penalty for failure to report hazing activities is a fine not to exceed \$2,000, up to 180 days in jail, or both. Penalties for other hazing offenses vary according to the severity of the injury that results; they range from individual fines of \$4,000 and/or up to one year in jail to individual fines of up to \$10,000 and/or a state jail term of not less than 180 days or more than two years. Organizational penalties include fines of not less than \$5,000 or more than \$10,000. If the organizational hazing activity resulted in personal injury, property damage, or other loss, the penalty is a fine of not less than \$5,000 or more than double the amount lost or expenses incurred because of the injury, damage, or loss.

The law defines hazing as any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization whose members are or include students at an educational institution. Hazing includes but is not limited to:

- A. any type of physical brutality, such as whipping, beating, striking, branding, electric 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, confinement in a small space, 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 food, liquid, alcoholic beverage, liquor, drug, or other substance which subjects the student to an unreasonable risk or harm or which adversely affects the mental or physical health of the student;
- 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 section;
- E. any activity that induces, causes, or requires the student to perform a duty or task which involves a violation of the Penal Code.

Rules and Regulations of The Board of Regents of The University of Texas System, 50101, Sec. 2 provides that:

1. hazing with or without the consent of a student is prohibited by the System, and a violation of that prohibition renders both the person inflicting the hazing and the person submitting to the hazing subject to discipline;
2. initiations or activities by organizations may include no feature which is dangerous, harmful, or degrading to the student, and a violation of this prohibition renders both the organization and participating individuals subject to discipline.

Activities that under certain conditions constitute acts that are dangerous, harmful, or degrading, in violation of subsection 202(A)(10) of the Student Code of Conduct, include, but are not limited to:

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

(ARCH Chapter and Undergraduate Councils of Delta Tau Delta Fraternity.)

## **Prohibition of Discrimination and Sexual Harassment and Sexual Misconduct**

It is the policy of The University of Texas at San Antonio (UTSA) to maintain an educational and working environment that provides equal employment opportunity and equal access to use of University programs, services, and activities. In accordance with federal and state law, the University prohibits unlawful discrimination on the basis of race, color, sex, religion, national origin, age, disability, citizenship, and veteran status. Likewise, sexual misconduct and sexual harassment in any form will not be tolerated. Discrimination on the basis of sexual orientation is also prohibited pursuant to University policy. This policy applies to UTSA administrators, faculty, staff, students, visitors, and applicants for employment or admission. The Director of the Office of Institutional Diversity (OID) serves as UTSA's Equal Employment Opportunity (EEO) Officer and is authorized to investigate complaints. The OID Office is located in the John Peace Library building (JPL), telephone number (210) 458-4120.

The University keeps information confidential to the extent permitted by law. If applicable, an individual's desire to maintain anonymity will be honored unless it constrains attempts at establishing facts and eliminating unwanted conduct. In such cases, the University balances the individual's desire for privacy and confidentiality with its commitment to provide an environment free of discrimination. Relevant information will be provided to those with a need to know in order to achieve resolution of the complaint.

### **Definitions**

**Discrimination**, including harassment, is defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education on account of race, color, sex, religion, national origin, age, disability, citizenship, veteran status, or sexual orientation.

**Harassment**, as a form of discrimination, is defined as verbal or physical conduct that is directed at an individual or group because of race, color, sex, religion, national origin, age, disability, citizenship, veteran status, or sexual orientation when such conduct is sufficiently severe, pervasive, or persistent so as to have the purpose or effect of interfering with an individual's or group's academic or work performance; or of creating a hostile academic or work environment. Constitutionally protected expression cannot be considered harassment under this policy.

**Sexual misconduct** includes unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature directed toward another individual that does not rise to the level of sexual harassment but is unprofessional and inappropriate for the workplace or classroom.

**Sexual harassment** is a form of sex discrimination and includes unwelcome sexual advances, requests for sexual favors, verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment or student status; (2) submission to or rejection of such conduct is used as a basis for evaluation in making personnel or academic decisions affecting that individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's performance as an administrator, faculty member, staff or student, or creating an intimidating, hostile, or offensive environment.

### Examples

Behavior that could be considered sexual misconduct or sexual harassment include but are not limited to: (1) physical contact of a sexual nature including touching, patting, hugging, or brushing against a person's body; (2) explicit or implicit propositions or offers to engage in sexual activity; (3) comments of a sexual nature including sexually explicit statements, questions, jokes, or anecdotes; (4) remarks of a sexual nature about a person's clothing or body; (5) remarks about sexual activity, speculation about sexual experience; (6) exposure to sexually oriented graffiti, pictures, posters, or materials; and/or (7) physical interference with or restriction of an individual's movements. Such conduct is expressly prohibited and offenders are subject to disciplinary action.

### Reporting Responsibilities

Any person who believes they have been subjected to discrimination is urged to immediately report the incident to OID. Faculty and/or managerial staff are required to immediately report complaints made to them by faculty, staff, students, or visitors to OID.

### Resolution Options

**Informal.** A person who believes that he or she has been subjected to discrimination or harassment, including sexual harassment or sexual misconduct in violation of this policy, may take action through an informal resolution process or a formal complaint process, or both. The informal resolution and formal complaint resolution process described in this policy are not mutually exclusive and neither is required as a precondition for choosing the other; however, they cannot both be used at the same time.

The informal resolution process may be used as a prelude or an alternative to filing a formal complaint. Informal resolution may be an appropriate choice where the conduct is not of a serious or repetitive nature and disciplinary action is not required to remedy the situation. No formal investigation is involved in the informal resolution process except as determined by OID. Assistance is provided in an attempt to resolve possible discrimination if the individual does not wish to file a formal complaint. Such assistance includes: (1) strategies for the individual to effectively inform the offending party that his or her behavior is offensive and should cease; (2) action by an appropriate university official to stop the offensive conduct; (3) modification of the situation in which the offensive conduct occurred, or mediation between the parties. However, the University may take more formal action to ensure an environment is free of discrimination. OID will document informal resolutions and retain such documentation.

**Formal.** (This complaint procedure also constitutes the grievance procedure for complaints alleging unlawful sex discrimination required under Title IX of the Education Amendments of 1972. As used herein, "complaint" is synonymous with "grievance.")

UTSA encourages any person who believes that he or she has been subjected to discrimination to immediately report the incident to his or her supervisor, OID, Human Resources, or Student Judicial Affairs. The complainant will be advised of the procedures for filing a formal complaint of discrimination. Complaints should be filed as soon as possible after the conduct giving rise to the complaint, but no later than 30 calendar days after the event occurred. In the case of a currently enrolled student, if the last day for filing a complaint falls prior to the end of the academic semester in which the alleged violation occurred, then the complaint may be filed within thirty (30) calendar days after the end of that semester.

In order to initiate the investigation process, the complainant should submit a signed, written statement setting out the details of the conduct that is the subject of the complaint, including the complainant's name, signature, and contact information; the name of the person directly responsible for the alleged violation; a detailed description of the conduct or event that is the basis of the alleged violation; the date(s) and location(s) of the occurrence(s); the names of any witnesses to the occurrence(s); the resolution sought; and any documents or information relevant to the complaint. While an investigation may begin on the basis of an oral complaint, the complainant is strongly encouraged to file a written complaint. Complaint forms are located on OID's Web site at [www.utsa.edu/aao/index.htm](http://www.utsa.edu/aao/index.htm).

Within five working days of receipt of a complaint, OID may either dismiss the complaint or authorize an investigation. A complaint may be dismissed if the facts alleged would not constitute discrimination; the complaint fails to allege facts relevant to discrimination; or the appropriate resolution or remedy has already been achieved or offered and rejected. If a complaint will not be investigated, OID will notify the complainant to explain the reason for the dismissal and inform the complainant that, within ten (10) working days of the notification, he or she may appeal the decision not to proceed with a complaint investigation to the Chief Legal Officer, explaining why the decision was in error. A response will be sent in twenty (20) working days from receipt. The Chief Legal Officer's decision is final.

As part of the investigation process, the accused individual will receive a copy of the complaint and allowed a reasonable time to respond in writing. The complainant and accused individual may present documents or information believed to be relevant to the complaint. Any persons who may have relevant information will be interviewed and such interviews will be appropriately documented. The investigation will be conducted as soon as possible and, upon completion of the investigation, a written report will be issued. The report shall include: a recommendation of whether a violation of the policy occurred, an analysis of the facts discovered during the investigation, any relevant evidence, and recommended disciplinary action if a violation of the policy occurred. A copy of the report will be sent to the appropriate Vice President who has authority over the complainant and the respondent.

The complainant and respondent have seven (7) working days from the date of the report to submit comments regarding the report to the appropriate Vice President. Complaints against a student are protected by the Family Education Rights and Privacy Acts restrictions and copies of the written complaint will not be provided. Within ten (10) working days of receiving any comments submitted by the complainant or respondent the appropriate Vice President who has authority over the respondent may: (1) request further investigation into the complaint; (2) dismiss the complaint if the results of the completed investigation are inconclusive or there is insufficient reasonable credible evidence to support the allegation(s); or (3) find that the policy was violated.

A decision that the policy was violated shall be made into the record provided by the investigator and any comments submitted by the complainant or respondent. If the appropriate Vice President who has authority over the respondent determines a violation of policy, he or she will take appropriate disciplinary action based upon the severity of the conduct or delegate such authority and action to the subordinate supervisor, if appropriate. Disciplinary actions can include, but are not limited to, written reprimands, the imposition of conditions, reassignment, suspension, and dismissal.

The complainant and the respondent shall be informed in writing of the administrative official's decision and be provided a copy of the final statement of findings. If a student is recommended for disciplinary action, the EEO Officer will notify the Office of Student Judicial Affairs. Implementation of disciplinary action against faculty, employees, and students will be handled in accordance with the University's policy and procedures for discipline and dismissal of faculty, employees, and students.

During the complaint process, a complainant or respondent may be assisted by a person of his or her choice; however, the assistant may not examine witnesses or otherwise actively participate in a meeting or interview. An administrator, faculty member, student, or employee who retaliates in any way against an individual who has brought a complaint pursuant to this policy or an individual who has participated in an investigation of such a complaint is subject to disciplinary action, including dismissal. Any person who knowingly and intentionally files a false complaint under this policy or makes false statements in the course of the investigation is subject to disciplinary action up to and including dismissal from the University. OID will document complaints and retain such documentation.

## Smoking Policy

In order to achieve an environment as close to smoke free as possible, the Human Resources Committee recommended and The University Assembly approved the following smoking policy at The University of Texas at San Antonio:

*Smoking is prohibited in all indoor locations, in all University vehicles and within 20 feet of any outside entrance to any building with the exception of the portico between the Campus Recreation Center and Health Services, where smoking is prohibited within 100 feet of the buildings. Violations will be dealt with on a case-by-case basis in accordance with established disciplinary policies of the University (Handbook of Operating Procedures, Chapter 9, 9.36).*

## Solicitation on Campus

Series 80103, Sec. 1 of the Regents' Rules and Regulations states that no solicitation shall be conducted on the grounds, sidewalks, or streets of the UTSA Campus, except by the agents, servants, or employees of this institution acting in the course and scope of their employment, or by the Student Government (SG), or by a registered student, faculty, or staff organization of this institution. Such solicitation must adhere to the following rules:

1. Academic or institutional programs being carried on in the buildings shall not be disturbed or interfered with.
2. The free and unimpeded flow of pedestrian or vehicular traffic on sidewalks and streets and at places of ingress and egress to and from campus buildings shall not be interrupted.
3. The person(s) being solicited shall not be harassed, embarrassed, or intimidated.

Nonuniversity groups, individuals, or associations are not permitted to solicit, distribute, or circulate any petitions, handbills, or other literature in University buildings or on the grounds.

Newspaper vending is permitted only in the areas designated in advance by the President or his delegate. Any requests for other newspapers and/or additional distribution areas should be directed in writing to the Vice President for Business Affairs. Prior authorization to conduct solicitations or distribution of materials on campus by registered student organizations or by registered faculty or staff organizations must be obtained through the Office of the Vice President for Student Affairs (student organizations) or through the Office of the Vice President for Business Affairs (faculty or staff organizations). Persons desiring to conduct solicitations or to distribute materials strictly for personal reasons or for personal profit or gain will under no circumstances be granted permission to do so.

Any violation of the above policy should be reported to the Office of the Vice President for Business Affairs, (210) 458-4201.

Additional information on UTSA's solicitation policy may be obtained at <https://www.utsa.edu/hop/chapter9/9-10.cfm> or the Student Activities Office located at UC 1.02.08 (1604 Campus) or DB 1.302 (Downtown Campus).

**APPENDIX D**

# **CRIME AWARENESS AND CAMPUS SECURITY REPORT 2005**

This information is being provided as part of The University of Texas at San Antonio's commitment to safety and security on campus and complies with the Crime Awareness and Campus Security Act of 1990.

## **Crime Reporting Policy, Procedures and Responses**

The University of Texas at San Antonio Police Department prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report is prepared in cooperation with the police agencies surrounding each of the UTSA campuses, University Housing, Student Judicial Affairs, the Division of Student Affairs, and Counseling Services. Each entity provides updated information on their educational efforts and programs to comply with the Act.

This report includes statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings owned or controlled by UTSA and on any public property within, or immediately adjacent to and accessible from the campus. The report also includes institutional policies concerning campus security, alcohol and drug use, crime prevention, reporting of crimes, sexual assault, and other matters. The full text of this report is located at <http://www.utsa.edu/utsapd>.

## **Reporting of Crimes or Emergencies**

Police, Fire, EMS—Dial: 911

The University Police Department is responsible for law enforcement, security, and emergency response at all UTSA campuses. The primary office of the University Police Department is located on the 1604 Campus in the Multidisciplinary Studies Building, MS 1.00.02. The University Police Department is open 24 hours a day, 365 days a year, staffed by commissioned Texas Peace Officers and supported by civilian personnel and noncommissioned security officers. For non-emergency assistance at all UTSA campuses, dial (210) 458-4242.

A number of well-marked exterior emergency telephones are located throughout the campuses (in some parking lots and all elevators). These emergency telephones can be used to report crimes, emergencies, or to request police services.

University Police Crime Prevention specialists annually survey the campus grounds to ensure that shrubbery, trees, and other vegetation do not impede light disbursement or interfere with walkways. The campus community is encouraged to report any safety concerns, exterior lighting, and emergency telephone malfunctions to the University Police Department at (210) 458-4242.

## **Working Relationships with State and Local Police**

The University Police Department maintains close working relationships with the San Antonio Police Department, Bexar County Sheriff's Office, federal, state, and other law enforcement agencies and routinely shares investigative information. The University Police Department also works closely with the San Antonio Fire Department and Emergency Medical Services.

A number of recognized student organizations maintain meeting and living facilities off campus. The University Police Department is routinely informed by other local law enforcement agencies of any criminal activities involving UTSA student organizations. The information in these reports is subsequently shared with the Office of Student Life.

## **Crime Prevention**

UTSA strives to prevent crimes from occurring rather than react to crimes after the fact. The following crime prevention programs and services are offered by the University Police Department free of charge:

1. Safety Escort Program—Safety escorts are provided to locations on campus during hours of darkness.
2. Crime Prevention Presentations—Crime prevention presentations pertaining to personal safety, sexual assault prevention, alcohol and drug awareness, burglary, and theft prevention are conducted as needed for faculty, staff, and students. Specialized crime prevention presentations are available upon special request.
3. Printed Crime Prevention Literature—Crime prevention literature related to personal safety, auto theft prevention, and residential security is available at various locations throughout the campus. Specialized crime prevention literature is available upon special request.
4. Operation Identification—Operation Identification is an ongoing program which involves the engraving of driver's license or student identification numbers on valuable items of personal property. Engravers are available at the UTSA Police Department.
5. Sexual Assault Prevention—Sexual assault awareness, education, and prevention presentations are made each year to members of the campus community.
6. Security Surveys—Campus buildings, University Oaks Apartments, Chisholm Hall Dormitory, Chaparral Village, and other campus areas are surveyed for safety and security concerns regularly.

For additional crime prevention information or to schedule a crime prevention presentation, please call the Crime Prevention Division at (210) 877-0046 during normal business hours.

## **Sexual Assault**

Victims of sexual assault or persons who have information regarding a sexual assault are strongly encouraged to report the incident to the University Police Department immediately.

It is the policy of The University of Texas at San Antonio Police Department to conduct investigations of all sexual assault complaints with sensitivity, compassion, patience, and respect for the victim. Investigations are conducted in accordance with guidelines established by the Texas Penal Code, Code of Criminal Procedure, and the Bexar County District Attorney's Office.

All information and reports of sexual assault are kept strictly confidential. In accordance with the Texas Code of Criminal Procedures Art. 57, victims may use a pseudonym to protect their identity. A pseudonym is a set of initials or a fictitious name chosen by the victim to be used in all public files and records concerning the sexual assault.

Victims of sexual assault are not required to file criminal charges or seek judicial actions through the University disciplinary process. However, victims are encouraged to report the assault in order to provide the victim with physical and emotional assistance.

Information and assistance is available through the University Counseling Services (210) 458-4140, 1604 Campus, and (210) 458-2930, Downtown Campus, Health Services (210) 458-4142, Rape Crisis Hotline (210) 349-7273, Rape Crisis Center (210) 521-7273, and the Office of Student Life (210) 458-4720. If requested these departments will assist the victim in contacting the University Police Department.

The University of Texas Police Department Crime Prevention Division is available to all victims to provide information about personal safety, Texas Crime Victims Rights, Texas Crime Victims Compensation Fund, and other information upon request.

Upon the filing of a report, University personnel can assist the victim with issues including, but not limited to, class schedule changes, withdrawal procedures, or campus housing relocation.

Information concerning Sex Offender Registration information is found at the Texas Department of Public Safety Web site for Sex Offender Registration at <https://records.txdps.state.tx.us/soSearch/default.cfm>.

## **Alcohol**

The use, possession, and distribution of alcoholic beverages on any UTSA Campus must comply with Texas law and University policies and procedures. All state laws apply and violations can result in criminal citations or arrest. Violations can also result in University disciplinary action. Additional policies regarding alcohol may apply at University Oaks Apartments, Chisholm Residence Hall, and Chaparral Village.

## **Drugs**

The medically unsupervised use, possession, sale, manufacture, or distribution of drugs classified as illegal is prohibited by state law.

Individuals determined to be in violation are criminally prosecuted and referred for University disciplinary action. Counseling services are provided by University Counseling Services: UC 2.01.04, (210) 458-4140, 1604 Campus; Student Health Services: RWC 1.500, (210) 458-4142, 1604 Campus, and BV 1.308, (210) 458-2930 Downtown Campus.

## **Weapons**

In accordance with Texas Penal Code Ch. 46, it is a felony to intentionally, knowingly, or recklessly possess a firearm, illegal knife, or prohibited weapon (with or without a concealed handgun permit) on the physical premises of a school or educational institution, to include any buildings or passenger transportation vehicles under the direct control of the educational institution.

## **Crime Reporting**

Efforts are made to inform members of the campus community on a timely basis about campus crime and crime-related problems. These efforts include the following:

1. Annual Report—Crime statistics are compiled yearly and are available to the media and to any member of the campus community.
2. Student Newspapers—The weekly student paper, *The Paisano*, publishes a summary of crimes that occurred on campus the preceding week. The summary is prepared by the University Police Department.
3. Campus Alert Flyers—In special circumstances, printed crime alerts are prepared and distributed selectively or randomly throughout campus.

The full text of the Crime Awareness and Campus Security Report is located at <http://www.utsa.edu/utsapd>.

### Campus Crime Statistics 2001-2003

	1604 Campus			1604 Campus Residential Facilities			Downtown Campus			Institute of Texan Cultures			Total		
	2001	2002	2003	2001	2002	2003	2001	2002	2003	2001	2002	2003	2001	2002	2003
Murder/ Nonnegligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex offenses Forcible	0	0	0	1	1	3	0	0	0	0	0	0	1	1	3
Sex offenses Nonforcible	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	1	0	2	2	1	0	1	0	0	0	0	2	4	1
Simple Assault	4	7	8	8	4	5	0	1	0	0	0	0	12	12	13
Burglary (Habitation/ Building)	2	3	5	18	8	7	0	0	0	12	0	0	32	11	12
Theft	67	71	74	27	17	21	20	12	13	0	2	2	114	102	110
Motor Vehicle Theft	1	0	0	1	0	1	1	0	0	0	0	0	3	0	1
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	8	4	36	25	41	163	0	0	0	0	0	0	33	45	199
Drug Law Arrests	2	2	9	19	11	18	0	0	0	0	0	0	21	13	27
Illegal Weapons Possession Arrests	1	0	1	0	1	0	0	0	0	0	0	0	1	1	1
<b>TOTAL</b>	<b>85</b>	<b>88</b>	<b>133</b>	<b>101</b>	<b>85</b>	<b>218</b>	<b>21</b>	<b>14</b>	<b>13</b>	<b>12</b>	<b>2</b>	<b>2</b>	<b>219</b>	<b>189</b>	<b>367</b>
NonCampus Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hate Crimes	0	0	-	0	0	-	0	0	-	0	0	-	0	0	0

## APPENDIX E

# STUDENT GRIEVANCES

UTSA students may need to pursue questions or concerns involving academic or nonacademic aspects of student life. If additional information is needed concerning the pursuit of any grievance, students may consult with the Student Ombudsperson in the Office of the Vice President for Student Affairs located in the Main Building 4.108 and may be reached at (210) 458-4136.

### General Grievance Procedures

A student grievance may involve a UTSA employee or other students. A student with a grievance involving a University employee should first seek to resolve the problem with the employee. If the matter cannot be resolved with the employee, the grievance can be forwarded to the employee's supervisor in his or her department.

A student who believes another student has violated the *Student Code of Conduct* may file a complaint with the Office of Student Judicial Affairs.

### Student Ombudsperson

In conflict situations that do not require a criminal or student conduct response, it is recommended that students pursue resolution of their conflict with the Student Ombudsperson.

### Grade Grievance Procedures

In resolving any student grievance regarding grades or evaluations, the student must first make a serious effort to resolve the matter with the faculty member with whom the grievance originated. Individual faculty members retain primary responsibility for assigning grades and evaluations. The faculty member's judgment is final unless compelling evidence shows discrimination, differential treatment or factual mistake, or violation of a relevant University policy. If the matter is not resolved, the student may file a formal grade grievance with the Department Chair. The student must file the grievance in writing with the Department Chair within **90 calendar days** from the end of the term in which the grade was assigned.

### Undergraduate

The Department Chair will communicate his or her decision to the student and forward a copy to the Dean of the College. The student may appeal the decision to the Dean of the College and then to the Dean of Undergraduate Studies. Appeals to the Dean of Undergraduate Studies must use the Student Academic Grievance Form for Appeal of a Grade. The decision of the Dean of Undergraduate Studies is final.

### Graduate

The Department Chair will communicate his or her decision to the student and forward a copy to the Dean of the College. The student may appeal the decision to the Associate Dean for Graduate Studies and Research of the college and then to the Dean of the Graduate School. Appeals to the Dean of the Graduate School must use the Student Academic Grievance Form for Appeal of a Grade. The decision of the Dean of Graduate studies is final.

## **Employee Relations-Problem Solving/Conflict Resolution Office**

The Employee Relations-Problem Solving/Conflict Resolution Office provides a variety of alternative dispute resolutions options designed to serve the UTSA community at large.

The program offers a variety of multi-level approaches to communication and conflict resolution, including the following:

### ***Problem solving***

- listen
- clarify issues
- provide information
- make referrals

### ***Mediation***

- provide neutral third-party facilitation
- seek creative solutions in a safe environment to address interpersonal conflicts
- participate in mediation

### ***Ombudsing***

- listen to concerns
- clarify policies and procedures
- interact with appropriate University departments
- identify potential resolution

The Employee Relations-Problem Solving/Conflict Resolution Office can be reached by calling (210) 458-7891 or 458-4663.

## **Counseling Services**

Counseling Services provides confidential professional services by staff psychologists and professional counselors to help meet the personal and developmental needs of currently enrolled students. Counseling Services has offices at both the Downtown and 1604 Campuses. All services are confidential and voluntary, and most are free to enrolled students.

The transitions and stresses of university life affect all students to a greater or lesser degree. Students coping with these challenging human issues may, at times, need the assistance of a qualified professional. The counseling process helps the student resolve personal concerns and acquire the skills, attitudes, knowledge, and abilities that will enable her or him to take full advantage of the college experience.

Services at the counseling center include individual therapy for personal and educational concerns, counseling for couples with relationship difficulties, and group therapy on topics such as understanding sexual orientation and women's issues. Counseling Services also helps students assess career choices or screen possible learning disabilities.

The staff is committed to meeting the needs of UTSA students. To that end, they attempt to be as accommodating as possible in an atmosphere that is welcoming and accessible for all students. Counseling Services can be reached by calling (210) 458-4140 (1604 Campus) or (210) 458-2930 (Downtown Campus).

## DRUG-FREE SCHOOLS

&

## COMMUNITIES ACT

### Health Risks of Alcohol and Drugs

#### *Alcohol*

Health hazards associated with the excessive use of alcohol or with alcohol dependency include dramatic behavioral changes, retardation of motor skills, and impairment of reasoning and rational thinking. These factors result in a higher incidence of accidents and accidental death for such persons than in nonusers of alcohol. Nutrition also suffers, and vitamin and mineral deficiencies are frequent. Prolonged alcohol abuse causes bleeding from the intestinal tract, damage to nerves and the brain, psychotic behavior, loss of memory and coordination, damage to the liver often resulting in cirrhosis, impotence, severe inflammation of the pancreas, and damage to the bone marrow, heart, testes, ovaries, and muscles. Damage to the nerves and organs is usually irreversible. Cancer is the second leading cause of death in alcoholics and is 10 times more frequent than in nonalcoholics. Sudden withdrawal of alcohol from persons dependent on it will cause serious physical withdrawal symptoms. Drinking during pregnancy can cause fetal alcohol syndrome. Overdoses of alcohol can result in respiratory arrest and death.

#### *Drugs*

The use of illicit drugs usually causes the same general type of physiological and mental changes as alcohol, although frequently those changes are more severe and more sudden. Death or coma resulting from overdose of drugs is more frequent than from alcohol.

#### *Cocaine*

Cocaine is a stimulant that is most commonly inhaled as a powder. It can be dissolved in water and used intravenously. The cocaine extract (crack) is smoked. Users can progress from infrequent use to dependence within a few weeks or months. Psychological and behavioral changes resulting from use include overstimulation, hallucinations, irritability, sexual dysfunction, psychotic behavior, social isolation, and memory problems. An overdose produces convulsions and delirium and may result in death from cardiac arrest. Discontinuing the use of cocaine requires considerable assistance, close supervision, and treatment.

#### *Amphetamines*

Patterns of use and associated effects are similar to cocaine. Severe intoxication may produce confusion, rambling or incoherent speech, anxiety, psychotic behavior, ringing in the ears, hallucinations, and irreversible brain damage. Intense fatigue and depression resulting from use can lead to severe depression. Large doses may result in convulsions and death from cardiac or respiratory arrest.

#### *MDA and MDMA (XTC, ecstasy)*

These amphetamine-based hallucinogens are sold in powder, tablet, or capsule form and can be inhaled, injected, or swallowed. They cause similar, but usually milder, hallucinogenic effects than those of LSD. Because they are amphetamines, tolerance can develop quickly, and overdose can happen. Exhaustion and possible liver damage can occur with heavy use. In high doses, these drugs can cause anxiety, paranoia, and delusions. While rare, these drugs have been associated with deaths in users with known or previously undiagnosed heart conditions.

#### *Rohypnol (rophies, roofies, rope)*

This drug is in the same category of drugs as Valium, a benzodiazepine, but it is more potent than Valium. Initially, it causes a sense of relaxation and reduction of anxiety. At higher doses, light-headedness, dizziness, lack of coordination, and slurred

speech occur. The drug affects memory and, in higher doses or if mixed with other drugs or alcohol, can result in amnesia for the time period the user is under the influence. Because of this amnesia effect, Rohypnol has been given intentionally to others to facilitate sexual assault and other crimes. Combining this drug with other sedating drugs, including alcohol, will increase the intensity of all effects of the drug and, in sufficient doses, can cause respiratory arrest and death. Dependency can occur.

### ***Heroin and other opiates***

These drugs are usually taken intravenously. “Designer” drugs similar to opiates include fentanyl, demerol, and “china white.” Addiction and dependence develop rapidly. Use is characterized by impaired judgment, slurred speech and drowsiness. Overdose is manifested by coma, shock, and depressed respiration, with the possibility of death from respiratory arrest. Withdrawal problems include sweating, diarrhea, fever, insomnia, irritability, nausea and vomiting, and muscle and joint pains.

### ***Hallucinogens or psychedelics***

These include LSD, mescaline, peyote, and phencyclidine (PCP or “angel dust”). Use impairs and distorts one’s perception of surroundings, causes bizarre mood changes, and results in visual hallucinations that involve geometric forms, colors, and persons or objects. Users who discontinue use experience “flashbacks” consisting of distortions of virtually any sensation. Withdrawal may require psychiatric treatment for the accompanying persistent psychotic states. Suicide is not uncommon.

### ***Solvent inhalants (glue, lacquers, plastic cement, etc.)***

Fumes from these substances cause problems similar to alcohol. Incidents of hallucinations and permanent brain damage are more frequent with chronic use.

### ***Marijuana (cannabis)***

Marijuana is usually ingested by smoking. Smoking marijuana causes disconnected ideas, alteration of depth perception and sense of time, impaired judgment, and impaired coordination. Prolonged use can lead to psychological dependence.

### ***Intravenous drug use***

In addition to the adverse effects associated with the use of a specific drug, intravenous drug users who use unsterilized needles or who share needles with other drug users can develop HIV disease, hepatitis, tetanus (lockjaw), and infections in the heart. Permanent damage may also result.

## **UTSA is a Drug-Free School**

The Drug-Free Schools and Communities Act Amendments of 1989 requires institutions of higher education to adopt and implement programs to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol. Information concerning these programs must be distributed to students annually. The University of Texas at San Antonio has adopted the following:

### **Standards of Conduct**

Series 50101, Sec. 2 of the Rules and Regulations of the Board of Regents of The University of Texas System provides for disciplinary action against any student who engages in conduct that is prohibited by state, federal, or local law. This includes those laws prohibiting the use, possession, or distribution of drugs and alcohol.

The use or possession of alcohol or drugs by an employee on University premises is defined as misconduct by The University of Texas System’s “Policies and Procedures for Discipline and Dismissal of Employees.” The unlawful use, possession, or distribution of illicit drugs or alcohol on University premises by an employee is prohibited by The University of Texas System’s “Policy on Drugs and Alcohol.”

## University Penalties

### *Students*

The University will impose at least a minimum disciplinary penalty of suspension for a specified period of time, or suspension of rights and privileges, or both, for conduct related to the use, possession, or distribution of drugs that are prohibited by state, federal, or local law. Other penalties that may be imposed for conduct related to the unlawful use, possession, or distribution of drugs or alcohol include disciplinary probation, payment for damage to or misappropriation of property, suspension of rights and privileges, suspension for a specified period of time, expulsion, or other such penalty as may be deemed appropriate under the circumstances.

### *Employees*

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

## Health Services

Health Services provides information on and referrals for counseling and/or rehabilitation services in addition to general health services. The clinic is located at the 1604 Campus Recreation/Wellness Building, Room 1.500. The clinic at the Downtown Campus is located at the Buena Vista Building, Room 1.308. No appointment is required.

## Penalties under State and Federal Law

### I. TEXAS LAW

Offense	Minimum Punishment	Maximum Punishment
Manufacture or delivery of controlled substance	Confinement in jail for not more than 2 years nor less than 180 days, and a fine not to exceed \$10,000	Confinement in a state prison for life or for a term of not more than 99 years nor less than 15 years, and a fine not to exceed \$250,000
Possession of controlled substances (drugs)	Confinement in jail for a term of not more than 180 days, a fine not to exceed \$2,000, or both	Confinement in a state prison for life or for a term of not more than 99 years nor less than 10 years, and a fine not to exceed \$100,000
Delivery of Marijuana	Confinement in jail for a term of not more than 180 days, a fine not to exceed \$2,000, or both	Confinement in a state prison for life or for a term of not more than 99 years nor less than 10 years, and a fine not to exceed \$100,000
Possession of Marijuana	Confinement in jail for a term of not more than 180 days, a fine not to exceed \$2,000, or both	Confinement in a state prison for life or for a term of not more than 99 years nor less than 5 years, and a fine not to exceed \$50,000
Driving while intoxicated (includes intoxication from alcohol, drugs, or both)	Confinement in jail for a term of not more than 180 days nor less than 72 hours, and a fine of not more than \$2,000	Confinement in a state prison for a term of not more than 20 years nor less than 2 years, and a fine of not more than \$10,000
Public intoxication		Fine not to exceed \$500

Purchase of alcohol by a minor	Fine of not less than \$25 nor more than \$200	For a subsequent offense, a fine of not less than \$250 nor more than \$1,000
Consumption of alcohol by a minor	Fine of not less than \$25 nor more than \$200	For a subsequent offense, a fine of not less than \$500 nor more than \$1,000
Possession of alcohol by a minor	Fine of not less than \$25 nor more than \$200	For a subsequent offense, a fine of not less than \$500 nor more than \$1,000
Sale of alcohol to a minor	Fine of not less than \$100 nor more than \$500 or confinement in jail for not more than 1 year, or both	For a subsequent offense, a fine of not less than \$500 nor more than \$1,000 or confinement in jail for not more than 1 year, or both

**II. FEDERAL LAW**

<b>Offense</b>	<b>Minimum Punishment</b>	<b>Maximum Punishment</b>
Manufacture distribution or dispensation of drugs (includes marijuana)	A term of imprisonment for up to 5 years, and a fine of \$250,000	A term of life imprisonment without release (no eligibility for parole) and a fine not to exceed \$8,000,000 (for an individual) or \$20,000,000 (if other than an individual)
Possession of drugs (including marijuana)	Imprisonment for up to 1 year, and a fine of not less than \$1,000	Imprisonment for not more than 20 years nor less than 5 years and fine of not less than \$5,000 plus costs of investigation and prosecution
Operation of a Common Carrier under the influence of alcohol or drugs		Imprisonment for up to 15 years and a fine not to exceed \$250,000

*The Rules and Regulations of the Board of Regents, the Institutional Rules, and state or federal laws are subject to amendment or change; when such changes occur, these changes are incorporated into this document by reference*

## TEXAS EDUCATION CODE

### §54.0065

## Tuition Rebates for Certain Undergraduates

### *Purpose*

The purpose of this program is to provide tuition rebates that will provide a financial incentive for students to prepare for university studies while completing their high school work, avail themselves of academic counseling, make early career decisions, and complete their baccalaureate studies with as few courses outside the degree plan as possible. Minimizing the number of courses taken by students results in financial savings to students, parents, and the state.

#### 1. *Authority.*

The program is authorized by Section 54.0065 of the Texas Education Code.

#### 2. *Eligible Students.*

To be eligible for rebates under this program, students must meet all of the following conditions:

- a) they must have enrolled for the first time in an institution of higher education in the Fall 1997 semester or later,
- b) they must be requesting a rebate for work related to a first baccalaureate degree received 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.
- c) they must have been a resident of Texas, must have attempted all coursework at a Texas public institution of higher education, and have been entitled to pay resident tuition at all times while pursuing the degree, and
- d) they must have 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 under the catalog under which they were graduated. Courses dropped for reasons that are determined by the institution to be totally beyond the control of the student shall not be counted to include 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.

#### 3. *Affected Institutions.*

- a) All Texas public baccalaureate-granting general academic universities are required to offer rebates to eligible students.
- b) All Texas public institutions of higher education are required to notify students of the existence of the tuition rebate program and provide course enrollment opportunities.

#### 4. *Amount of Tuition Rebates.*

- a) The amount of tuition to be rebated to a student under the program is \$1,000, unless the total amount of undergraduate tuition paid by the student to the institution 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.
- b) 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 Texas public institutions of higher education by providing the institution awarding the degree with proof of the total amount of that tuition paid to other institutions.

- c) Tuition rebates shall be reduced by the amount of any outstanding student loan, including an emergency loan, owed to or guaranteed by this state, including the Texas Guaranteed Student Loan Corporation. If a student has more than one outstanding student loan, the institution shall apply the amount of the rebate to the loans as directed by the student. If the student fails to provide timely instructions on the application of the amount, the institution shall apply the amount of the rebate to retire the loans with the highest interest rates first.

5. *Responsibilities of Institutions*

Affected institutions have the following responsibilities associated with this program:

- a) All Texas public institutions of higher education, including community and technical colleges, shall notify first-time freshman students of the tuition rebate program. A notice in the institution's official catalog is one acceptable form of notice.
- b) If requested by potentially eligible students, public institutions of higher education are required to provide these students opportunities to enroll during each Fall and Spring Semester in the equivalent of at least 12 semester credit hours that apply toward their degree. Institutions are not required to provide students with the opportunity to enroll in specific courses or specific sections. Community and technical colleges will comply to the extent that courses for the current semester are being offered that apply to the student's university degree program. The requirement may be met by allowing substitutions for required courses or by allowing concurrent enrollment in courses from another institution, so long as the courses are taught on the student's home campus, and the student incurs no financial penalty.
- c) Texas public universities are required to provide students with appropriate forms and instructions for requesting tuition reimbursement at the time that they apply for baccalaureate degrees.
- d) Institutions are required to provide tuition rebates to students who apply for them within 60 days after graduation or provide the student a statement explaining the reason the student is ineligible for the rebate.
- e) Institutions are required to provide a dispute resolution process to resolve disputes related to local administration of the program.
- f) Disputes related to lower division credit transfer should be resolved in accordance with Coordinating Board rules, Chapter 5, Section 5.393.
- g) Institutions may adopt rules and regulations for administering the program. For example, institutions may require students to declare their intent to qualify for a tuition rebate early in their careers or register prior to the beginning of the semester.

6. *Responsibilities of Students*

- a) Students desiring to qualify for tuition rebates are responsible for complying with all university rules and regulations related to administration of the program.
- b) Students desiring to qualify for tuition rebates are solely responsible for enrolling only in courses that will qualify them for the rebates.
- 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) Students must apply for rebates prior to receiving their baccalaureate degrees on forms provided by the institution and must keep the institution apprised of their addresses for at least 60 days after their graduation date.

**APPENDIX H****Accreditation**

Institutional Accreditation: UTSA is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools (SACS).

<b>School or College</b>	<b>Accredited Program/s</b>	<b>Accrediting Agency</b>	<b>Accreditation Expires</b>
College of Architecture	M. Architecture	National Architecture Accrediting Board (NAAB)	2004-2010
	B.S. in Interior Design	Foundation for Interior Design Education Research	2003-2009
College of Business	B.B.A., M.B.A., E.M.B.A.	The Association to Advance Collegiate Schools of Business (AACSB International)	2007
	MBA Online		
	M.B.A. International Business		
	M.S. Accounting		
	M.S. Finance		
	M.S. Information Technology		
	M.S. Management of Technology		
Ph.D. Business Administration			
College of Engineering	B.S. Civil Engineering	Accreditation Board for Engineering and Technology, Inc., (ABET)	2005* *Reaccreditation letter pending ABET approval September 2005
	B.S. Electrical Engineering		
	B.S. Mechanical Engineering		
College of Liberal and Fine Arts	B.F.A. in Art	National Association of Schools of Art and Design (applies to the University, not the programs)	2006
	M.F.A. in Art		
	Bachelor of Music	National Association of Schools of Music	2012-2013
	Master of Music		
College of Public Policy	Master of Social Work (in candidacy)	Council on Social Work Education	
College of Sciences	Clinical Laboratory Science	National Accrediting Agency for Clinical Laboratory Sciences	2006
	B.S. in Chemistry	American Chemical Society	