

# **TEXAS HEALTH AND SCIENCE UNIVERSITY**



## **Student Handbook Campus Safety Handbook**

**Austin and San Antonio Campuses**

**May 2022**



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## **Mission Statement**

The Mission of Texas Health and Science University (THSU), established upon the foundation, history, and traditions of its predecessor institution, Texas College of Traditional Chinese Medicine, is:

To educate a new generation of leaders for the global community in the professions of Acupuncture and Chinese Herbal Medicine and Business, and to contribute to the global economy with their leadership, business acumen, English language competency, and professional skills.

## **Our Institutional Objectives**

Our institutional objectives are to foster and cultivate a community of scholars with the self-development and intellectual rigor needed to succeed in our more globalized world. At THSU, our students will integrate the applications they have attained, through in-person or online experiences, to move into the realms of their prospective fields with a solid foundation for the purpose of imparting their knowledge and skills that will contribute to the community for the greater good of our society.

## **Our Core Values**

Harmony, Health, and Honor

### **Commitment to Integrity and Respect for Diversity**

The decision to enter into a profession in Business or Acupuncture and Chinese Herbal Medicine is a commitment to develop oneself personally, interpersonally, and professionally, in addition to learning technical skills. Conduct is recognized as part of professionalism, and professionalism is an educational objective of our programs. The students of Texas Health and Science University, therefore, commit themselves to undertake their academic studies with the highest standards of individual responsibility, personal honor and integrity.

The University expects all students to show respect for other members of the University community, to maintain appropriate confidentiality, to obey the law, to maintain integrity and a high standard of individual honor in scholastic work, and to observe standards of conduct appropriate for a community of scholars.

Texas Health and Science University is a community of people from diverse cultural backgrounds. We respect each member regardless of age, race, ancestry, national origin, color, sexual orientation, gender, gender identity, marital status, religion, disability, socioeconomic standing, education level, family configuration, results of genetic testing, and service in the military. All members of our community strive to understand the individuality and uniqueness of each person and to value those differences, as well as learn from one another in an atmosphere of positive encouragement and mutual respect.

Texas Health and Science University does not tolerate any form of disrespectful conduct, including verbal or written abuse, threats, intimidation, harassment, or violence against any member of the university community. We will not accept or tolerate ignorance, humor, anger or substance abuse as an excuse, reason or rationale for such behavior.

Texas Health and Science University believes that we are individually and collectively responsible for our behavior and should be held accountable for our actions. Individuals who choose not to support this commitment through their actions jeopardize their continued affiliation with the University.

Anyone who believes he or she has been a victim of harassment or discrimination in class or in another campus setting, should bring this matter to the Dean of Students (students) or Vice President Operations (faculty and

staff), at 512-444-8082 (Austin) or 210-509-8080 (San Antonio). Confidentiality of all parties will be respected to the greatest extent possible.

### **Use of This Handbook**

The policies, procedures and fees in this handbook are subject to change, if necessary, to keep the University in compliance with state and federal laws, and the rules and regulations of the following organizations:

- THSU Board of Directors
- Texas State Board of Acupuncture Examiners
- Texas Medical Board
- Texas Higher Education Coordinating Board
- Texas Workforce Commission
- Texas Department of Assistive and Rehabilitative Services
- U.S. Department of Veterans Affairs
- Texas Veterans Commission
- U.S. Department of Education
- Accrediting Council for Independent Colleges and Schools (ACICS)
- Accreditation Commission for Acupuncture and Herbal Medicine (ACAHM)

Students will be notified of the need for any such changes as soon as practicable. Students will normally graduate under the Curriculum in place at the time of their initial registration, if their attendance is uninterrupted. However, the University reserves the right to change the curriculum, rules, tuition, fees, and degree requirements to remain in compliance as stated above. In such cases, students will be notified as soon as practicable. The provisions of this handbook do not constitute a contract, express or implied, between the Texas Health and Science University and any applicant, student, faculty member, or any other person.

### **Code of Ethics and Conflict of Interest Policy**

It shall be the policy of Texas Health and Science University that this Code of Ethics and Conflict of Interest policy shall serve as the underlying philosophy of ethics, integrity, honesty, and discipline, upon which all actions, activities, and decisions are made by the institution and by the individual members, and shall apply to all members of the Board as well as all employees of the University including administrative officers, full-time core faculty, adjunct and part-time faculty, staff, agents, and clinic personnel.

Employees of the University and all individuals who work for or on behalf of the institution, shall always act in the best interests of the institution and its students. No voting member of the Board, nor any employee of the University, nor any agent of the institution shall solicit or accept gratuities, favors, gifts, "kickbacks" or anything of value from contractors, potential contractors, or parties to any institutional agreements, contracts, or business transactions involving the institution. Employees shall not use or abuse institutional property, equipment, or supplies for personal use; neither shall they use office hours for personal projects or for personal benefit, nor use the University's name or logo without authorization. No benefit shall be awarded to a student or prospective student in exchange for grades, services, or favors. Violations of this policy may result in penalties including suspension, termination, and/or prosecution in a court of law.

### **Student Academic Freedom Statement**

**Texas Health and Science University (THSU)** is committed to promoting an academic community based on free and open exchange of ideas, allowing students time to acquire new knowledge for themselves and to evaluate evidence within different areas and subjects of knowledge. In this manner, THSU endorses the freedom of thought and expression.

Furthermore, freedom of speech and thought extends to THSU guests, though the university recognizes that students and faculty are subject to state and federal laws. Maintaining an environment that ensures equal learning opportunity, is the responsibility of everyone who is part of the university community. THSU students should feel

encouraged to engage in independent research and inquiry as long as it is done without intent to cause injury, or embody speech that is slanderous or unlawfully harassing.

Additionally, THSU supports the [Joint Statement on Rights and Freedoms of Students](#) published by the American Association of University Professors and endorsed by numerous associations. The following is from the preamble.

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth. Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility.

The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the academic community. The purpose of this statement is to enumerate the essential provisions for students' freedom to learn.

Furthermore, THSU strives to create an environment that fosters tolerance and mutual respect among all members of our academic community. All students can participate in campus activities without being subject to discrimination. To support these values, university administration defends the rights of all speakers; affirms that all ideas shall be heard; promotes a climate of robust and uninhibited dialogue and debate open to all views, no matter how controversial; makes efforts to ensure broad diversity among the student body, throughout the faculty, and within the college administration; prohibits instances of discrimination against marginalized individuals or groups; and promptly and firmly counters acts of discriminatory harassment, intimidation, or invasion of privacy. Maintaining an environment that ensures equal learning opportunity, without intent to cause injury, and speech is not slanderous or unlawfully harassing, is the responsibility of every person in our university community.

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American Association of University Professors. *Joint statement on rights and freedoms of students*. Retrieved December 07, 2020, from <https://www.aaup.org/report/joint-statement-rights-and-freedoms-students>

## **Academic Policies**

### **Academic Calendar**

#### **Spring 2022 Trimester**

Applications/Documents due (new students) December 3, 2021

Registration due (current students) December 6, 2021

Classes begin January 4, 2022

Trimester ends April 26, 2022

#### **Summer 2022 Trimester**

Applications/Documents due (new students) April 1, 2022

Registration due (current students) April 8, 2022

Classes begin May 9, 2022

Trimester ends August 23, 2022

#### **Fall 2022 Trimester**

Applications/Documents due (new students) August 3, 2022

Registration due (current students) August 8, 2022

Classes begin September 1, 2022

Trimester ends December 19, 2022

#### **Spring 2023 Trimester**

Applications/Documents due (new students) December 4, 2022

Registration due (current students) December 7, 2022

Classes begin January 3, 2023

Trimester ends April 25, 2023

#### **Summer 2023 Trimester**

Applications/Documents due (new students) April 3, 2023

Registration due (current students) April 10, 2023

Classes begin May 8, 2023

Trimester ends August 22, 2023

#### **Fall 2023 Trimester**

Applications/Documents due (new students) August 1, 2023

Registration due (current students) August 8, 2023

Classes begin September 1, 2023

Trimester ends December 19, 2023

### **Texas Health and Science University observes the following annual holidays:**

January 1: New Year's Day

Third Monday in January: MLK Jr. Day

March 7 to 12: Spring Break 2022 in San Antonio

March 14 to 19: Spring Break 2022 in Austin

Last Monday in May: Memorial Day

July 4: Independence Day

First Monday in September: Labor Day

Fourth Thursday of November: Thanksgiving

Day after Thanksgiving

December 25: Christmas

### **Academic Success Strategies**

Students are encouraged to arrange their personal lives in ways that will support their academic success. This includes getting enough rest, exercise and a nutritious diet. Complimentary and reduced-cost health care services are available in the Student Clinic. Adopting healthy habits while attending university will prepare future practitioners to set good examples for their patients to follow.

Successful students attend all scheduled classes and clinics. Students who set their studies as a priority are better able to learn in class, and for TCM students, be more effective clinic interns and pass their national certification exams without difficulty.

A good study rule to follow is: Preview, Attend, Review, and Practice. Preview by reading the chapters in the textbook that will be covered during the lecture. Attend the class, ask questions, and open your mind to a deeper understanding of the material. Review notes, textbook, and supplementary materials as soon as possible after the lecture to promote memory retention. Practice what you have learned in the Student Clinic.

We understand that family, personal health, your finances, and other obligations should not be compromised as a result of the commitment to attend and complete your program of study. The Academic Dean is available to discuss ways of handling challenges you might encounter. If something is impeding academic success, students are encouraged to contact the administration to discuss potential consequences. It may be possible to adjust the course load to avoid impacting final grades and the grade point average.

### **Assignments/Homework**

Students are expected to spend approximately two (2) hours per week, on average, completing out-of-class work in order to achieve the learning objectives for each hour of lecture, and one-half (1/2) hour per week of out-of-class work for every 1 hour in clinic. This meets the Federal Government's requirement for clock to credit hour conversion.

### **Course Selection, Registration, and Payment**

Students registering for classes must meet the class prerequisites. Any exceptions must be submitted by the student to the Department Director, Academic Dean, and Vice President for Academic Affairs for approval.

The Registrar will assist with formalizing the course selections and clinic shifts when applicable.

Tuition is payable 2 weeks before the start of the trimester, unless other arrangements are made. A late fee will be charged for failure to pay tuition on time or failure to make tuition arrangements on time.

### **Maximum Academic Course Load**

Students in the College of Traditional Chinese Medicine may not enroll for more than 17 credits in any given trimester. Any exceptions must be submitted by the student to the Department Director, Academic Dean, and Registrar for approval.

## **Transfer Credit – College of Traditional Chinese Medicine**

### **BSTCM Program**

Texas Health and Science University will accept academic credits earned at other accredited institutions and consider the award of course credit toward the university's degree program according to the following guidelines:

1. Limitations on the transferability of credits may apply. Credit may be awarded for past coursework completed at institutions accredited by an agency recognized by the U.S. Secretary of Education or by a recognized governmental accrediting authority.
2. All foreign credentials must be evaluated by a credential service that is a member of the National Association of Credential Evaluation Services (NACES), AACRAO International Education Services (prior to 2016), or a member of the Association of International Credential Evaluators (AICE), for equivalency to college or university transcripts in the U.S. All credentials submitted to the University are retained by the University.
3. Coursework to be considered for transfer must have been completed within five (5) years of the date of application, unless the student has documentation of retaining the content knowledge and competencies of the coursework. A challenge exam may be given to confirm the student's knowledge and competencies.
4. The university or college offering the courses allows the courses to be used for credit towards its own academic degree program. Credits earned in vocational programs (such as an applied associate's degree) cannot be counted toward either the 60-semester credit hour admission requirement or coursework at THSU.
5. Student performance in the coursework to be transferred must indicate a grade of "C" or better.
6. The course work to be transferred must be substantially similar to the THSU courses to which the transfer credit applies. Course descriptions or syllabi may be requested to verify equivalency.
7. The maximum permissible number of transfer credits into this program is limited to one-half or fewer of the credits required for the master's degree. Of that one-half, no more than 25% of the program clinical training requirements may be accepted as transfer credit (Chinese medicine programs).
8. Coursework used to fulfill the 60-semester credit hour admission requirement may not be used for placing out of courses offered at THSU.
9. Quarter credits are converted to semester credits by a conversion factor of 2:3. When conversion results in a fraction and the number is less than the amount needed to fulfill credit hour requirements, the student may need to take additional courses to fulfill credit hour requirements.
10. All credits transferred in must be equal to or greater than the equivalent course offered at THSU.
11. The entire record of the evaluation and award of transfer credit will be included in the student's academic file and made an official part of the student's THSU transcript annotated with "TC" but will not be used to calculate the student's GPA. For each credit reviewed and approved for transfer, a fee will apply.

Students are encouraged to request a transcript review in writing within the first trimester of attendance. Request forms are available from the Registrar.

### **Transferring Credits to Other Institutions**

The transferability of credits you earn at THSU is at the complete discretion of an institution to which you may seek to transfer.

### **MAcCHM Program**

Texas Health and Science University will accept academic credits earned at other accredited institutions and consider the award of course credit toward the university's degree program according to the following guidelines:

1. Limitations on the transferability of credits may apply. Credit may be awarded for past coursework completed at institutions accredited by an agency recognized by the U.S. Secretary of Education or by a recognized governmental accrediting authority.
2. All foreign credentials must be evaluated by a credential service that is a member of the National Association of Credential Evaluation Services (NACES), AACRAO International Education Services (prior to 2016), or a member of the Association of International Credential Evaluators (AICE), for equivalency to college or university transcripts in the U.S. All credentials submitted to the University are retained by the University.
3. Coursework to be considered for transfer must have been completed within five (5) years of the date of application, unless the student has documentation of retaining the content knowledge and competencies of the coursework. A challenge exam may be given to confirm the student's knowledge and competencies.
4. The university or college offering the courses allows the courses to be used for credit towards its own academic degree program. Credits earned in vocational programs (such as an applied associate's degree) cannot be counted toward either the 60-semester credit hour admission requirement or coursework at THSU.
5. Student performance in the coursework to be transferred must indicate a grade of "C" or better.
6. The course work to be transferred must be substantially similar to the THSU courses to which the transfer credit applies. Course descriptions or syllabi may be requested to verify equivalency.
7. The maximum permissible number of transfer credits into this program is limited to one-half or fewer of the credits required for the master's degree. Of that one-half, no more than 25% of the program clinical training requirements may be accepted as transfer credit (Chinese medicine programs).
8. Coursework used to fulfill the 60-semester credit hour admission requirement may not be used for placing out of courses offered at THSU.
9. Quarter credits are converted to semester credits by a conversion factor of 2:3. When conversion results in a fraction and the number is less than the amount needed to fulfill credit hour requirements, the student may need to take additional courses to fulfill credit hour requirements.
10. All credits transferred in must be equal to or greater than the equivalent course offered at THSU.
11. The entire record of the evaluation and award of transfer credit will be included in the student's academic file and made an official part of the student's THSU transcript annotated with "TC" but will not be used to calculate the student's GPA. For each credit reviewed and approved for transfer, a fee will apply.

Students are encouraged to request a transcript review in writing within the first trimester of attendance. Request forms are available from the Registrar.

### **Transferring Credits to Other Institutions**

The transferability of credits you earn at THSU is at the complete discretion of an institution to which you may seek to transfer.

### **Transfer Credit – College of Business Sciences BBA Program**

Texas Health and Science University's bachelor's degree is an upper-division program which requires a minimum 60 semester credits for admission into the program. For students who have credits in subjects offered at THSU

which are additional to the 60 semester credits applied toward admission, THSU will consider the award of course credit toward the University's BBA program according to the following guidelines:

Texas Health and Science University will accept academic credits earned at other accredited institutions and consider the award of course credit toward the university's degree program according to the following guidelines:

1. Limitations on the transferability of credits may apply. Credit may be awarded for past coursework completed at institutions accredited by an agency recognized by the U.S. Secretary of Education or by a recognized governmental accrediting authority.
2. All foreign credentials must be evaluated by a credential service that is a member of the National Association of Credential Evaluation Services (NACES), AACRAO International Education Services (prior to 2016), or a member of the Association of International Credential Evaluators (AICE), for equivalency to college or university transcripts in the U.S. All credentials submitted to the University are retained by the University.
3. Coursework to be considered for transfer must have been completed within five (5) years of the date of application, unless the student has documentation of retaining the content knowledge and competencies of the coursework. A challenge exam may be given to confirm the student's knowledge and competencies.
4. The university or college offering the courses allows the courses to be used for credit towards its own academic degree program. Credits earned in vocational programs (such as an applied associate's degree) cannot be counted toward either the 60-semester credit hour admission requirement or coursework at THSU.
5. Student performance in the coursework to be transferred must indicate a grade of "C" or better.
6. The course work to be transferred must be substantially similar to the THSU courses to which the transfer credit applies. Course descriptions or syllabi may be requested to verify equivalency.
7. The maximum permissible number of transfer credits into this program is limited to one-half or fewer of the credits required for the master's degree.
8. Coursework used to fulfill the 60-semester credit hour admission requirement may not be used for placing out of courses offered at THSU.
9. Quarter credits are converted to semester credits by a conversion factor of 2:3. When conversion results in a fraction and the number is less than the amount needed to fulfill credit hour requirements, the student may need to take additional courses to fulfill credit hour requirements.
10. All credits transferred in must be equal to or greater than the equivalent course offered at THSU.
11. The entire record of the evaluation and award of transfer credit will be included in the student's academic file and made an official part of the student's THSU transcript annotated with "TC" but will not be used to calculate the student's GPA. For each credit reviewed and approved for transfer, a fee will apply.

Students are encouraged to request a transcript review in writing within the first trimester of attendance. Request forms are available from the Registrar.

### **Transferring Credits to Other Institutions**

The transferability of credits you earn at THSU is at the complete discretion of an institution to which you may seek to transfer.

### **MBA and MBAHM Programs**

Texas Health and Science University will accept academic credits earned at other accredited institutions and consider the award of course credit toward the university's degree program according to the following guidelines:

1. Limitations on the transferability of credits may apply. Credit may be awarded for past coursework completed at institutions accredited by an agency recognized by the U.S. Secretary of Education or by a recognized governmental accrediting authority.
2. All foreign credentials must be evaluated by a credential service that is a member of the National Association of Credential Evaluation Services (NACES), AACRAO International Education Services (prior to 2016), or a member of the Association of International Credential Evaluators (AICE), for equivalency to college or university transcripts in the U.S. All credentials submitted to the University are retained by the University.
3. Coursework to be considered for transfer must have been completed within five (5) years of the date of application, unless the student has documentation of retaining the content knowledge and competencies of the coursework. A challenge exam may be given to confirm the student's knowledge and competencies.
4. The university or college offering the courses allows the courses to be used for credit towards its own academic degree program. Credits earned in vocational programs (such as an applied associate's degree) cannot be counted toward either the 60-semester credit hour admission requirement or coursework at THSU.
5. Student performance in the coursework to be transferred must indicate a grade of "C" or better.
6. The course work to be transferred must be substantially similar to the THSU courses to which the transfer credit applies. Course descriptions or syllabi may be requested to verify equivalency.
7. The maximum permissible number of transfer credits into this program is limited to one-half or fewer of the credits required for the master's degree.
8. Coursework used to fulfill the bachelor's degree admission requirement may not be used for placing out of courses offered at THSU.
9. Quarter credits are converted to semester credits by a conversion factor of 2:3. When conversion results in a fraction and the number is less than the amount needed to fulfill credit hour requirements, the student may need to take additional courses to fulfill credit hour requirements.
10. All credits transferred in must be equal to or greater than the equivalent course offered at THSU.
11. The entire record of the evaluation and award of transfer credit will be included in the student's academic file and made an official part of the student's THSU transcript annotated with "TC" but will not be used to calculate the student's GPA. For each credit reviewed and approved for transfer, a fee will apply.

### **Transferring Credits to Other Institutions**

The transferability of credits you earn at THSU is at the complete discretion of an institution to which you may seek to transfer. Acceptance of the degree you earn in your program is also at the complete discretion of the institution to which you may seek to transfer.

## Policies for Distance Education Instruction

All online students are expected to adhere to strict course etiquette policies when working in the online environment while engaging in synchronous and asynchronous coursework. Due to the open nature of the discussions, students are expected to post professional, relevant responses that are suitable to an academic environment. Students are required to be mindful of and respectful toward all classmates and the instructors sending and receiving any communication. Any comments deemed disruptive to the learning environment may be permanently deleted and may result in disciplinary action.

THSU offers two distinct methods for online learning- Synchronous and Asynchronous. It is very important that the students understand the difference between the two because of the differences in grading, attendance, and academically related activity.

### Definitions:

*Synchronous-* Synchronous learning refers to all types of learning in which learner(s) and instructor(s) are virtually in the same place, at the same time, in order for learning to take place. This includes in-person classes, live online meetings when the whole class or smaller groups get together. In synchronous learning, students usually go through the learning path together, accompanied by their instructor who is able to provide support while students are completing tasks and activities. The THSU in-person class attendance policy applies to synchronous learning.

*Asynchronous-* Asynchronous learning is a student-centered teaching method widely used in online learning. Its basic premise is that learning can occur in different times and spaces particular to each learner, as opposed to synchronous learning at a same time and place with groups of learners and their instructor, or one learner and their instructor. In asynchronous learning, instructors usually set up a learning path, which students engage with at their own pace. Academically related activity replaces attendance for all asynchronous courses. (See asynchronous section in this document)

Until THSU reintegrates all students back on campus for in-person learning, international students and out of state students might engage in a hybrid of synchronous and asynchronous learning.

### The following policies apply to Synchronous learning:

#### Attendance

Class attendance is taken during each synchronous session; therefore, students must attend every class during the scheduled hours for which they are enrolled online. The only exception is for international students and out of state students who can temporarily engage in hybrid synchronous and asynchronous learning.

#### Recording Online Classes

All synchronous classes must be recorded using the learning management system. The instructor should save the recordings and make them easily accessible to students who may be engaged in synchronous and asynchronous learning. THSU recognizes that its faculty have concerns regarding the misuse of the recordings as intellectual property. Therefore, faculty should remind students of their responsibilities towards the appropriate use and handling of these recordings under the existing THSU campus policies regarding class notes. Faculty should also remind students that they are not allowed to create or recreate their own class recordings without the instructor's permission. This would be a violation of these policies and will be addressed with the appropriate disciplinary action.

#### Camera Policy

THSU acknowledges that class dynamics are substantially compromised without the ability to see the people in class. Faculty are encouraged to set an expectation that students have their cameras on during class. However, some students may be facing challenging situations, such as internet connectivity, illness, or home environments that make this difficult or impossible. To alleviate these concerns, faculty can encourage students to work with students who are facing challenges in this area and are free to create a policy in their class that alleviates any

said issues with technology. Additionally, the faculty should communicate that accommodations are available to students who contact them directly with reasonable requests.

The following policies apply to Asynchronous learning:

#### Academically Related Activity

Academically related activity replaces attendance for all asynchronous courses. All students are required to attend the first week of class and submit the first assignment by Sunday, 11:59 AM, CST. All other assignments are due by the established deadlines based on the student's time zones. If a student does not submit the first assignment during the first week of class, he/she will be administratively withdrawn from the program. It is up to the student to complete the proper withdrawal procedures if he/she/they wishes to withdraw. Automatic administrative withdrawals for non-participation only take place during the first week.

Faculty may use the following strategies to engage students in asynchronous learning:

1. Focus on Student Attention- Involves reading assignments and then a series of questions or short essays to determine if the student understands the subject matter.
2. Discussion Forums and Chats- Forums and Chats allow the students to expand their understanding of the subject matter. The forums and chats may involve class and group discussions.
3. Using writing prompts to deepen learnings from readings.
  - Approaching first readings – describe own experience reading the text
  - Confronting ambiguity in text – asks readers to think about contradictions, nuances
  - Framing a specific inquiry into the text – take a specific lens or issue to approach text
  - Returning to the text – re-read the particular section and develop new insights
  - Exploring the context of the text – consider the audience, place in scholarly conversation
  - Making connections to and from the text
4. Nurture Student Motivation with Assignments and Assessments- Offering students the opportunity for autonomy where students provide choices around how they will interact with materials or demonstrate their learning. This could primarily be done through the use of reading assignments from textbooks, peer reviewed journals, case studies, and videos.
5. Strategic and Interactive Feedback- Constructive Feedback from instructors and classmates.

#### Measuring the Quality of Academically Related Materials and Instruction in Asynchronous learning

Faculty measure the quality of students' work by the grading standards contained in the syllabus. Examples:

#### Grade Distribution

Assignment Category	Number of Graded Items	Point Value per Item	Total Points
Discussions	5	30	150
Small Group Discussion	1	40	40
Journals	3	70	210
Final Project			
Milestone One	1	90	90
Milestone Two	1	80	80
Milestone Three	1	80	80
Final Project Submission	1	350	350

		<b>Total Course Points:</b>	1,000
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#### University Grading System: Graduate

<b>Grade</b>	<b>Numerical Equivalent</b>	<b>Points</b>
A	90–100	4.00
B	80-89	3.00
C	70-79	2.00
I	Incomplete	
W	Withdrawn	

The following policies apply to Synchronous and Asynchronous learning:

#### Academic Integrity

As stated in the student handbook, the violation of the university's standards of academic integrity constitutes a serious offense. Violations include, but are not limited to, the major categories of academic dishonesty, as defined below:

#### Alteration or Fabrication of Data

Alteration or fabrication of data refers to the submission of data not obtained by the student during the course of research or the deceitful alteration of data obtained by the student during the course of research.

#### Cheating

Cheating is the act of deceiving, which includes such acts as receiving or communicating information from another during an examination;

- Looking at another's examination (during the exam);
- Using notes during examinations when prohibited;
- Using electronic equipment to receive or communicate information during examinations;
- Using any unauthorized electronic equipment during examinations;
- Obtaining information about the questions or answers for an examination prior to the administering of the examination; or
- Whatever else is deemed contrary to the rules of fairness, including special rules designated by the professor of the course.

#### Dishonesty in Papers

Dishonesty in papers entails using a writing service or having someone else write a paper for you. All work submitted for a course must be the student's own original work unless the sources are cited.

#### Misrepresentation

Misrepresentation is having another student or individual substitute for oneself during the taking of a quiz or examination or for the completion of a course.

#### Conspiracy

Agreeing with any other person to commit or attempt to commit academic dishonesty.

#### Electronic Devices

Examples of the improper use of electronic devices (such as personal computer, tablet, cell phone, and other devices) include but are not limited to:

- Unauthorized access, modification, use, creation or destruction of data stored on electronic devices.
- Selling or giving away all or part of the information on electronic devices that will be used as graded material.
- Sharing an electronic device while leaving answers on display or in memory.

#### Multiple Submissions

Multiple submissions is the use of work previously submitted at THSU or any other institution to fulfill academic requirements in another class. Slightly altered work that has been resubmitted is also considered to be fraudulent. Students must properly cite any use of their previously submitted work.

#### Plagiarism

The use, whether by paraphrase or direct quotation, of the published or unpublished work of another without full and clear acknowledgment through proper citation. Examples include:

- The misrepresentation of sources used in a work for which the student claims authorship;
- The improper use of course materials in a work for which the student claims authorship;
- The use of papers purchased online and turned in as one's own work submission of written work such as laboratory reports, computer programs, or papers that have been copied from the work of other students, with or without their knowledge or consent.

#### Unauthorized Collaboration

The sharing of quiz/exam questions or answers with another student without the instructor/reviewer's permission. The copying of another student's homework without the instructor/reviewer's permission. Allowing another student to copy your work. Group collaboration on individual assignments without the instructor/reviewer's permission. Using a writing service or having someone else write a paper for you.

#### Other Academic Misconduct

Other academic misconduct includes, but is not limited to,

- Stealing quizzes or examinations;
- Altering academic records, including grades;
- Sabotaging the work of another student;
- Distributing materials for the purpose of cheating; altering, forging, or misusing university-related documents; and
- Intentionally reporting a false violation of academic integrity;
- Offering a bribe to any university member in exchange for special consideration or favors.

## **Academic Standards**

Texas Health and Science University is here to help you achieve your educational goals, graduate, and begin your career. We want you to be successful! If you have any questions about your progress, or need to modify your course load, there may be options for you. Please talk to the Academic Dean or Dean of Students for more information.

The Academic Standards published below apply to all students enrolled in the University, full-time and part-time, and address policies and procedures for students enrolled in each program of the University.

### **Grading System**

All grades are numerically calculated and annotated on the transcript utilizing the grading system below. Grading average required for successful completion of courses is a minimum-passing grade of 70%. The student must repeat all required courses where grades of F were awarded.

THSU utilizes the semester credit system. 1 credit = 15 classroom clock hours or 30 Clinic (laboratory) clock hours. All grades for repeated courses appear on the transcript and are calculated into the cumulative grade point average.

<u>Grade</u>	<u>Description</u>	<u>Numerical Grade</u>	<u>Quality Points</u>
A	Excellent	90-100%	4.00
B	Above Average	80-89%	3.00

C	Average	70-79%	2.00
F	Failed	Below 70%	0.00

#### Other Grades Worth Zero Quality Points

P	Pass	Not computed in Cumulative Grade Point Average (CGPA), but computed in Credit Completion Percentage (CCP)
I	Incomplete	Not computed in CGPA or CCP until course is completed
W	Withdrawal	Not computed in CGPA, but computed in CCP
TC	Transfer Credit	Not computed in CGPA or CCP

### **Leave of Absence**

#### **Purpose**

The purpose of the Texas Health and Science University LOA (Leave of Absence) policy is to grant eligible students a temporary leave from academic attendance for a period in which academic attendance is required by the program of study.

#### **Policy**

Texas Health and Science University may grant multiple LOAs to a student for unforeseen and extreme circumstances not exceeding 180 days in a 12-month period. Each LOA may not exceed one trimester (4 months). Examples of unforeseen and extreme circumstances are:

- A medical situation affecting the student and/or an immediate family member in accordance with the Family Medical Leave Act of 1993;
- Financial or other personal reasons,
- Military and jury service duties,
- Natural disasters, etc.

**(Rules governing international students can be found in the International Student section below).**

If the student is out of attendance due to an unforeseen circumstance and considered an unofficial withdrawal and the Department Dean can document the reason and decision for the LOA, the student will be placed on an approved LOA and no calculation will be required. However, if the student is an unofficial withdrawal and the Department Dean does not document the reason prior to a Return of Title IV being performed, the student will be considered an unofficial withdrawal and all unearned Title IV funds will be returned in accordance with U.S. Department of Education regulations.

#### **Required Documentation**

Students must request a leave of absence from the Academic Dean or Registrar.

1. For a medical leave of absence, the student request must be accompanied by a letter from a physician, physician's assistant, or nurse practitioner. The letter must be on official letterhead, and must include the diagnoses, and an estimated time for recovery;
2. For a financial or personal leave of absence, the student request may be required to be accompanied by documentation to support the leave.

Students intending to take a leave of absence must meet the following requirements:

- LOAs may not exceed 180 days within a 12-month period for financial aid recipients and may not exceed 5 months for international students.

- Student must be in satisfactory academic standing and must have a reasonable expectation to return to the College by the start of the next trimester.
- Student must submit LOA request in writing and have it approved PRIOR to the beginning of the leave.
- Military students recalled to active duty must provide documentation of the deployment on official military letterhead if a letter can be prepared prior to deployment.
- Student must stay in contact with the Registrar while on LOA. Failure to contact the Registrar on a monthly basis may result in an administrative withdrawal from the College.
- International students must coordinate with the International Student Advisor to make sure they remain in status.

## **Failure to Return**

**Financial Aid Recipients:** If the student fails to return from the LOA, the student will be considered a withdrawal based on the last date of attendance. A Return of Title IV Funds will be performed, and all unearned federal funds will be returned to the U.S. Department of Education. Therefore, the student may leave the College owing a balance even though the account would have been paid in full had the student completed the payment period. Additionally, the student's loan servicer will be notified, and the student's loan(s) will enter repayment within 6 months after the last date of attendance.

**International Students:** If the international student (F1) must take a temporary leave of absence from studies due to unforeseen circumstances, the SEVIS record must be terminated for Authorized Early Withdrawal. A student whose record is terminated for authorized early withdrawal must depart the United States within 15 days of the record termination. With a terminated SEVIS record, the student must spend temporary absence outside the United States. If the student will be able to resume studies in less than 5 months (which is considered a "temporary absence"), the THSU International Student Advisor may request to reactivate the student's record, so that the student may return to the United States on a new I-20 (provided his or her F-1 visa is still valid). This request can be made up to 60 days before the student's next session start date.

**Medical LOA for International Students:** International students generally cannot receive an LOA greater than 5 months. There is one exception for medical reasons. Students have the option to return to their home country or remain in the U.S. to receive medical treatment if recommended by a doctor. Students who wish to remain in the U.S. must obtain a doctor's letter recommending the LOA for medical reasons. Students who remain in the U.S. without obtaining advance approval for medical LOA from THSU will be considered out of status. Requirements and Limitations of Medical LOA (International Students): Student must have a letter from a licensed medical doctor, doctor of osteopathy, or licensed clinical psychologist recommending leave for a specific trimester. The doctor's note should specify if the student should remain in U.S. to receive treatment. No more than 12 months total leave are allowed per degree level. The 12-month aggregate maximum includes all Reduced Course Load (RCL) approved for medical reasons. If the student chooses to go home for medical reasons and will be outside the U.S. for greater than five months, the student must obtain a new USC I-20 with a new SEVIS ID number in order to re-enter the U.S. and return to THSU. It is the student's responsibility to email the International Student Advisor at least two months prior to returning to THSU to request the new I-20. Students will need to use the new I-20 to pay the SEVIS fee and apply for a new F-1 visa, even though they may possess an unexpired visa associated with their previous I-20.

Note: If the international student does not return before 5 months, the F1 status may not be changed and the student must start the process for getting a new initial I-20, including all necessary documents.

## **How to Apply for Leave of Absence**

Students may request and submit a leave of absence application to the Registrar. Application requests may be sent to the registrar at ***registrar@THSU.edu***.

## **Satisfactory Academic Progress for Degree Granting Programs**

Satisfactory Academic Progress (SAP) is the University's standard used to define successful completion of coursework. The University has established these qualitative and quantitative standards to monitor student progress toward completion of their degree program. If a student fails to meet these standards, the student will be

placed on Academic Warning, Academic Probation, Academic Suspension, or Academic Termination and while these actions have specific consequences for students who are receiving U.S. Department of Education Title IV financial aid, the same standards are applied to all students regardless of funding source.

The Satisfactory Academic Progress standards are as follows:

- Students must earn a grade of “C” or better in each course taken in order to earn academic credit for the course; all required courses in which a grade of “F” is earned must be retaken by the student in order to complete the program.
- Students must maintain a minimum standard Cumulative Grade Point Average (CGPA) on a 4.00 scale for their program. The CGPA is calculated by multiplying credits for each course by grade points associated with the grade earned to get the quality points for the course, totaling the quality points earned for all the courses, and dividing total quality points earned by the total number of credits attempted.
- Students in all degree-granting programs must complete 67% of the credits for which they register each trimester. Grades for all courses attempted, but not transfer credit, affect Credit Completion Percentage.
- Students must graduate within 1.5 times the Regular Curriculum Schedule. This is referred to as the Maximum Time Frame for Completion. The Regular Curriculum Schedule for the Bachelor of Science in Traditional Chinese Medicine Program is 4 trimesters, and the Regular Curriculum Schedule for the Master of Acupuncture with a Chinese Herbal Medicine Specialization is 10 trimesters. Grades for all courses attempted, but not transfer credit, affect Maximum Time Frame for Completion.
- SAP is checked at the end of each term. There is no further action required from the student if the standards are being met.

ALL minimum requirements for Satisfactory Academic Progress must be met, as follows:

#### Bachelor of Science in Traditional Chinese Medicine Program SAP Policy

Maximum Trimesters Attempted	Minimum Requirements for Satisfactory Academic Progress			
	Percentage of Program Completed	Number of Credits Completed	Course Completion Percentage per Trimester	Cumulative Grade Point Average
2	25%	15	67%	2.0
3	50%	30	67%	2.0
5	75%	45	67%	2.3
6	100%	61	67%	2.3

#### Bachelor of Business Administration SAP Policy

Maximum Trimesters Attempted	Minimum Requirements for Satisfactory Academic Progress			
	Percentage of Program Completed	Number of Credits Completed	Course Completion Percentage per Trimester	Cumulative Grade Point Average
2	25%	15	67%	2.0
3	50%	30	67%	2.0
5	75%	45	67%	2.0
6	100%	60	67%	2.0

Master of Acupuncture with a Chinese Herbal Medicine Specialization SAP Policy				
Maximum Trimesters Attempted	Minimum Requirements for Satisfactory Academic Progress			
	Percentage of Program Completed	Number of Credits Completed	Course Completion Percentage per Trimester	Cumulative Grade Point Average
4	25%	38	67%	2.25
8	50%	76	67%	2.5
11	75%	114	67%	2.75
15	100%	153	67%	3.0

Master of Business Administration SAP Policy				
Maximum Trimesters Attempted	Minimum Requirements for Satisfactory Academic Progress			
	Percentage of Program Completed	Number of Credits Completed	Course Completion Percentage per Trimester	Cumulative Grade Point Average
2	25%	9	67%	2.25
3	50%	18	67%	2.5
5	75%	27	67%	2.75
6	100%	36	67%	3.0

Master of Business Administration in Healthcare Management SAP Policy				
Maximum Trimesters Attempted	Minimum Requirements for Satisfactory Academic Progress			
	Percentage of Program Completed	Number of Credits Completed	Course Completion Percentage per Trimester	Cumulative Grade Point Average
2	25%	9	67%	2.25
3	50%	18	67%	2.5
5	75%	27	67%	2.75
6	100%	36	67%	3.0

Note to Dual Degree Students: All students must graduate within the Maximum Time Frame for Completion for each program of study enrolled.

A student will receive an Academic Warning if, at any time, the school determines that the student is not completing the minimum requirements for Satisfactory Academic Progress. (See section entitled "Academic Warning.")

### **Actions that Affect Satisfactory Academic Progress**

#### ***Transfer Credits***

The grade "TC" (Transfer Credit) is given to students whose courses taken at another institution are being transferred in for required courses at Texas Health and Science University. The grade of "TC" has no effect on the calculations for Cumulative Grade Point Average (CGPA); however, the credits received from another institution will be included in both attempted and completed hours.

## ***Incomplete Grades***

An Incomplete grade does not count toward quality points in the CGPA calculation, the maximum time frame for completion, or successful course completion calculations. If the coursework is not completed, the incomplete grade will be converted to the grade of "F". The final grade, however, will affect the student's CGPA, Credit Completion Percentage, and Maximum Time Frame for Completion.

## ***Repeated Courses and Grades***

A student may retake a course one time to attempt to raise the final grade. All retake attempts are included in the CGPA calculation, Credit Completion Percentage, and Maximum Time Frame for Completion.

Title IV rules allow for financial aid to be used for a one-time repeat of a failed course. Repeated coursework that falls under the following conditions cannot be included in a student's enrollment status for federal aid eligibility (Title IV).

- Repeating a previously passed course more than once. A course is considered passed if the student receives a grade of C or better.
- Repeating a previously passed course due to failing other coursework.
- Repeating a previously passed course for the sole purpose of gaining eligibility for financial aid.

Federal aid is calculated according to need and the student's adjusted enrollment status. Recalculation will be applied regardless of whether a student received aid for previous courses and is based solely on how many times a course has been taken and passed.

**Example:** A student is taking a previously passed 3 credit hour course for the third time. The student is enrolled in a total of 17 credit hours for the term. Per federal regulations, the repeated course must be excluded from the student's aid eligibility. Only 14 of the student's 17 hours can be used to calculate aid eligibility. The student's aid will be adjusted to  $\frac{3}{4}$  time instead of full-time enrollment.

## ***Dropped Courses***

After a course has met for 80% of its scheduled meeting times, a course may not be dropped, and a grade will be issued. This grade will affect the calculation for CGPA, Credit Completion Percentage, and Maximum Time Frame for Completion.

The following policy applies to students who complete 60% or less of the enrollment period (i.e., Fall, Spring or Summer sessions) for which they received Federal Title IV aid. A student who drops a class but still completes one or more classes does not qualify for the Return of Title IV Funds policy. The term "Title IV aid" refers to the following Federal financial aid programs offered at THSU: Unsubsidized Federal Stafford loans, Subsidized Federal Stafford loans, Federal PLUS (Parent) loans, and Federal Pell Grants. To conform with the policy, THSU must determine the student's withdrawal date. The withdrawal date is defined as:

1. The date the student began the withdrawal process or officially notified THSU of their intent to withdraw; or
2. The last date of attendance at an academically related activity by a student who doesn't notify THSU.

The calculation that is required determines a student's earned and unearned Title IV aid based on the percentage of the enrollment period completed by the student. The percentage of the period that the student remained enrolled is derived by dividing the number of days the student attended by the number of days in the period. Calendar days (including weekends) are used but breaks of at least 5 days are excluded from both the numerator and denominator. Until a student has passed the 60% point of an enrollment period, only a portion of the student's aid has been earned. A student who remains enrolled beyond the 60% point is considered to have earned all awarded aid for the enrollment period. Earned aid is not related in any way to institutional charges. In addition, the University's refund policy and Return of Title IV Funds procedures are independent of one another. A student who withdraws from a course may be required to return unearned aid and still owe the college for the course. For example, the calculation may require THSU to return a portion of Federal funds to the Federal Title IV programs. In addition, the student may also be required to return funds based on the calculation. A student returns funds to the Federal Stafford loan programs based on the terms and conditions of the promissory note of the loan. A student

who receives a Federal Pell Grant may be required to repay 50% of the funds received. The return of Federal aid is in the following order: Unsubsidized Federal Stafford loans, Subsidized Federal Stafford loans, Federal, Federal PLUS (Parent) loans, and Federal Pell Grants.

### **Overpayment**

Students who owe funds to a grant program are required to make payment of those funds within 45 days of being notified that they owe this overpayment. During the 45-day period students will remain eligible for Title IV funds. If no positive action is taken by the student within 45 days of being notified, THSU will notify the U.S. Department of Education of the student's overpayment situation. The student will no longer be eligible for Title IV funds until they enter into a satisfactory repayment agreement with the U.S. Department of Education. During the 45-day period, the student can make full payment to THSU of the overpayment. The university will forward the payment to the U.S. Department of Education and the student will remain eligible for Title IV funds.

If a student is unable to pay their overpayment in full, they can set up a repayment plan with the U.S. Department of Education. Before doing this please contact the THSU Office of Financial Aid. You will need to make sure we have referred your situation to the U.S. Department of Education before any repayment plan can be set up. If you want to contact the U.S. Department of Education, their address is listed below. U.S. Department of Education Student Financial Assistance Programs P.O. Box 4222 Iowa City, IA 52245 Phone: 1-800-621-3115 E-Mail: DCS\_HELP@ed.gov For examples of the Return of Title IV Funds calculations or questions regarding the overpayment policy, please contact the Office of Financial Aid.

### **Change of Program**

When a student changes to a different program, any credits earned that are applicable toward the new program will be granted, and the CGPA, Credit Completion Percentage, and Maximum Time Frame for Completion will continue forward from that point. A student must meet all admission requirements to the new program and receive acceptance to that program before registering for classes. For students who qualify for financial aid, any change of undergraduate to graduate level, or graduate to undergraduate level, a change in potential financial aid award levels will result.

### **Seeking an Additional Credential**

Credits applicable toward an additional credential may be transferred into the additional program and all credits earned count toward the CGPA, Credit Completion Percentage, and Maximum Time Frame for Completion. A student must meet all admission requirements to the additional program and receive acceptance to that program before registering for classes. For students who qualify for financial aid, changes in potential financial aid award levels will result. For dual-degree students, maintaining Satisfactory Academic Progress is expected in all programs enrolled.

### **Withdrawal from a Program**

The calculation for CGPA, Credit Completion Percentage, and Maximum Time Frame for Completion following withdrawal from a program during a trimester utilizes the above Dropped Courses formula for any courses that were dropped as a result of the withdrawal. For students who are receiving financial aid or who are international students, certain requirements must be met upon withdrawal from a program. For additional information, contact the Director of Financial Aid or international student advisor, as appropriate.

## **Satisfactory Academic Progress Procedures**

The University evaluates students at the completion of each academic year to ensure that Satisfactory Academic Progress is maintained. A student will not make Satisfactory Academic Progress (SAP), if at any evaluation point the minimum standards stated above are not met. Failure to make Satisfactory Academic Progress will affect students' eligibility for Title IV Financial Aid funds.

### **Academic Warning**

Students who fail to maintain the required CGPA or do not complete the stated percentage of the credits for which they registered will be placed on Academic Warning by the Registrar. The student will be given a written notice and required to complete an academic plan with the Dean. The student will remain eligible for federal financial aid

/ VA funding for their subsequent trimester. At the end of the trimester the student's academic progress will be evaluated to determine continuing enrollment eligibility and federal financial aid / VA funding eligibility for their subsequent trimester. **If the student achieves the minimum CGPA and Credit Completion Percentage for his or her program, he or she may continue in good standing (satisfactory academic progress).** If the student does not make the minimum CGPA and Credit Completion Percentage, he or she will be placed on Academic Probation.

### **Academic Probation**

Students on Financial Aid Probation may receive Title IV/HEA program funds for one term. If the student does not meet the academic standards at the end of the term, the student's financial aid will be suspended.

### **Financial Aid Suspension**

Students on Academic Probation who fail to maintain the stated CGPA, do not complete the stated percentage of the credits for which they registered, or meet the requirements in an academic plan, are terminated. These students are **not** eligible for federal financial aid/ VA funding. These students must sit out the next two (2) trimesters and must appeal the termination before re-applying to the University. The student may appeal the school's determination in writing to the Appeals Committee (as provided in the Appeal section). If the student satisfies all the requirements, the Appeals Committee may grant the student's appeal which will re-instate their federal financial aid/ VA funding eligibility. This will return the student to Probationary Status. Following the successful completion of the terms and conditions laid out in an Action Plan, the student will return to Satisfactory Academic Progress status.

### **Appeal Process**

Students may appeal their Academic Termination if:

1. The student submits documents in evidence that the student earned the required CGPA or credit completion ratio to meet SAP standards while enrolled in the program; or,
2. Mitigating circumstances interfered with the student's ability to meet SAP standards. The acceptable mitigating circumstances are as follows:
  - Illness, accident, injury or incident experienced by the student or by a significant person in the student's life.
  - Death of a family member or significant person in the student's life.
  - Personal problems or issues with spouse, family, roommate, or significant person.
  - Divorce experienced by the student or parent.
  - Previously undocumented disability.
  - Military deployment.
  - Change in work schedule during the period or other similar work-related circumstance
  - Natural disaster
  - Family emergency
  - Financial hardship such as foreclosure or eviction
  - Loss of transportation where there are no alternative means of transportation
  - Documentation from a Professional Counselor
3. Proper documentation is required for all mitigating circumstances. Examples of proper documentation include:
  - Physician's statement
  - Police reports
  - Death certificate
  - Obituary
  - Professional Counselor's statement

- Hospital bills
- Letter from employer
- Military orders
- Divorce decree
- Attorney's statements

4. Student may appeal only twice. Any further actions must be approved by the University President.

All appeals must be submitted in writing to the Appeals Committee. Appeal letters must include the mitigating circumstances, the resolution of the mitigating circumstance as well as the student's plan to succeed. Appeal letters must be accompanied by the required documentation in order to be heard by the Appeals Committee. It may be required for the student to meet with one or all members of the Appeals Committee to present any further requested evidence. After the appeal is received, the student will be notified within fifteen (15) business days on whether the appeal is granted or denied.

**It is in the student's interest to submit an appeal to the University's Appeals Committee as soon as the student receives a written notice of suspension.**

For additional information and details regarding the appeal process, please consult the Registrar.

### **Appeals Committee**

The Appeals Committee is responsible for:

1. Considering the cases of students on Academic Suspension who appeal the notification of their suspension from the University because of their failure to maintain the minimum academic standards.
2. Reviewing the entire academic record of the student and the specific reasons and/or circumstances that the student indicates warrant the appeal.
3. Recommending a decision to approve the appeal, approve the appeal with conditions, or deny the appeal. A recommendation to approve the appeal may set a target grade point average for a student or place other conditions on a student that otherwise supersede institutional academic standards.
4. The committee will be chaired by the Academic Dean/ Program Director and will be composed of other members of the faculty and staff. The committee will consist of 3-5 members and an appeal will only be granted based on a majority vote.

### **Attendance Policies – In-Person and Synchronous**

**Texas Health and Science University** has a strict attendance policy. Students are required to attend all classes each trimester. Roll is taken at the start of each class hour. Students are responsible for the consequences of any absences, and for ensuring that the proper forms for making up clinic absences are filled out.

**Absences:** Students missing 20% of class hours in any class will have their course grade lowered by one letter grade. **No student who has missed 50% or more of the scheduled classes will be allowed to complete the course. These students will be administratively withdrawn from the course.**

Faculty may impose stricter regulations regarding attendance and other matters of classroom management and decorum, provided such regulations are published to the students in writing in the course syllabus at the beginning of each course and placed on file in the administration office.

**Administrative Withdrawal from University:** ***Students who miss fourteen (14) consecutive calendar days from all their scheduled classes will be administratively withdrawn from the university.*** A letter will be sent to the student to formally notify him/her of the administrative withdrawal. International students should consult the Designated School Official for additional information. Students wishing to be readmitted will be required to follow the readmission policy in this handbook.

**Incomplete Course Work:** If coursework has not been completed due to illness, family emergency or other event considered by the administration to be a valid excuse, but the student's work to date is passing, a grade of "Incomplete" (I) may be issued for that class. An Incomplete grade does not count toward quality points in the CGPA calculation, the maximum time frame for completion, or successful course completion calculations. The student must submit an Incomplete Grade Request form and, if approved, the student must complete the required coursework by the end of the next trimester. If the coursework is not completed, the "Incomplete" grade will be converted to the grade of "F". The final grade will affect the student's CGPA, maximum time frame for completion and successful course completion.

**Make-up Work:** Make-up work may be required for any absence. However, the number of hours spent on make-up work cannot be accepted as hours of class attendance. **It is the student's responsibility to obtain make-up work assignments from the instructor.** Students will be charged an additional fee for make-up exams. Please review the fees listed elsewhere in this catalog for more information.

\* Students who have their financial aid adjusted as a result of a leave of absence or withdrawal will receive a revised financial aid award notification. More detailed information is available by visiting the Financial Aid office.

### **Adding and Dropping Classes after the Start of the Trimester**

- **Course Adds:** Students may add a class, for a fee, prior to the second meeting of the course. This process must be completed in writing or via email and the fee must be received for the addition to be accepted. Please contact the Registrar to complete this process.
- **Course Drops:** Students may drop a class, for a fee, up to the point in which the course has met for 80% of its scheduled meeting times. After the 80% mark of the course, the student will not be able to drop and will earn a grade. This grade will affect the calculation for CGPA, maximum time frame for completion, and course completion percentage. The process for dropping courses must be completed in writing or via email and the fee must be received for the drop to be accepted. Please contact the Registrar to complete this process.

Cash-paying students who drop a course may be eligible for a refund of tuition according to the following schedule. Class days indicated below are as defined by the University academic calendar, and not by the individual student's or course's schedule. Texas Health and Science University's refund policy for dropping a course is as follows, based on a student's date of notification of course drop:

<b>Day of the Semester Calendar</b>	<b>Refund Amount</b>
Prior to the first day	100%
First through fifth days	80%
Sixth through tenth days	70%
Eleventh through fifteenth days	50%
Sixteenth through twentieth days	25%
After the twentieth day	No refund

### **Notice to Recipients of Federal Financial Aid and VA Assistance:**

In accordance with federal guidelines, students who receive financial assistance and withdraw from any or all of their coursework may have some or all of their assistance returned to the original funding sources if disbursement of funds has occurred. Students who have received their funding and withdraw will not receive any refunds until after the full loan amounts have been returned to the original funding source. Students in this situation may owe a balance to the University. In addition, students who completely withdraw from all their coursework during a trimester may jeopardize their eligibility for future financial assistance through the University.

### **Adding or Changing a Program**

Students wishing to add a program (seek a dual degree) or change from one program to another before completing the original program must complete the following procedures:

- Review the requirements for admission to the new program;

- Consult with the Academic Dean or Program Director of the new program;
- Consult with the Financial Aid Director if the student is a borrower of financial aid;
- Obtain a "Change of Program Request" form from the Registrar, complete and sign it, and submit it to the Registrar to obtain the required signatures;
- Sign an enrollment agreement with the Admissions Director for the new program;
- Receive a copy of the forms indicating all signatures/approvals have been obtained. Only students who meet the new program requirements of the new program will be approved.

### Withdrawal Policy

Texas Health and Science University allows students to withdraw from the University when necessary subject to the following terms and conditions:

- **Materials:** Once purchased, books and other materials are the property of the student. The University does not accept material returns and makes no refunds for materials.
- **Program Withdrawals:** Any student wishing to withdraw from the University must contact the Registrar to complete the withdrawal process. This process must be completed in writing or via email and cannot be done by telephone.

Students who do not complete the withdrawal process by the appropriate deadline will be assigned a grade in each of their classes.

### Refund Policy

Students withdrawing from the University are eligible for a refund of tuition and fees according to the following schedule. Class days indicated below are as defined by the University academic calendar, and not by the individual student's or course's schedule. Texas Health and Science University's refund policy for withdrawal from all registered coursework is as follows, based on a student's last day of attendance:

Day of the Semester Calendar	Refund Amount
Prior to the first day	100%
First through fifth days	80%
Sixth through tenth days	70%
Eleventh through fifteenth days	50%
Sixteenth through twentieth days	25%
After the twentieth day	No refund

### Notice to Recipients of Federal Financial Aid and VA Assistance:

In accordance with federal guidelines, students who receive financial assistance and withdraw from any or all of their coursework may have some or all of their assistance returned to the original funding sources if disbursement of funds has occurred. Students who have received their funding and withdraw will not receive any refunds until after the full loan amounts have been returned to the original funding source. Students in this situation may owe a balance to the University. In addition, students who completely withdraw from all their coursework during a trimester may jeopardize their eligibility for future financial assistance through the University.

### Readmission

Students whose enrollment has been withdrawn, transferred or otherwise terminated must submit an application for readmission, transcripts from any institutions attended in the interim, a letter expressing their desire and intent to re-enroll and complete their course of study at the University, and the application fee. The letter of intent must specifically address any changes in the goals of the student from the period of the student's decision to leave the University and his or her decision to return.

Students who are placed on Academic Warning or Academic Probation at the time of their withdrawal remain on Academic Warning or Academic Probation upon return and must earn the minimum required CGPA for the first trimester of readmission to remain enrolled.

### **Graduation Requirements**

#### **Bachelor of Science in Traditional Chinese Medicine**

All candidates for graduation from the bachelor's degree program must complete their studies within 6 trimesters with a Cumulative Grade Point Average (CGPA) of at least a 2.0 on a 4.0 scale.

The following minimum requirements must be completed prior to graduation from the Traditional Chinese Medicine program:

Acupuncture and related didactic studies	33 credits
Herbal didactic studies	9 credits
Biomedical didactic studies (western medical science)	9 credits
Clinical training	6 credits
Ethics, Business and Communications didactic studies	4 credits
<b>Total</b>	<b>61 credits</b>

A minimum of 60 credits are required for admission to THSU. Sixty plus the 61 credits shown above at a GPA of 2.3 or higher, are required for the Bachelor of Science in Traditional Chinese Medicine degree.

#### **Bachelor of Business Administration**

Sixty-one semester credits completed with a minimum overall GPA of 2.0, combined with the 60 semester credits required to transfer in, total the 121 credits for the Bachelor of Business Administration degree.

#### **Master of Acupuncture with Chinese Herbal Medicine Specialization**

All candidates for graduation from the master's degree program must complete their studies within 15 trimesters with a Cumulative Grade Point Average (CGPA) of at least a 3.0 on a 4.0 scale. The following minimum requirements must be completed prior to graduation from the Master of Acupuncture with Chinese Herbal Medicine Specialization program:

Acupuncture and related didactic studies	49 credits
Herbal didactic studies	32 credits
Biomedical didactic studies (western medical science)	34 credits
Ethics, Business and Communications didactic studies	8 credits
Clinical training	30 credits
<b>Total</b>	<b>153 credits</b>

#### **Master of Business Administration and MBA in Healthcare Management Programs**

Thirty-six (36) credit hours completed with a minimum cumulative grade point average of 3.0 are required to receive the Master of Business Administration degree.

Thirty-six (36) credit hours completed with a minimum cumulative grade point average of 3.0 are required to receive the Master of Business Administration in Healthcare Management degree.

#### **Second Year Comprehensive Exam – Master of Acupuncture with Chinese Herbal Medicine Specialization**

## **Program**

At the end of their second year of study or sixth consecutive trimester of enrollment, all MACCHM students are required to take a written exam. The academic department uses the exam results to assess students' progress through the program. Students will have two (2) chances to take and pass the Second Year Exam. The fee for the Second Year Comprehensive Exam is \$50.00.

## **Graduation Comprehensive Assessment**

In the last trimester of study, all MACCHM students are required to take a written assessment. The academic department uses the results to assess students' readiness for the national certification exams and to improve the curriculum for future students. The fee for the Graduation Comprehensive Assessment is \$200.00, and retakes of portions of the assessment are \$50 each.

## **Class Schedules**

### **Master of Acupuncture with Chinese Herbal Medicine Specialization** **Bachelor of Science in Traditional Chinese Medicine**

Austin and San Antonio Campuses
<u>Classes – Monday through Friday</u> 9:00 a.m. – 12:00 p.m. 1:15 p.m. – 4:15 p.m.
<u>Clinic – Monday through Sunday</u> 8:30 a.m. – 12:00 p.m. 1:00 p.m. – 4:30 p.m. 5:00 p.m. – 8:30 p.m.

### **Master of Business Administration** **Master of Business Administration in Healthcare Management**

Austin Campus
<u>Classes – Saturdays</u> 8:30 a.m. – 11:20 a.m. 11:30 a.m. – 2:20 p.m. 2:30 p.m. – 5:20 p.m.

All faculty and students should be in place at the designated class starting time. If at least one student is present, the Instructor should begin the class on time. Tardy students bear sole responsibility for any missed work. If no student is present at the designated time, the Instructor may wait for 15 minutes. As soon as the first student arrives, the class should begin. If after 15 minutes, no student has arrived, the Instructor should cancel the class and make a notation in the attendance/grade folder. All students on the class roster will be given an absence. If after 15 minutes, the instructor has not arrived, students must report to the administration office for further instructions.

Classes cancelled due to inclement weather, instructor illness and other reasons, must be made up. The instructor and students will mutually determine the date and time for makeup classes.

## **Auditing Courses**

All current degree-seeking students and graduates may audit any courses previously taken for credit. THSU encourages all students and graduates to be well-prepared for their national board exams or other future endeavors and welcomes auditing students.

Auditing students attend classes, listen, and observe. They do not submit assignments, participate in discussions, or receive evaluations. Credit is not awarded, nor is the course recorded on a transcript.

Students are asked to complete an Audit Course Request form with the Registrar and obtain permission from the faculty instructor. The fee for auditing is included in the \$110 student services fee, paid once per trimester.

### **Grievance Policy for Students**

It shall be the policy of Texas Health and Science University that this Grievance Policy for Students shall represent the University's commitment to the highest quality of customer service and the fair and equitable resolution to complaints or grievances. This policy applies to all full-time and part-time students enrolled in the University. We welcome all comments and suggestions for improvement. All complaints will be handled in a professional and timely manner to ensure the best course of action for all parties involved.

In attempting to resolve any grievance/complaint, it is the obligation of the individual first to make a serious effort to resolve the matter with the individual with whom the complaint/grievance originated. The following steps are used to ensure efficiency in this process.

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. When the problem is with an individual, it is recommended that both parties address the issue informally in an attempt to develop a working solution.</li> <li>2. If the situation is not resolved amicably, any student with a complaint regarding the administration of a University policy or procedure, or with a University administrator or member of the faculty, or with another student should next contact the Dean of Students who will make every reasonable effort to resolve the problem.</li> <li>3. If the grievance is not settled the student has the right to use the formal grievance procedure. In order to do so, the student must complete the grievance form and return it to the Academic Dean, whose mailbox is in the Main Office.</li> </ol> | <ol style="list-style-type: none"> <li>4. The Academic Dean will make a decision within ten (10) working days of receiving the written statement. The individual will be contacted via e-mail or phone either to schedule a meeting or to inform the aggrieved student of any action/follow-up that will be taken.</li> <li>5. If the individual is not satisfied with the resolution, an appeal may be made in writing to the Vice President of the University.</li> <li>6. If the individual still is not satisfied with the resolution, an appeal may be made in writing to the President. The decision of the President will be final.</li> </ol> |
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Following exhaustion of the University's procedures, Grievances and Formal Complaints may also be addressed to one of the following:

**Accrediting Council for Independent Colleges and Schools (ACICS)**  
 1350 Eye Street NW, Suite 560  
 Washington, DC 20005  
 202-336-6780 voice  
 202-842-2593 fax

**Accreditation Commission for Acupuncture and Herbal Medicine (ACAHM)**  
 8941 Aztec Drive  
 Eden Prairie, Minnesota 55347  
 952-212-2434 voice  
 301-313-0912 fax

**Texas Higher Education Coordinating Board (THECB)**  
 Office of General Counsel  
 P.O. Box 12788  
 Austin, Texas 78711-2788

THECB rules governing student complaints can be found at: Texas Administrative Code, Title 19, Part 1, chapt.1, Subchapter E, 1.110 – 1.120:

[http://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac\\_view=5&ti=19&pt=1&ch=1&sch=E&rl=Y](http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=19&pt=1&ch=1&sch=E&rl=Y)

THECB's Student Complaints page, with forms and a description of the complaint procedure, is at:

<http://www.thecb.state.tx.us/studentcomplaints>

**Texas Health and Science University  
Student Services**

**Grievance Form**

The purpose of this form and the referral process is to direct the suggestion/complaint to the appropriate office or person so the best solution can be reached. Please leave this form in the mailbox of the Academic Dean in the Main Office. Thank you.

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

Student ID#: \_\_\_\_\_ Cohort #: \_\_\_\_\_

Nature of Grievance: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

<b>For Office Use Only</b>
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Referred by: \_\_\_\_\_

Date: \_\_\_\_\_

Referred to: \_\_\_\_\_

Office: \_\_\_\_\_

Notes: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Resolved by: \_\_\_\_\_ Date: \_\_\_\_\_

Notes: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Student Services Follow-up: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Family Educational Rights and Privacy Act (FERPA)

### Student Records

Texas Health and Science University (THSU) maintains educational records for all current and former students. Student records at the THSU are subject to the provisions of the Family Educational Rights and Privacy Act of 1974, as amended. Students have the right to file a complaint with the U.S. Department of Education concerning compliance issues. The name and address of the appropriate office is:

U.S. Department of Education  
Student Privacy Policy Office  
400 Maryland Avenue, SW  
Washington, DC 20202-8520

[File a Complaint | Protecting Student Privacy \(ed.gov\)](https://ed.gov/privacy)

### Review of the Educational Record

Students have the right to inspect and review their educational record. All requests must be in writing to the Registrar and must identify the record(s) they wish to inspect. The University official will make arrangements for access and notify the students of the time and place where the records may be inspected. The response from the University official will be within 45 days of the receipt of the request for access.

### Educational Records on Campus

Educational Records on Campus are those records directly related to a student for the purpose of recording the educational record of the student. Once a student graduates or is withdrawn from THSU the educational records are moved to another secure location on campus.

### Amendment of the Educational Record

The student may request an amendment to the educational record if he or she believes it is inaccurate or misleading. The amendment of the educational record does not pertain to the grade assigned by the faculty. The student should write to the Registrar to request the amendment. The request must clearly identify the portion of the record s/he wants changed, specifying why it is inaccurate or misleading. If the University does not amend the record as requested, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

### Directory Information

THSU will not disclose any personally identifiable information about students (except directory information listed below) without the written consent of the student. Directory or "Public" information at THSU consists of the following:

- Student's name
- Address
- Telephone listing
- Major field of study
- Degrees, honors, and awards received
- Dates of attendance
- Grade level
- The most recent educational agency or institution attended
- Participation in University recognized activities

Each student has the right to restrict the release of any or all this information by submitting the ***Request to Prevent Disclosure of Directory Information Form*** to the Registrar's Office. University officials with legitimate educational interests may have access to educational records, without the students' consent, if the record is needed in order to fulfill his or her professional responsibilities. University officials are identified as: a person

employed by the University in an administrative, supervisory, academic or research, or support staff position, a person or company with whom the University has contracted, a person serving on the Board of Directors.

Non-Directory or “Non-Public” information consists of the following:

- . Email address
- . Birth date
- . Religious affiliation
- . Citizenship status
- . Ethnicity
- . Gender
- . Grade Point Average (GPA)
- . Test Scores

Students must complete the *Authorization to Release Education Records Form* if he/she wishes to release non-directory information.

### **Granting Access to Your Academic Records**

Students own their academic records, but there are times in which they may wish to grant access to certain aspects of their records to others, particularly a parent/guardian. In doing this, students are authorizing access to their unofficial academic transcript, including grades, their schedule of classes, account summary for charges and financial aid. Students must complete the *Authorization to Release Education Records Form* if he/she wishes to authorize another person to view their academic records.

### **FERPA Release Exceptions**

The University may disclose personally identifiable information from a student’s education records without the student’s prior written consent in the following situations, after using reasonable methods to identify and authenticate the identity of the parties to whom it discloses such information:

- . Disclosure to local, state, and federal law enforcement agencies regarding sex offenders.
- . Disclosure to contractors (FAME, ORBUND, CYANNA) and entities providing clinical training for students. The individuals or agencies must have a legitimate education interest in the educational records.

### **Required Annual Notice to Students**

The Registrar is required to provide an annual notice to all students regarding the THSU FERPA Policy. An email will be sent to all currently enrolled students before the end of each spring trimester to inform them that the FERPA policy is contained in the student handbook and on the web page.

All inquiries regarding FERPA should be addressed to:

Office of the Registrar  
Texas Health and Science University  
4005 Menchaca  
Austin, TX 78704  
Phone: (512) 444-8082  
Fax: (512) 445-6345  
registrar@thsu.edu

## Financial Policies

### Payment Policy

Please refer to Catalog for a complete listing of tuition and fees.

The payment of all tuition and fees, or the first payment on a time-payment option, must be completed no later than **two weeks before the first class day each trimester**, unless other financial arrangements have been made. Late payments are subject to the assessment of late fees, according to the following schedule and will be charged in addition to any other applicable fees:

1 - 15 days late	\$ 25.00
16 - 30 days late	additional \$ 25.00

After 30 days, a late fee of \$50 per month will be assessed up to a maximum late fee of \$200 per trimester.

Students with outstanding balances at the beginning of a trimester may be prohibited from registering until their account is paid in full. Diplomas and Official Transcripts will not be released until all student account balances are paid in full.

### Payment Options

**Four Payment Plan:** The total may be paid in four installments, for an additional charge of \$25.00. The calculation is as follows: \$25.00 is added to the charges for the current trimester and the total is divided by four. Any outstanding balance is added to the first payment. This option is available for domestic students only.

The first payment is due on the **first day of classes**, and subsequent payments are due monthly no later than the **first day of the month**. A late charge of \$50.00 will be assessed on the first working day following the due date.

**Federal Financial Aid:** Students who qualify are referred to the THSU Financial Aid Officer for further information.

**Federal Work Study Program:** Students who qualify are referred to the THSU Financial Aid Department for further information.

**Veterans Administration Benefits:** Eligible students are referred to the University's VA Certifying Official, for information.

### Financial Aid Award Terms & Conditions

#### General

All financial aid award offers are based on enrollment pattern and are dependent upon a determination of eligibility based on grade level, whether or not priority application deadlines have been met (if applicable), and other program specific criteria at the time of the award offer. Awards are contingent upon continued funding from federal, state, and institutional sources. Action by federal or state governments, including but not limited to insufficient funds or discontinuation of funds may result in rescinding or reduction of award amounts.

A financial aid award is based on information that the student and the student's family (if applicable) submitted in the Free Application for Federal Student Aid (FAFSA) as well as any other supporting documentation. THSU is required by federal law to resolve any conflicts of information that become evident as part of the application review process. It is the student's responsibility to complete and submit application materials to the appropriate agencies within the required or recommended timeframes. It is also the student's responsibility to notify the Financial Aid Office of any circumstantial changes to the information reported in the FAFSA and supporting documentation.

False or incomplete information submitted by a student or on behalf of a student may result in the cancellation of an award and may require repayment of all or part of the funds disbursed to the student. In the event a student has received aid he/she is not entitled to, it will be the responsibility of the student to repay those funds. A student may not receive federal or state aid at multiple institutions during the same enrollment period.

Students should carefully review and ensure that they understand all financial aid related materials sent from THSU and/or the U.S. Department of Education. Students are advised to keep copies of these items for their own records.

During a student's application for aid or at any subsequent time thereafter, he/she will have the right to receive a thorough explanation of the financial aid award process, including the conditions of any student loan that may be awarded. Conditions may include but are not limited to interest rate(s) for student loans, deferment options, repayment periods and programs, etc. The student will also be responsible for complying with the provisions of any promissory note or other agreement which he/she may sign, including repayment of any student loans. Students accepting an employment offer as part of the Federal Work Study (FWS) program will be entitled to disclosure of the terms and conditions (including pay rate) for any position that is offered.

## **Rights and Responsibilities**

Students are obligated to know their rights and responsibilities associated with being a financial aid applicant and recipient as well as a student loan borrower and a federal work study employee.

### **You have the right to know:**

- All the federal, state, institutional and private student aid programs available, including both need-based and non-need-based programs.
- Procedures, forms, deadlines, and eligibility requirements to apply for assistance; the criteria for selecting aid recipients and determining the amount of aid awarded.
- The authorized educational expenses involved in your cost of attendance and how they are determined.
- How the expected family contribution is calculated, how financial need is determined, and how outside resources may affect your aid eligibility.
- The institutional refund schedules and the return of federal aid as a result of withdrawing from all your coursework.
- The standards required for maintaining Satisfactory Academic Progress for financial aid eligibility and the appeal process if you have lost aid eligibility.
- Terms and conditions of any loans, employment, scholarships or grant aid you receive.
- How and when disbursements of financial aid is made.
- Confidential protection of your financial aid record in accordance to the Federal Family Educational Right and Privacy Act (FERPA).

### **You have the responsibility to:**

- Accurately and honestly complete your Free Application for Federal Student Aid (FAFSA). Errors can result in delays. False or misleading information is a criminal offense and is subject to fine, imprisonment, or both.
- Respond promptly and return all required additional documentation, corrections, and/or new information.
- Report all outside resources that may be received throughout the aid year.
- Read, understand, and accept responsibility for all forms or agreements you sign. THSU recommends maintaining copies of all forms and agreements you sign.
- Use any federal, state, institutional or private financial aid received during the award year solely for expenses related to attendance at THSU.

- Know and comply with the timelines and deadlines for verification or additional information requests from Student Financial Services.
- Complete Entrance and Exit Counseling if you borrow a Federal Direct student loan.
- Notify your student loan servicers of changes in your name, address, and university status.
- Perform and complete satisfactory work assignments accepted through the Federal Work Study program.
- Know and comply with THSU's procedures related to financial aid: enrollment status for disbursement, satisfactory academic progress, withdrawal, refunds and repayment and debt management.
- Review and understand specific rights and responsibilities associated with being a **Direct Loan borrower**.
- Review and understand specific rights and responsibilities associated with being a **Federal Work Study employee**.

### **Awarding of Aid (For Those Who Qualify)**

There are two types of calculations used to determine a student's financial aid award. The following definitions are required to understand these calculations:

- **Cost of attendance (COA)** is an estimate of your educational expenses that you may incur while you attend THSU. The COA involves estimates for tuition and fees, books and supplies, room and board, transportation, miscellaneous expenses and loan fees (Direct Loan borrowers only).
- The **Expected Family Contribution (EFC)** is calculated according to a formula established by law from the information reported on the FAFSA. This information may include your family's taxed and untaxed income, assets, and benefits (such as unemployment or Social Security) as well as family size and the number of family members who will attend college that year.

### **Financial Need Calculation: COA minus EFC equals Financial Need.**

Financial need is the student's eligibility for the following need-based programs available at THSU: Federal Work Study.

### **Non-Need based Aid Calculation: COA minus Financial Aid Awarded Equals Eligibility for Non-Need-based Aid.**

Non-need-based aid is financial aid that is not based on your EFC. The student's COA and how much assistance that is currently awarded is what matters in this calculation. Non-need-based programs at THSU include: Direct Unsubsidized Loan, Direct PLUS Loan, and other THSU scholarship programs.

Financial aid funds are awarded for an academic year or remaining period of study and distributed equally between the terms or payment periods that define that academic year or remaining period of study.

Direct Loan proration is required when a student is enrolled in a remaining period of study that is shorter than a full academic year.

Direct Loans are awarded to maximum eligibility based on the academic year. The academic year consists of two tri-semesters.

### **Reporting Additional Financial Awards**

In the event that a student receives additional funds not listed on his/her financial aid award letter (including but not limited to: employer reimbursement or assistance, tuition waivers, private scholarships, veterans' benefits, vocational rehabilitation benefits, etc.), he/she is required to report these awards to the Financial Aid Office.

Should the additional funds result in a change to a student's financial aid status, he/she will receive notification of the change of status as well as the reasons for the change. It should be noted that whenever a student receives

additional assistance, his/her aid awards may be adjusted or reduced, even if their financial aid has already been disbursed.

### **Over-awards of Aid**

Over-awards can occur when THSU receives additional information not accounted for when the student was awarded originally. THSU is required to resolve any over-award on a student's account. Common examples of changes that cause over-awards include, but are not limited to:

- Receipt of internal or external scholarships
- Notification of tuition and fee waivers
- Enrollment changes
- FAFSA corrections

Over-awards can result in a balance due to the University which is the responsibility of the student.

### **Verification**

In some instances, THSU is required by federal and state regulations to review financial aid applications through the process of verification. Student Financial Services reserves the right to request verification of any data submitted by applicants or the parents of applicants (if applicable).

Verification requires that the university review additional documents to verify the information reported on the FAFSA for the student, parent(s), and spouse. Information that must be verified includes income information, high school completion, the number of family members in the household and the number of children in the household who are enrolled at least half-time in college. Document requirements at THSU for graduate programs include:

1. Low income form to explain zero or low income reported on the FAFSA
2. Drastic changes in income from year to year, etc.
3. Other requirements may include: Evidence of college completion, and any other documentation deemed required to validate the FAFSA.

Failure to submit requested documents in a timely manner may result in a delay or cancellation of a financial aid award. If during the process, data is found to be incorrect; the data may be corrected and the award revised. If a student is found to have knowingly submitted falsified or intentionally misleading information, THSU shall reserve the right to (1) refuse to award financial aid, (2) to cancel all aid that has previously been awarded, and/or (3) to dismiss the offending student from the University. Additionally, at THSU's discretion, all fraudulent information shall be forwarded to the Office of Inspector General for further investigation.

### **Verification Deadline:**

An applicant who is selected for verification due to conflicting information, must complete the process no later than 7 days after notification from the Financial Aid Office.

### **Secondary Confirmation**

In addition to the practice of verification for conflicting information, THSU reserves the right to select any student's file for Secondary Confirmation. As part of this process, THSU may request identifying information including but not limited to:

- A valid, government-issued photo ID; and
- A copy of a utility bill depicting your physical address; and

- A notarized statement of identity.

Failure to submit all the required items within the allotted seven business day timeline, or submission of information which cannot be authenticated will result in a failed review. Failed reviews shall be evaluated on a case by case basis, but will result in loss of financial aid eligibility, withdrawal from course(s), administrative dismissal and/or permanent expulsion from the university.

### **Expectations after Successful Completion of Secondary Confirmations Direct Loan Borrower Requirements**

First-time Direct Loan borrowers must complete the following requirements before a loan disbursement will be applied to his/her student account:

- Complete Entrance Counseling online which helps you learn about a Federal Direct Loan, how the process works, how to manage your education expenses, and understand your rights and responsibilities as a borrower.
- Complete the Master Promissory Note (MPN) which is a legal document in which you promise to repay the amount borrowed and any accrued interest to the U.S. Department of Education. It also explains the terms and conditions of your loan(s). THSU uses the multi-year MPN which means students can borrow additional Direct Loans on a single MPN for up to ten years.

Award amounts are based on cumulative credits earned toward a specific degree program. Annual borrowing limits for graduate students is \$20,500.00 in Unsubsidized Stafford Loans.

THSU promotes responsible borrowing and encourages students to borrow what they need to assist with cost as opposed to the amount that they are eligible for. Repayment for Federal Direct Loans begins six months after you graduate, withdraw, stop attending, or your enrollment status is less than half-time. The standard repayment term is ten years and the interest rate may vary depending on the type of Direct Loan and the disbursement date.

### **Disbursement of Aid**

Financial aid is paid (disbursed) through an academic year or remaining period of study during each payment period or academic term based on academic program. At the time of disbursement, eligibility checks confirm attendance, program, enrollment, and the completion of loan requirements. Financial aid is disbursed:

Direct Loan recipients will receive a disbursement notification to their ORBUND email within 7 days of funds being applied to their student account. Students should review their accounts for the dollar amount, and date of disbursement. Students have the right to request cancellation of all or part of the Direct Loan amounts disbursed within 30 days of the notification.

### **Use of Aid**

Funds listed on financial aid award letters may only be used for educationally related expenses for the respective academic year.

THSU applies all financial aid awards directly to institutional charges on a student's student account (charges may include but are not limited to tuition, fees, and book voucher, etc.). Following deduction of these charges, any remaining financial aid funds will be released to the student in the form of a refund. If subsequent charges occur on the student's account after a refund is processed in a given term, the student will be responsible for these new charges.

### **Credit Balances and Refunds**

### **Funds for Title IV Recipients to Obtain Books and Supplies**

THSU allows Title IV eligible and VA Chapter 31 students to charge books and supplies to their accounts prior to the beginning of the term if (1) THSU could disburse the Title IV funds to the eligible student; and (2) the student would have a Title IV credit balance if funds were disbursed.

### **Refunds**

When the disbursed financial aid and/or payments made on a student account total more than the billed cost, the additional amount will be refunded to eligible students.

The university processes refunds to students based on a refund processing schedule and in a manner that complies with Department of Education requirements for refunding financial aid (Title IV) funds. All refunds are disbursed to students in the form of a check within 14 days after Direct Loans are posted to the student's account and a credit balance exists.

In the event that financial aid funds are disbursed in error, the student agrees to repay the full amount to THSU. If a mistake was made, whether by the student, the Financial Aid Department, or another agency, federal regulations require that the mistake be corrected, and funds be billed back as necessary.

THSU may use a current credit balance created by Title IV funds to satisfy a past due balance for allowable unpaid charges within the current year. The current year is defined as the following:

- Current year for a student who only receives Direct Loans is the loan period.
- THSU can apply up to \$200 from a current Title IV credit balance to pay prior year charges. Prior year is defined as:
- Any loan period or award year prior to the current loan period or award year.

### **Satisfactory Academic Progress**

To remain eligible for federal financial aid programs, students must maintain Satisfactory Academic Progress (SAP) toward completion of a degree. Federal regulations require the Financial Aid Department to monitor the progress of each student toward their degree completion. Students who fail to achieve defined minimum standards for grade point average and/or fail to maintain the standards for pace of completion of their program, may lose their eligibility for all types of federal and/or institutional aid. THSU's current SAP policy can be found in the student handbook and comprehensive catalog.

### **Financial Aid Penalties for Drug Law Violations**

If a student, receiving Title IV funding, has been convicted of an offense involving the possession or sale of illegal drugs while enrolled, the student becomes ineligible to receive Title IV funds. If the offense occurred outside of an enrollment period, the student is still eligible to receive funding.

When completing the Federal Student Aid (FAFSA) Free Application, students self-certify and respond to questions regarding drug convictions. Should a conviction occur after a student has submitted the FAFSA, the student must immediately notify Student Financial Services. A conviction denotes a conviction that is on a student's record. A conviction that was reversed, set aside, or removed from the student's record is not relevant for these purposes. In addition, it is not a determination or adjudication arising out of a juvenile proceeding.

An illegal drug is a controlled substance as defined by section 102(6) of the Controlled Substance Act (CSA) (Title 21 of the United States Code section 802) and does not include alcohol or tobacco.

<b>Possession of Illegal Drugs</b>	<b>Period of Ineligibility</b>
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First Offense	Ineligible for one year after date of conviction
Second Offense	Ineligible for two years after date of conviction
Third Offense	Ineligible indefinitely after date of conviction

<b>Sale of Illegal Drugs</b>	<b>Period of Ineligibility</b>
First Offense	Ineligible for two years after date of conviction
Second Offense	Ineligible indefinitely after date of conviction

Pursuant to federal law, a conviction for the sale of drugs includes convictions for conspiring to sell drugs. Furthermore, those students convicted of both selling and possessing illegal drugs will be subject to ineligibility for the longer period as prescribed under the circumstances.

A student regains eligibility the day after the period of ineligibility ends or when the student successfully completes a qualified drug rehabilitation program. Further drug convictions will make the student ineligible again for federal financial aid programs.

### **Duration & Renewal of Aid**

Financial aid is awarded one academic year at a time. Students intending to use financial aid in future terms will need to file a FAFSA that corresponds with the appropriate award year. FAFSA's become available for the new aid year on October 1st.

### **Student Information and Confidentiality**

The student shall be responsible for notifying THSU of any changes in status including but not limited to marital, academic, enrollment, legal name, etc. Additionally, the student will be expected to keep his/her local and permanent mailing address current with the Registrar.

Pursuant to the Family Education Rights and Privacy Act (FERPA), all records and data submitted with an application for financial aid, or documentation in support of a student's verification or financial aid appeal will be treated as confidential information.

### **Return to Title IV (R2T4) Policy for Financial Aid Recipients Withdrawing from the University General Information**

The US Department of Education requires institutions to apply the Return to Title IV Funds policy for students withdrawing from a University who receive Title IV financial aid. The Title IV programs at Texas Health and Science University (THSU) include: Federal Pell Grants, Iraq and Afghanistan Service Grants, Direct Loans, and Direct Plus Loans.

The R2T4 (Return of Title IV Funds) policy is separate from any other program at THSU. When students withdraw, the institution must complete the R2T4 form to determine if funds must be returned to the Title IV programs.

A student who withdraws after the 60% point of a semester is entitled to retain all Title IV aid for that semester. However, if the student withdraws prior to the 60% point of the term, unearned Title IV funds as determined by the federal policy must be returned to the various programs. These funds must be returned even if the University

provides no refund to the student. This means the student could owe the University and/or the U.S. Department of Education a significant amount of money.

### **Post Withdrawal Disbursement**

If the student did not receive all the funds that were earned prior to withdrawing, a post-withdrawal disbursement may be due. If the post-withdrawal disbursement includes loan funds, the student must give permission before the funds can be disbursed. THSU may automatically use all or a portion of the post-withdrawal disbursement of grant funds for tuition, fees, and room and board charges. Permission is required to use the post-withdrawal grant disbursement for all other school charges. Students will be notified of post-withdrawal disbursement eligibility within 30 days of the date of withdrawal determination. The school must return the Title IV funds within 45 days of the date the school determines the student withdrew.

### **Documenting Attendance**

Before processing a Return to Title IV Funds, the University must verify the student began attendance in all classes used to determine financial aid eligibility. The Financial Aid Office will verify all attendance with the Registrar and/or faculty. If a faculty member indicates that a student never attended, the University will first adjust the disbursed aid if there is a resulting change in eligibility and then calculate the Return of Title IV Funds. As a result, the student may end up owing THSU for the amount of unearned aid. If the student never attended any classes, all aid will be cancelled and the student will be billed for all outstanding charges.

### **Determining Earned Aid**

Though aid is posted to accounts at the start of each semester, students earn the funds as they complete the semester. Title IV financial aid is earned by the calendar day, not class day. This includes weekends, holidays, and breaks of less than five consecutive days. THSU is required to determine the amount of Title IV aid the withdrawing student has earned and then either disburse any additional funds the student may be entitled to up to the amount earned, or return funds in excess of the amount earned which the student has already received.

If a student withdraws during the enrollment period, the amount of Title IV program assistance earned up to that point is determined by a specific formula. If students received less assistance than the amount they earned, they may be able to receive those funds. Conversely, if students received more assistance than they earned, the excess funds must be returned by THSU.

When a student receiving Federal Title IV financial aid withdraws from THSU during the enrollment period, the amount of the Title IV funds (not including Federal Work Study) that the student earned during the enrollment period is calculated as of the student's withdrawal date.

Title IV funds are earned on a daily basis up to the 60 percent point in the enrollment period. Title IV funds are 100 percent earned if the withdrawal date is after the 60 percent point in that period.

If students withdraw from THSU prior to or on the 60% point of the semester, THSU is required to determine the portion of the aid disbursed that was "earned" by the student before the withdrawal date. The "unearned" Title IV funds must be returned to the respective federal aid programs. Unearned aid is the amount of disbursed Title IV aid that exceeds the amount of Title IV aid earned based on attendance in the enrollment period.

For example: If \$1000 in federal aid is disbursed, and the student withdraws at the 30% point of the term, \$700 of the aid is unearned and needs to be returned to one of the Title IV programs.

The following formula is used to determine the percentage of unearned aid that must be returned to the federal government:

- The percent earned is equal to the number of calendar days completed up to the withdrawal date, divided by the total calendar days in the payment period (less any scheduled breaks that are at least 5 days long)
- The payment period is the entire semester.
- The percent unearned is equal to 100% minus the percent earned.

### **Order of Aid to be Returned**

Returned Title IV Funds at THSU are allocated in the following order:

- Direct Unsubsidized Loans
- Direct Loans (subsidized)
- Direct PLUS Loans (Graduate student)
- Direct PLUS Loans (Parent)
- Iraq Afghanistan Service Grant
- Other Federal Sources of aid

If a credit balance exists after returning required Title IV funds, the balance will be returned to other private sources.

### **Grant Overpayment**

Any amount of unearned grant funds that the student must return is called an overpayment. The maximum amount of a grant overpayment the student must repay is half the grant funds that were received or scheduled to receive. The student does not have to repay a grant overpayment if the original amount of the overpayment is \$50 or less. Arrangements must be made with THSU or the Department of Education to return the unearned grant funds. The student will be notified of any grant overpayment within 30 days of the date the school determined the student withdrew.

### **Notification to student**

Once the Return to Title IV Funds calculation has occurred, the Financial Aid Office will notify the student of the results of the calculation and the aid that was returned, and any balance that occurs as a result of the calculation.

### **Unofficial withdrawals**

Title IV aid recipients who fail to withdraw but stop attending class are considered unofficial withdrawals. The Return to Title IV Funds policy requires THSU to calculate the "earned" amount based on documentation of education related activity or the last day of attendance of the semester. If the student stopped attending prior to the 60% point of the term, the student will be billed for the outstanding charges as a result of the Return of Title IV funds. Unofficial withdrawals are processed within 30 days of determining the student was an unofficial withdrawal.

### **Leaving THSU**

If or when you graduate, withdraw, or drop below half-time status from Texas Health and Science University, and if you were a recipient of any Direct Loans, you will be asked to take part in Exit Counseling and fulfill all financial obligations owed to the University. This Exit Counseling is required by federal law. Your degree and diploma can be withheld until proof of completion of Exit Counseling is received. The Exit Counseling can be done at

[www.studentloans.gov](http://www.studentloans.gov) . You will need the contact information for three references. Please allow 30-60 minutes to complete the session.

### **Frequently Asked Questions on Financial Aid**

#### ***Q: Am I eligible for any financial aid?***

**A:** Financial aid is available for those who qualify. Eligible students must:

- Have a high school diploma or its equivalent, a GED certificate, or proof of completion of a high school education in a homeschool setting approved under State Law.
- Be working toward a degree in an eligible program, such as the Master of Acupuncture, or Master of Business Administration program at THSU.
- Be U.S. citizens or eligible non-citizens.
- Have a valid Social Security Number (unless you're from the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau).
- (For males) Register with the Selective Service between the ages of 18-25, if required.
- Maintain Satisfactory Academic Progress once in school.
- Not be in default on a federal student loan and not owe a refund on a federal student grant.
- Sign the FAFSA, certifying that you will use the Federal Student Aid only for educational purposes.

#### ***Q: What happens if I drop a course or courses?***

**A:** If a student needs to drop a single course, take a leave of absence or withdraw from the program, he or she will be held responsible for any money borrowed under the following guidelines: Students who are receiving federal Title IV financial aid (e.g., federal Direct loans, Pell) are required to return the portion of unearned federal aid if they withdraw, do not register, or otherwise fail to complete the period of enrollment for which the Title IV aid was provided. A student who has completed more than 60% of the payment period (trimester) has earned all the assistance they were scheduled to receive for that period.

There are academic consequences as well, to dropping a course, taking a leave of absence, or withdrawing from the program. Please see the sections on Academic Policies and Satisfactory Academic Progress for more information.

#### ***Q: If I take a leave of absence for a trimester, what do I have to do to make sure I don't lose my financial aid?***

**A:** Students requesting a leave of absence must fill out a "Leave of Absence" form available from the Registrar. This form must be fully completed and given to the Registrar before taking the leave of absence. If the student needs to leave in the middle of a term, he or she may have to pay back funds based on a percentage of the work completed. Please review the information for dropped courses or speak to the Financial Aid Officer for additional details. An approved Leave of Absence's maximum timeframe cannot exceed 180 days within a 12-month period, or the student will have been considered to have withdrawn from the school and a Return of Title IV funds calculation must be performed.

## **Student Services and Activities**

Texas Health and Science University provides programs, services, and activities consistent with its mission and institutional purposes that promote student learning and enhance the personal, professional, and academic development of its students. THSU's philosophy of Student Support Services reflects the size of the institution, the demographic composition of the student body, and the nature of professional graduate education.

Most of our students fall into the 21 to 40 age group and come to the University already possessing a bachelor, master, or doctoral degree. These two details are strongly correlated, as one might expect, and the trend in the student population has been toward a student body in the mid-to-late thirties with a growing percentage of beginning students holding bachelor's or master's degrees. THSU has worked with students to identify the core service needs of its student body and ways of meeting those needs in the best ways possible. Since THSU does not maintain any student housing, for example, University personnel assist students who relocate to the Austin area to locate suitable, affordable housing.

The student support programs, services, and activities that Texas Health and Science University offers its students are as follows:

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| <ul style="list-style-type: none"> <li>• Federal Title IV Student Financial Aid for those who qualify</li> <li>• Veteran's Administration (VA) program eligibility</li> <li>• Student Association</li> <li>• Academic and Professional Advising</li> <li>• Complimentary Tutorial Program</li> <li>• Patient Recruiting and Retention</li> <li>• Housing Location Assistance</li> <li>• Student Identification Card</li> <li>• Discounted Acupuncture and Herbal Treatments</li> <li>• Student Herb Garden and Herb Room</li> <li>• Vending Machines</li> <li>• Computer Labs</li> <li>• Library</li> </ul> | <ul style="list-style-type: none"> <li>• Wi-Fi Internet Access</li> <li>• New Student Orientation</li> <li>• Chinese New Year Celebration</li> <li>• Graduation Ceremony</li> <li>• Clean Needle Technique (CNT) classes</li> <li>• Discounted Continuing Acupuncture Education (CAE) rates</li> <li>• Financial Aid Workshops</li> <li>• International Student Advising</li> <li>• Faculty Seminars</li> <li>• Tea with the President</li> <li>• Qi Gong and Tai Chi classes</li> <li>• Placement/Employment postings</li> </ul> |
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### **Academic Advising**

The University's academic department directors are responsible for academic advisement of students in their respective subjects. At the start of every trimester, the Directors' hours are posted outside their offices. Academic advising is also available from all faculty members by mutual arrangement or as provided for in the course syllabus.

### **THSU Disability Support Services**

Students requesting services from Disability Support Services of Texas Health and Science University are required to submit documentation under the Americans with Disabilities Act, the ADA Amendments, and Section 504 of the Rehabilitation Act of 1973. Individuals with disabilities are protected from discrimination and may be entitled to reasonable accommodations and the right to equal access to programs and services.

Accommodations are determined on a case-by-case basis, considering the needs of the student, the course standards and essential requirements, and the educational environment. At the University, the determination of an appropriate and reasonable accommodation is based on written documentation and thorough interaction with the student. Specifically, accommodations are determined by the THSU Disability Support Services (DSS) in consultation with the student and with input from the faculty and staff, as needed.

In reviewing the specific accommodation requested by the student or recommended by the physician/evaluator, DSS may find that while a recommendation is clinically supported, it is not the most appropriate accommodation given the requirements of a particular student's academic program.

In addition, DSS may also propose clinically supported accommodations that would be appropriate and useful for the student, but which neither the student nor the evaluator have requested.

DSS reserves the right to determine eligibility for services based on the quality of the submitted documentation. If the student's participation in programs or services imposes a direct threat to the safety of students or others, then the University may deny participation in the program.

### **Registering for Services**

Students with disabilities who wish to receive accommodations or services must officially register with DSS. To register, the student must submit their request and documentation to DSS. Once those pieces of information are received, DSS staff will contact the student to schedule an intake appointment to officially register for services. During the intake appointment all accommodations, services and procedures will be discussed. At this meeting, the student will be informed that accommodations must be requested every trimester in order to receive services and be actively registered that trimester.

### **Accommodation Requests**

Every trimester, the student submits the required Accommodation Request form with a copy of his/her schedule in order to formally request services and accommodations. Requests for services or accommodation should be made as early as possible to allow time to review requests and documentation and make proper arrangements.

Accommodation arrangements may be compromised or denied if a request is not made in a timely manner. A disclosure of disability or request for an accommodation made to a faculty or staff member, other than the staff of DSS, will not be treated as a request for an accommodation.

The University reserves the right to deny services or accommodations if sufficient supporting documentation and information is not provided by a student to support the need for an accommodation.

If the documentation provided by a student does not support the existence of a disability or the need for an accommodation, the student will be so advised. Students will be given the opportunity to supplement the initial documentation with further information. In such instances written evaluations from physicians or other qualified specialists are particularly helpful in evaluating accommodation requests.

The University is not required to provide any aid or service or make any modification that would result in a fundamental alteration in the nature of the program. For example, where a course requirement is essential to the program of instruction taken by the student, the University is not required to waive the requirement. In evaluating whether the requested program modifications would require substantial program alteration or would fundamentally alter academic standards or programs, the program administrator should consider the underlying academic reasons for the program components, the academic standards institutionalized in the program, how the challenged components are consistent with the program standards, and how the requested accommodations would be inconsistent with the academic goals and standards of the program.

Additionally, an accommodation that makes a substantial change in an essential element of a course or a given student's curriculum is not reasonable and therefore not required. It is the institution's responsibility to demonstrate both that the change requested is substantial and that the element targeted for change is essential to the conduct of the course or curriculum. Whether or not the change requested is substantial/essential may be based upon pedagogical precepts, the class syllabus, and/or the judgment of administrators and service providers with knowledge of the class and the student's disability.

The University also does not need to make modifications or provide auxiliary aids or services if it constitutes an undue burden on the University's overall institutional budget. In determining whether or not an undue burden exists, the factors to be considered are the nature and cost of the action needed in the context of the overall financial resources of the University.

Lastly, the University does not need to make an accommodation that poses a direct threat to the health or safety of the student or others.

### **THSU Disability Documentation Guidelines**

Disability Support Services acknowledges that once a person is diagnosed as having a disability the disability is normally viewed as lifelong. While the disability will continue, the severity of the condition and/or its effects may change over time.

Therefore, the purpose of requesting documentation is to consider each student individually and to understand if and how the student is affected by his/her disability in a higher education living and learning environment in order to make an informed decision about the need for accommodations and services.

In order to determine if a specific accommodation(s) is reasonable and appropriate, the following factors will be considered:

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| <ul style="list-style-type: none"><li>• Disability</li><li>• Registration Information</li><li>• Academic history</li><li>• Personal self-reported statement</li><li>• Observations and Interactions with DSS</li></ul> | <ul style="list-style-type: none"><li>• Previous accommodations received</li><li>• Accommodations being requested</li><li>• Unique characteristics of each course or program</li><li>• Any other documentation provided</li></ul> |
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Accommodation decisions cannot be made until, at a minimum, some written documentation is provided, and an interview has been conducted by DSS staff.

### **Definition of a Disability**

In order to receive accommodations, a student must have a mental or physical condition that substantially limits a major life activity. Types of disabilities we serve include (but are not limited to): Visual Impairment, Chronic health Conditions, Cognitive Disabilities (ADD, LD), Deaf or Hard of Hearing, Physical Disabilities and Psychological Disabilities.

### **Documentation from External Sources**

Appropriate disability accommodations are determined based on documentation which may include educational or medical records, reports and assessments from health care providers and other qualified professionals.

It is recommended that any written documentation include:

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| <ul style="list-style-type: none"><li>• History of the disability</li><li>• Description of the current impact as it relates to meeting the various demands of higher education (academically, socially, emotionally, physically, medically)</li><li>• Expected progression or stability</li><li>• Functional living skills, i.e. orientation and mobility and activities of daily living (ADL's)</li></ul> | <ul style="list-style-type: none"><li>• Notation of any medical equipment that is required</li><li>• Notation of medications, if any, and potential impact on learning and/or side effects</li><li>• Implications of existing co-morbid conditions</li><li>• Additional observations and/or recommendations</li></ul> |
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For all cognitive disabilities (Learning Disabilities, conditions or incidents impacting the brain, Attention Deficit Disorder, Asperger's and other Pervasive Developmental Disorders):

- A comprehensive neuropsychological or psycho-educational evaluation that includes aptitude and achievement (preferably one with measures normed for an adult)

- Rating scales and objective measure of attention (for ADD)
- Standardized scales of symptoms related to Autism (Asperger's and PDD)

For the following disabilities, DSS requests that a treating professional provide a written letter that addresses the bullet points above.

- Chronic medical conditions
- Physical and mobility disabilities
- Psychological/psychiatric conditions

Because accommodation needs can change over time and context, students should provide updated information on an annual basis to ensure the most effective services and accommodations possible.

Disability Support Services reserves the right to request additional documentation in order to support specific accommodations. If additional information is needed, DSS may determine that it is appropriate to provide temporary accommodations. Temporary accommodations will be determined based on the information that has been provided.

These guidelines are provided so that Disability Support Services can respond appropriately to the individual needs of the student. Disability Support Services reserves the right to determine eligibility for services based on adherence to these guidelines and established DSS policies and procedures.

Please send all documentation to: Disability Support Services, Texas Health and Science University, 4005 Menchaca Road, Austin, TX 78704, 512-444-8082.

### **Change of Address**

Students are encouraged to notify the Registrar as soon as possible after a change of address, change of email address, or change of telephone number(s). This will allow the administration to contact students in case of emergency or for staff to receive necessary information from students.

### **Announcements**

Daily announcements and classroom assignments are posted on the door at the foot of the stairs in the main campus building. Please check that location every day for important announcements and the latest information. Email is the primary means by which University staff communicate important information to students. Students are encouraged to check their email daily and promptly respond to any requests for information by the University staff.

### **Computer Lab**

Computers with printers are in the main campus building and in the library. These are available for use by students for academic purposes, such as doing research, preparing assignments, and checking electronic mail. Students are encouraged to set up an external email account that filters out viruses, such as yahoo.com or gmail.com by which they can email their documents to themselves, thus protecting their documents from viruses. Students should treat all University equipment with care and respect.

### **Academic Dean**

The Academic Dean's office hours are posted and by appointment. Students may discuss any issues with these staff, who will assist in resolving conflicts or suggest alternatives for consideration. Everyone in the University community is encouraged to promote an atmosphere of positive behavior and mutual respect. If conflicts arise, approaching the individual directly, with respect, is usually the best first step. When reasonable attempts at resolving difficulties fail, students are welcome to speak with the Academic Dean, who will hold discussions in confidence.

### **Free Seminar Series**

Every trimester, our faculty provides one or more free lectures to the community. These informational lectures discuss a variety of topics of interest to students and/or guests and are given free of charge. All students are encouraged to take advantage of these opportunities.

### **Graduation Ceremony**

Graduation Ceremonies are held twice per year to celebrate and honor the achievements of students who complete their programs. All students, faculty and staff are invited to attend, with a response requested to assist the staff planning the celebration. Students who are planning to graduate are encouraged to assist in the planning to make this a meaningful and memorable occasion, and to inform the Registrar of intent to graduate upon registration for their final semester. Graduation Ceremonies are held in Austin.

### **Health Services**

The health services provided in the Student Clinic are available at a discount for students. Traditional Chinese Medicine students are encouraged to take advantage of these services, not only for personal health reasons, but also to experience TCM first-hand.

### **International Student Services**

International students are encouraged to become familiar with the materials presented during New Student Orientation. These important policies address how to maintain status, what to do before exiting the U.S. and returning to the U.S., requirements for health insurance, and optional practical training.

### **Library**

The THSU Library holdings are designed to specifically support the University's programs. The university's librarians are available to assist students in locating materials and in conducting research. The Library staff hours are posted at the beginning of each trimester for both campuses.

Books may be checked out for a two-week period. Most items may be renewed provided no one else has placed a hold on the requested item. Students will be fined for overdue, damaged, or lost materials according to the schedule of fines posted online and in the library.

The Library offers many subscription and open-access databases for research. Students and staff may access our subscription research databases by logging into their Orbund Einstein account.

Additional library materials are available through local public libraries. Interlibrary loan is available through the University of Texas Library. Your Librarian can assist with interlibrary loan procedures.

Please see the library webpage, [Library \(thsu.edu\)](http://library(thsu.edu)) for detailed information.

### **Lost and Found**

Lost and Found items may be retrieved or turned in at the administrative office.

### **National Certification Exam and Licensing Advisement**

During their first year, students in the MAcCHM program are encouraged to visit the website of the National Certification Commission for Acupuncture and Oriental Medicine, [www.nccaom.org](http://www.nccaom.org) to get an overview of the certification process. This website provides instructions, fees and requirements for the national exams, required by most states for licensure.

Students are encouraged and urged to take their national exams during their third year and prior to graduation to maximize their opportunities for success. The University has developed courses specifically for examination preparation and review and offers consultation with the Academic Dean, reviewing knowledge with instructors, and participation in group study with colleagues.

Students are also encouraged to contact the state licensing board in the state where they are planning to be licensed. The website for the Texas State Board of Acupuncture Examiners is [www.tmb.state.tx.us](http://www.tmb.state.tx.us).

The Administration Department is available to support students in the answering of questions of a general nature concerning national certification exam procedures and licensing applications. The administration, however, cannot provide legal advice. The Academic Dean, faculty, and administration may advise students as to their readiness for national certification exams.

### **New Student Orientation**

New students are required to attend an Orientation at the beginning of their matriculation into the program. The Orientation session includes an overview of academics, student life, financial procedures, student conduct, emergency exits, and other topics. The Orientation allows new students to become acquainted with their classmates and to understand the ground rules that are followed in the University community. Students are expected to understand, and agree to follow, the policies as stated in the Student Handbook and Clinic Policy Manual.

### **THSU Student Associations**

The goals of the THSU Student Associations include the enrichment of the academic experience of students, serving as a voice to the University administration in suggesting ways to enhance student life, and to provide student representatives as appropriate in individual students' appeals. Each campus has its own Association. The Dean of Students serves as the administrative liaison for the Student Association. Elections of officers are held annually or as needed to provide adequate representation of all class cohorts. All students are encouraged to become involved in the Student Association to enhance campus involvement and develop leadership skills.

### **Student Lounge**

The Student Lounge is located on the second floor of the main campus building in Austin and in the Saidoff Center in San Antonio. A refrigerator, microwave, sink, tables and chairs, and other facilities are provided for students' convenience. Each person is responsible for cleaning and removing his or her own dishes and should not leave used dishes at the University overnight. Students should help keep this area clean.

### **Tutoring**

Tutors are second-year and third-year students who have met University tutoring standards in the subject area he or she is tutoring. Students having difficulty with their coursework, establishing study habits, accessing information from the internet, or any other academic difficulty, are encouraged to consider the assistance of a tutor. Contact the Academic Dean to coordinate tutoring services.

### **Student Conduct**

#### **Code of Academic Integrity**

The decision to enter into a profession in Business or Acupuncture and Chinese Herbal Medicine is a commitment to develop oneself personally, interpersonally, and professionally, in addition to learning the technical skills of effective treatment. Conduct is recognized as part of professionalism, and professionalism is an educational objective of our programs. The students of Texas Health and Science University, therefore, commit themselves to undertake their academic studies with the highest standards of individual responsibility, personal honor and integrity.

The University expects all students to show respect for other members of the University community, to maintain appropriate confidentiality, to obey the law, to maintain integrity and a high standard of individual honor in scholastic work, and to observe standards of conduct appropriate for a community of scholars.

#### **Courteous Practices**

In order to encourage a harmonious and pleasant atmosphere at the University, we ask that students (and staff and faculty, too, of course) observe the following practices of common courtesy.

#### **Children and Pets**

Students are not permitted to bring children, pets or other distractors to the University during class or clinic hours. Visitors may attend classes on an occasional basis (with the permission of the instructor) but are not permitted to

attend clinic sessions.

### Food and Drink

Drinks may be consumed during class (but not in the Student Clinic reception room or treatment rooms). However, there should be no food consumed in the classrooms, to avoid disruption to teaching and learning. Food must be confined to the Student Lounge, where you will find a microwave and a sink. The refrigerator is meant to be used as a temporary storage facility. Food items left in the refrigerator over the weekend may be disposed of by the THSU staff.

### Mobile Phones

Please turn off all audible notifications before class or clinic begins. Students should not conduct personal business while classes are in session. This establishes the priority for instruction while in class and clinic and shows respect for instructors and other students.

### Parking

Austin Campus	San Antonio Campus
<p>Parking is available in the front of the main administrative building in Austin and adjacent to the Intern Clinic located a few blocks from the main building at 1707 Fort View Road. Parking spaces in front of the university and Intern Clinic nearest to the front door are reserved for handicapped drivers displaying the appropriate signage on their vehicles. Unauthorized vehicles and vehicles parked long-term without permission are subject to fine and towing at the owner's expense.</p> <p>The remaining unmarked spaces are available for student use on a space-available basis. Students may park in the Senior Activity Center parking lot in the afternoons, evenings, and Weekend mornings, away from the Center's entrance. The area of that parking lot nearest Menchaca Road is the best parking option for students attending the University.</p> <p>Additional parking during weekday mornings may be found on side streets near the University. Students are asked to be courteous neighbors, to avoid blocking residential driveways. Caution should be exercised in crossing Menchaca Road.</p> <p>Bicycles should be parked in the front parking lot where they can be locked to the bicycle rack. They should <u>not</u> be brought inside the gate of the building.</p>	<p>Parking is available in the front of the building complex. A parking map that describes the parking zones for THSU, UIW and other suites in the complex will be provided at the start of each term.</p> <p>Unauthorized vehicles are subject to fine and towing at the owner's expense.</p>

### Smoking

Smoking is discouraged, and there are proven acupuncture treatments to help you quit. However, if you choose to smoke, please do so away from the building, and do not leave butts or used matches on the ground.

### Student Clinic

Clinic patients are guests of the University. Professional, appropriate behavior is to be maintained in the clinic reception room, herb room, treatment rooms and hallways when patients are present. There is no occasion for raising one's voice in the Clinic except in the case of a real emergency. The discussion of patient cases must never take place in the presence of patients. These, and other common courtesies, are expected of all students at the University. The **Clinic Observation and Intern Handbook and Policy Manual** contains additional information for students enrolled in Clinic Observation and Clinic Internship courses.

### Windows and Temperature Control

Austin Campus	San Antonio Campus
Classroom windows should remain closed and locked.	The central heating and cooling system are set to provide maximum comfort for

<p>If needed, contact THSU staff for modifications to the building temperature. Caution should be taken in making temperature adjustments to prevent system freezing and unnecessary utility expenditures.</p>	<p>building occupants. If needed, contact the THSU onsite administrator, who will contact Saidoff Center Maintenance for modifications to the building temperature.</p>
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## Academic Misconduct

1. "Scholastic dishonesty" includes, but is not limited to, cheating, plagiarism, collusion, falsifying academic records, and/or any act designed to give unfair academic advantage to the student.
2. "Cheating" includes, but is not limited to:
  - a. copying from another student's test paper
  - b. using materials not authorized by the instructor or proctor during a test or examination
  - c. failing to comply with instructions given by the instructor or proctor
  - d. using, sharing, buying, stealing, transporting, or soliciting in whole or in part the contents of a test, test key, or homework solution
  - e. collaborating with or seeking aid from another student during a test or other assignment without authority or without permission to do so from the instructor or proctor
  - f. falsifying research data and/or other academic work offered for credit
  - g. clocking time spent in Clinic Observation or Clinic Internship when in fact such time was not spent in clinic instruction
  - h. logging the treatment of a patient while in Clinic Internship when in fact the student was not actively involved in the treatment of such patient
3. Taking, keeping, misplacing, or damaging the property or services of the University, or those belonging to other individuals.
4. Possessing, using, displaying of firearms, facsimile firearms, ammunition, explosives, or other weapons on property owned or controlled by the University.
5. Conduct that impedes, interferes with, or disrupts any University teaching, research, administrative operation, disciplinary action, public service, learning, or other official activity.
6. Conduct that endangers the health or safety of any student or employee of the University, or of visitors on the campus.
7. Failure to comply with the directions of University employees acting in the performance of their duties.
8. Verbally threatening, intimidating, abusing or harassing any University employee in the performance of their duties.
9. Engaging in disorderly conduct, public intoxication, and lewd, indecent or obscene behavior on University premises or at University-sponsored activities.
10. Actions not committed on University property but related to the security of the University community or the integrity of the educational process.
11. Engaging in conduct that violates any provision of federal, state, and/or local laws whether or not the violation occurs on University property or at University-sponsored events.
12. Use of the name, "Texas Health and Science University," "THSU", or its logos or slogans, in any way purporting to represent the University without the express written permission of the University president.
13. Any organized activity that would impede, interfere with, or disrupt any University teaching or official activity, or that endangers the health or safety of anyone on campus. All parties involved in such activity are subject to disciplinary procedures.
14. The use of alcohol or drug use on campus, or intoxication on campus, is prohibited.
15. Engaging in sexual misconduct as described in the section below.

Any of these offenses, whether committed singly or in combination, may result in disciplinary action and/or expulsion from the program, as well as referral to the appropriate law enforcement agency.

# **TEXAS HEALTH AND SCIENCE UNIVERSITY**



**Crime Awareness and Campus Security Policies**

**Campus Safety**

**Fire and Evacuation**

**Drug and Alcohol Abuse**

**Austin and San Antonio**

**October 1, 2021**

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## **Title IX and Non-Discrimination Policy**

### **Scope**

Texas Health and Science University (THSU) adheres to all federal and state civil rights laws and regulations prohibiting discrimination in private institutions of higher education. This policy covers nondiscrimination in both employment and access to educational opportunities. Sometimes, discrimination involves exclusion from activities, such as admission, athletics, or employment. Other times, discrimination takes the form of harassment or, in the case of sex-based discrimination, can encompass not accommodating pregnancy and pregnancy-related conditions, sexual harassment, sexual assault, stalking, sexual exploitation, dating violence or domestic violence. Therefore, any member of the University community whose acts deny, deprive, or limit the educational or employment or residential and/or social access, benefits, and/or opportunities of any member of the University community, guest, or visitor on the basis of that person's actual or perceived membership in the protected classes listed above is in violation of the University Title IX and Non-Discrimination Policy. When brought to the attention of the University, any such discrimination will be promptly and fairly addressed and remedied according to the appropriate grievance process described below. The Title IX Hearing Process procedures apply only to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) involving students, staff, administrator, or faculty members. Complaints of other protected class harassment or discrimination are resolved through Human Resources.

### **Purpose**

To define, prevent, and respond to Sexual Misconduct and Discrimination

### **Prohibited Conduct**

The University strictly prohibits all forms of sexual misconduct and discrimination. As defined above, this includes all forms of discrimination, sex-based harassment, sexual battery, gender-based harassment, sexual harassment, sexual violence or assault, rape, sexual coercion or exploitation, sexual threats or intimidation, domestic violence, dating violence, stalking, and cyber-stalking. Sexual Misconduct is prohibited whether occurring on or off campus and whether directed against a member of the University community or outside the University.

### **Notice of Non-Discrimination**

THSU prohibits unlawful discrimination, including any form of harassment and/or retaliation, on the basis of age, disability, national origin, race, color, religion, sex, pregnancy, veteran status, or any other classification protected by applicable law, in its employment, admissions policies, educational programs, or activities. This policy also complies with the Title IX requirements related to non-discrimination.

### **Title IX Coordinators**

**Antonio Holloway- Title IX Coordinator (Austin), 512-444-8082, [faid@thsu.edu](mailto:faid@thsu.edu)**

The Title IX Coordinator oversees implementation of the University's policy on equal opportunity, harassment, and nondiscrimination. The Title IX Coordinator has the primary responsibility for coordinating University's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy. The Title IX Coordinator oversees all resolutions under this policy and these procedures. The Title IX Coordinator manages the Title IX Pool and acts with independence and authority free from bias and conflicts of interest. The members of the Title IX Pool are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally. Concerns of bias or a potential conflict of interest by any other Title IX Pool member should be raised with the Title IX Coordinator.

### **Reporting Policy**

The University encourages community members to report incidents of sexual harassment, sexual assault or any other sexual misconduct immediately to the University. A report may be made by the victim of a violation of this Policy or by any other person having knowledge of the violation. Confidentiality concerns are addressed below.

## Mandatory Employee Reporting

The University takes the position that all employees not having a legal duty of confidentiality (e.g. a licensed counselor, doctor, or nurse) are “Responsible Employees”. A Responsible Employee is a University employee who has the duty to report incidents of sexual misconduct. A Responsible Employee who witnesses or has knowledge of sexual misconduct against a student must immediately contact the Title IX Coordinator for advice and assistance and to ensure the University responds appropriately. A failure by a Responsible Employee to report a violation of this policy perpetrated against a student may warrant disciplinary action.

**Responsible Employees**, include, but are not limited to:

- administrators
- registrar
- dean
- financial aid
- faculty members (including adjuncts)
- vice presidents

In an effort to promote a safe and secure campus environment and prevent acts of sexual misconduct from occurring, the University engages in ongoing prevention and awareness education programs. All incoming students and employees are made aware of these programs. **Responsible employees** are not confidential reporting resources.

## Definitions

- **Complainant** means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
- **Day** means a business day when the University is in normal operation.
- **Education program or activity** means locations, events, or circumstances where THSU exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs.
- **Notice** means that an employee, student, or third-party informs the Title IX Coordinator of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- **Parties** include the Complainant(s) and Respondent(s), collectively.
- **Remedies** are post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the University’s educational program.
- **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
- **Resolution** means the result of an informal or Formal Grievance Process.
- **Sanction** means a consequence imposed by the University on a Respondent who is found to have violated this policy.
- **Sexual Harassment** is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence. •
- **Title IX Coordinator** is the official designated by THSU to ensure compliance with Title IX and the University’s Title IX program.
- **Title IX Pool** refers to the Title IX Coordinator, investigators, and the hearing board.

## Forms of Prohibited Discrimination and Harassment

The sections below describe specific forms harassment that are prohibited under this policy. All offense definitions encompass actual and/or attempted offenses. Disability Discrimination and Accommodation at THSU fully complies with the Americans With Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws and regulations pertaining to individuals with disabilities. Any participants, beneficiaries, applicants, or employees, including students, staff, faculty, and visitors who believes they have been subjected to

discrimination on the basis of disability (or is unsatisfied with accommodations provided by the University) may file a grievance. The University has mechanisms in place to resolve concerns about disability discrimination, denial of access to services, accommodations required by law, or an auxiliary aid they believe they should have received ("disability-related issues"), such as:

- Disagreements regarding a requested service, accommodation, modification of a University practice or requirement, or denial of a request.
- Inaccessibility of a program or activity.
- Violation of privacy in the context of a disability at THSU encourages students and campus visitors with concerns about a disability-related issue to first discuss the matter with the Student Disability Services (SDS) Office, who will attempt to facilitate a resolution. The SDS Office can be reached at [naomi.garcia@thsu.edu](mailto:naomi.garcia@thsu.edu) or 210-509-8080. In order to receive accommodations, students must complete the Steps to Accommodations, as outlined in the University Policy Handbook. Employees and applicants for employment should first contact HR Service regarding disability-related issues at [voperation@thsu.edu](mailto:voperation@thsu.edu) or 512-444-8082, EXT 107. In order to receive accommodations, an employee must complete the process outlined in the Employee Handbook.

### **Discriminatory Harassment**

- **Discriminatory harassment** is defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived membership in a class protected by policy or law. When discriminatory harassment rises to the level of creating a **hostile environment**, complaints will be addressed using the Informal Resolution Process or the Discriminatory Harassment Administrative Resolution Process.
- A **hostile environment** is one that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities. This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe or pervasive and objectively offensive. If harassment creates a hostile environment, THSU will take prompt and effective steps reasonably calculated to end the harassment, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.

Discriminatory harassment, based on a protected class, creates a hostile environment when the behavior is sufficiently serious to deny or limit one's ability to participate in or benefit from the recipient's education programs and activities or interferes with an employee's ability to perform their job.

- Racial and national origin is a specific form of discriminatory harassment which can take many forms, including slurs, taunts, stereotypes, or name-calling, as well as racially-motivated physical threats, attacks, or other hateful conduct.

The University reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature and not based on a protected status, by referring the complaint to an alternatively appropriate process.

**Sexual Harassment** is a specific form of discriminatory harassment and an unlawful discriminatory practice. Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex of those involved.

**Sexual Harassment**, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

- Conduct on the basis of sex that satisfies one or more of the following: 1) **Quid Pro Quo**: An employee of the University conditions the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct.
- **Unwelcome conduct**, determined by a reasonable person, to be so severe, and pervasive, and, objectively offensive, that it effectively denies a person equal access to the University's education program or activity. Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is below the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances.

- 3) **Sexual assault**, defined as:
  - A: **Forcible**. Any sexual act directed against another person, without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent.
  - B. **Forcible Rape**: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant.
  - C. **Forcible Sodomy**. Oral or anal sexual intercourse with another person that is forcibly committed, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
  - D. **Sexual Assault with an Object**. The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
  - E. **Forcible Fondling**. The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
  - F. **Sex Offenses, Non-forcible**.
    1. **Incest**. Non-forcible sexual intercourse, between persons who are related to each other, within the degrees wherein marriage is prohibited by Texas law.
    2. **Statutory Rape**. Non-forcible sexual intercourse, with a person who is under the statutory age of consent of Arizona.
    3. **Dating Violence**. Violence, on the basis of sex, committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
    4. **Domestic Violence**. Violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Texas, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Texas. To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.
    5. **Stalking**. Engaging in a course of conduct, on the basis of sex, directed at a specific person, and would cause a reasonable person to fear for the person's safety, or the safety of others; or suffer substantial emotional distress. For the purposes of this definition, course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.
    6. **Consensual Relationships**. Consensual sexual conduct between THSU employees and students or prospective students is strictly prohibited due to the unequal power inherent in their interactions. Certain exceptions to this prohibition apply to unique situations, including employees and students who are spouses; employees and students who may have already been involved in a sexual relationship prior to the time they were hired or became a student. The University reserves the right

to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy.

### **Force, Coercion, Consent, and Incapacitation**

As used in the offenses outlined in this policy, the following definitions and understandings apply:

- **Force.** Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats).
- **Coercion.** Coercion is intended to overcome resistance or produce consent, or unreasonable pressure for sexual activity. Sexual activity that is forced is non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.
- **Consent.** Consent is knowing, voluntary, clear permission, either by affirmative words or actions, to engage in sexual activity. Silence does not necessarily constitute consent. Valid consent requires clear words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. Clear communication from the outset is strongly encouraged. If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity. Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease. Consent to some sexual contact (such as kissing or fondling) cannot imply consent for other sexual activity (such as intercourse). A current or previous intimate relationship does not sufficiently constitute consent. Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the University to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.
- **Incapacitation.** Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk. A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs. The Respondent is in violation of this policy if they knew, or should have known, the Complainant to be physically or mentally incapacitated. "Should have known" is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment. The Respondent's use of alcohol or other drugs will never function as a defense for any behavior that violates this policy.

### **Other Civil Rights Offenses.**

In addition to the forms of sexual harassment described above, which fall within the coverage of Title IX, the University additionally prohibits the following offenses as forms of discrimination outside of Title IX when the act is based upon the Complainant's actual or perceived membership in a protected class. Conduct that does not otherwise constitute Title IX sexual harassment under this policy will be addressed using the Informal Resolution Process or the Discriminatory Harassment Administrative Resolution Process.

- **Sexual Exploitation.** Sexual Exploitation means taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that does not otherwise constitute sexual harassment under this policy. Examples of Sexual Exploitation include, but are not limited to:
  - Sexual voyeurism or invasion of sexual privacy.
  - Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent, including the making or posting of revenge pornography.

- Prostituting another person.
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection.
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity.
- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections.
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity.
- Knowingly soliciting a minor for sexual activity.
- Engaging in sex trafficking.
- Creation, possession, or dissemination of child pornography.
- Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person.
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another.
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the University's community, when related to the admission, initiation, joining, or any other group-affiliation activity.
- Bullying, defined as: Repeated and/or severe, aggressive behavior, likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally.
- Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities, including disparate treatment.

Sanctions for the above-listed Civil Rights Offenses range from reprimand through expulsion/termination.

### **Federal Timely Warning Obligations**

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, THSU must issue timely warnings for incidents reported that pose a serious or continuing threat of bodily harm or danger to members of the campus community. The University will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

### **Confidential Resources**

Confidentiality refers to confidential employees in the context of laws that protect certain relationships, including medical and clinical care providers, mental health providers, and counselors (and those who provide administrative services related to the provision of those services). If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with on-campus licensed professional counselors and staff.

### **Privacy**

The University will not share the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted or required by applicable laws. For the purposes of FERPA, the University reserves the right to determine which University officials have a legitimate educational interest about incidents that fall within this policy. While there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose.

### **Jurisdiction**

All notice/complaints are evaluated to determine whether the conduct occurred in the context of THSU's employment or educational program or activity and/or has continuing effects on campus or in an off campus sponsored program or activity. Jurisdiction applies to all University educational programs and activities, to conduct

that takes place on campus or on property owned or controlled by the University, and at University-sponsored events. Jurisdiction may also be taken when the effects of off-campus misconduct effectively deprive someone of access to the University's educational program or activities. Off-campus and/or online conduct will be evaluated by the Title IX Coordinator to determine whether the conduct affects a substantial University interest. The Respondent must be a member of the University community for its policies to apply. When the Respondent is not a member of the University's community, supportive measures, remedies, and resources, including barring the Respondent from University property and/or events, may be accessible to the Complainant by contacting the Title IX Coordinator. This policy includes online and cyber manifestations of any of the prohibited behaviors, when those behaviors occur in, or have an effect on, the University's education program and activities, or use University networks, technology, or equipment. While the University may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to University, it may engage in a variety of means to address and mitigate the effects, including referral to an alternatively appropriate process when the behavior may have an effect on the University's education program and activities.

## Reporting to the Police

Students are also encouraged to report sexual assault and relationship violence not only to the Title IX Coordinator, but also to law enforcement authorities. However, students have a right to choose not to file a report with law enforcement. The decision to file a criminal complaint is a deeply personal choice. Students often make this decision based on the circumstances surrounding the incident and the circumstances in their life at the time of the incident. Some students discover that participating in a proceeding to hold the accused accountable helps them to regain some measure of control lost by virtue of the assault, and to protect themselves and others from future harm. The campus safety officers do not have the authority to arrest individuals; however, the officers do collaborate with police officers during investigations. The Austin Police Department contact information is:

### **Austin Police Department**

911

<http://www.austintexas.gov/department/police>

- 911 provides emergency response and takes reports of sexual assaults
- Offers Victim Services counselors at 512- 974-5037

### **San Antonio Police Department**

911

<https://www.sanantonio.gov/sapd>

- 911 provides emergency response and takes reports of sexual assaults

Offers Victim Services counselors at 210-207-7413

## **Promptness**

All allegations are acted upon promptly upon receipt of notice or a formal complaint. Complaints can typically take 60-90 business days to resolve. Exceptions and extenuating circumstances can cause a resolution to take longer, but the University will avoid all undue delays within its control. Any time the general timeframes for resolution will be delayed, the University will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

## Supportive Measures

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. Supportive measures are non-disciplinary individualized services offered as appropriate and reasonably available, to the parties to restore or preserve access to the University's education program or activity. This includes measures designed to protect the safety of all parties or the University's educational environment, and/or deter harassment, discrimination, and/or retaliation. The Complainant will be made aware of the ability to file a formal complaint with the University either at that time or in the future. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented. The University maintains the privacy of the supportive measures, to the extent

practicable. Supportive measures will be applied in a manner that ensures as minimal an academic impact on the parties as possible and in a way that does not unreasonably burden either party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services.
- Referral to community-based service providers.
- Altering work arrangements for employees or student-employees.
- Safety planning.
- Providing campus safety escorts.
- Implementing contact limitations (no contact orders) between the parties.
- Academic support, extensions of deadlines, or other course/program-related adjustments.
- Trespass, or Be-On-the-Lookout (BOLO) orders.
- Timely warnings.
- Class schedule modifications, withdrawals, or leaves of absence.
- Increased security and monitoring of certain areas of the campus.
- Any other actions deemed appropriate by the Title IX Coordinator.

Violations of no contact orders will be referred to the University Code of Conduct process for students, or to HR for employees.

### **Disabilities Accommodations in the Resolution Process**

THSU will provide reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the resolution process. Accommodations can be requested by students contacting Student Disability Services Office, or employees by contacting HR, who will review the request with the Title IX Coordinator to determine which accommodations are appropriate and necessary for full participation in the process.

### **Supportive Resources (Austin and San Antonio)**

#### **SafePlace**

512- 267-SAFE

<http://www.safeplace.org/>

- Operates a twenty-four-hour hotline
- Helps individuals who have experienced a sexual assault navigate the forensic medical exam
- Offers individual and group therapy for individuals who have experienced sexual assault and/or domestic violence
- Provides domestic violence shelter services

#### **St. David's Hospital Emergency Room**

512- 544-4240

<http://www.stdavids.com/locations-facilities/st-davids-medical-center.aspx>

- Operates emergency room, located at 919 East 32nd Street, Austin, TX 78705

#### **Dell Seton Medical Center at The University of Texas**

512- 324-7000

<http://www.seton.net/locations/dell-seton/>

Individuals may also contact the following federal and state agencies:

#### **U.S. Department of Education (Office of Civil Rights)**

1999 Bryan Street, Suite 1620

Dallas, TX 75201-6810

Phone: 214-661-9600

Fax: 214-661-9587

[OCR.dallas@ed.gov](mailto:OCR.dallas@ed.gov)

#### **U.S. Equal Employment Opportunity Commission**

Legacy Oaks, Building A  
Suite 200  
San Antonio, TX 78229  
Phone: 800-669-4000  
Fax: 210-281-7690  
[www.eeoc.gov](http://www.eeoc.gov)

**Texas Workforce Commission**

Civil Rights Division  
101 E 15<sup>th</sup> Street  
Room 144-T  
Austin, TX 78778-0001  
Phone: 512-463-2642  
[www.twc.state.tx.us](http://www.twc.state.tx.us)

**San Antonio Community Resources**

San Antonio Rape Crisis Center  
(210) 349-7273 (24 hour crisis hotline)  
<http://rapecrisis.com/>

**Family Violence Prevention Services, Inc.**

(210) 733-8810 (24 hour hotline)  
<http://www.fvps.org/>

**The National Domestic Violence Hotline**

1.800.799.7233  
<http://www.thehotline.org/>  
Rape, Abuse & Incest National Network (RAINN) 1.800.656.4673 <https://rainn.org>

**Emergency Removal**

The University can act to remove a Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student, individual, or the community justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with HR. When an emergency removal is imposed, the Respondent will be given notice of the action and the opportunity to be heard by meeting with the Title IX Coordinator prior to the removal being imposed, or as soon thereafter as reasonably possible, to demonstrate why the removal should not be implemented or should be modified. This meeting is not a hearing on the merits of the allegation(s), but rather is intended to determine whether the emergency removal is appropriate. The meeting must be requested within three days of notice or objections to the emergency removal will be deemed waived. A Respondent may be accompanied by an Advisor of their choice for the meeting. A Complainant will be permitted to submit a written statement outlining any concerns with the Respondent's request to amend or overturn the emergency removal. The Title IX Coordinator and HR have sole discretion to implement or overturn an emergency removal and determine the conditions and duration.

Violation of an emergency removal is grounds for discipline, up to and including expulsion or termination. The least restrictive emergency actions possible, in light of the circumstances and safety concerns, will be implemented. These actions include, but are not limited to:

- Placing an employee on administrative leave,
- Restricting access to or use of facilities,
- Permitting alternative coursework options,
- Allowing a student to withdraw or take grades of incomplete, and
- Suspending a student's participation in extracurricular activities (student government association), and student employment.

There is no appeal process for emergency removal decisions.

### **Ensuring Impartiality**

Any individual materially involved in the administration of the resolution process may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, the affected role will be reassigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Vice President of Operations. THSU operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

### **Time Limits on Reporting**

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the University's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be limited or impossible. Acting on notice/complaints significantly impacted by the passage of time is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

### **Amnesty for Involved Parties and Witnesses**

The University strongly encourages students to report instances of sex-based discrimination, sexual harassment, and sexual misconduct involving students. Therefore, parties or witnesses who are students, and who provide information about sex-based discrimination, sexual harassment, sexual misconduct, dating violence, domestic violence, or stalking involving students will not be disciplined by the University for any violation of the University's drug or alcohol possession or consumption policies in which they might have engaged in connection with the reported incident. Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution.

### **False Allegations and Evidence**

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action. Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under the University's Code of Conduct policy. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation.

### **Retaliation**

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy. Alleged retaliation should be reported immediately to the Title IX Coordinator for prompt investigation. THSU will take appropriate steps to protect individuals concerned they may be subjected to retaliation. No member of the University community may take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, assisted, or participated or refused to participate in any complaint, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

### **Notice/Complaints of Discrimination, Harassment, and/or Retaliation**

Notice or complaints of discrimination, harassment, and/or retaliation may be made by filing a complaint with, or giving verbal notice to, the Title IX Coordinator. A report may be made at any time (including during non-business hours) via telephone, email, or mail. Reports may also be made to any responsible employee, which will ultimately be referred to the Title IX Coordinator for further processing. Upon receipt of a complaint or notice of an alleged policy violation, the Title IX Coordinator initiates a prompt initial assessment, resulting in at least one of the following responses:

1. Offering supportive measures because the Complainant does not want to proceed formally, and/or;
2. An informal resolution, and/or;
3. A Formal Grievance Process including an investigation resulting in a hearing or administrative resolution (requires a formal complaint to be filed with the Title IX Coordinator).

A Formal Complaint refers to a document filed/signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that the University investigate the allegation(s). The investigation and grievance process will determine whether the Policy has been violated. If so, the University will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

### **When a Complainant Does Not Wish to Proceed**

If a Complainant does not wish for his/her name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, he/she may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law. The Title IX Coordinator has ultimate discretion over whether the University proceeds when the Complainant does not wish to do so. The University may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes. The Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment that demonstrates a compelling risk to health and/or safety that requires the University to pursue formal action to protect the community. A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the University's ability to pursue a Formal Grievance Process fairly and effectively. When the University proceeds, the Complainant may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the University to honor that request, the Title IX Coordinator will offer informal resolution options, supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action. If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint later.

### **Initial Assessment**

Initial Assessment Following intake, receipt of notice, or a complaint of an alleged violation of the Title IX and Non-Discrimination Policy, the Title IX Coordinator engages in an initial assessment, which is typically completed in one to five business days. The steps in an initial assessment can include, but are not limited to:

- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
  - The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
  - The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive response or an Administrative Resolution.
- If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. A formal grievance process is not initiated, though the Complainant can elect to initiate it later, if desired.
  - If an Informal Resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
  - If a formal grievance process is preferred, the Title IX Coordinator first determines if the misconduct alleged falls within the scope of Title IX:
    - ✓ If the alleged misconduct falls within the scope of Title IX, the Title IX Coordinator will initiate a formal investigation and the Title IX Hearing Process.
    - ✓ If the alleged misconduct does not fall within the scope of Title IX, the Title IX Coordinator will "dismiss" that aspect of the complaint, if any, and refer the matter to a formal investigation and the Discriminatory Harassment Administrative Resolution Process.

- ✓ For both formal resolution processes, the Title IX Coordinator will direct the investigation to address an incident, and/or a pattern of alleged misconduct, and/or a culture/climate issue, based on the nature of the complaint.

In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment should be conducted by the Threat Assessment Team as part of the initial assessment.

### **Dismissal (Mandatory and Discretionary)**

The University must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- The conduct alleged in the formal complaint would not constitute sexual harassment as defined in the Policy, even if proved; and/or
- The conduct did not occur in an educational program or activity controlled by the University, and/or the University does not have control of the Respondent; and/or
- The conduct did not occur against a person in the United States; and/or
- At the time of filing a formal complaint, a Complainant is not participating in or attempting to participate in the education program or activity of the University.

The University may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

- A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
- The Respondent is no longer enrolled in or employed by the University; or
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, THSU will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties. This dismissal decision is appealable by any party under the procedures for appeal below. A Complainant who decides to withdraw a complaint may later request to reinstate it.

### **Investigations**

The University is responsible for conducting adequate, reliable, and impartial investigations of reports and complaints of Sexual Misconduct. The Title IX Coordinator oversees many aspects of this response, including:

- Determining whether the report or complaint alleges conduct that may, upon investigation, constitute prohibited sexual misconduct.
- Reviewing the intake information to assess whether there is sufficient information upon which an investigation may proceed.
- Appointing a Title IX pool upon such determination.
- Ensuring certain that individual reports and complaints are handled properly and in a prompt and timely manner.
- Informing all parties regarding the disciplinary process.
- Confirming that all parties have been notified of disciplinary decisions and of the right to, and procedures for, appeal, if applicable.
- Maintaining information and documentation related to the investigation in a secure manner.
- Monitoring compliance with timeframes specified in the discipline procedures.

Any student who files a complaint, or who acts as a third-party witness in an investigation under this policy, will not be subject to disciplinary action for using and/or consuming alcohol or drugs at or near the time of the alleged incident, provided that any such alcohol or drug use did not, and do not, place the health or safety of any other person at risk.

### **Steps in the Investigation Process**

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary. All parties have a full and fair opportunity to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence on the record. During an investigation, the Investigator(s) typically engage in the following steps (this list is not exhaustive, and the steps may not be taken in

this order):

In coordination with campus partners, initiate or assist with any necessary supportive measures.

- Simultaneous notification is sent to the complainant and the accused.
- Commence a thorough, reliable, and impartial investigation. This includes interviews with all relevant parties and witnesses, and the collection of evidence.
- Allow parties to review and verify summaries from their interview(s).
- Provide parties the opportunity to present witnesses and evidence for review.
- Allow parties the opportunity to submit questions they would like asked of the other party, as well as any witnesses.
- Write a comprehensive investigation report, fully summarizing the investigation, all witness interviews, and addressing all relevant evidence.
- Provide status updates to the parties throughout the investigation.
- For the Title IX Hearing Process, prior to the conclusion of the investigation, provide the parties a copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days.
- Incorporate relevant elements of the parties' responses into the final investigation report, including any additional relevant evidence, any necessary revisions, and finalize the report.

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the investigation or resolution process. If the Respondent indicates an intent to accept responsibility for all the alleged misconduct, the process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria outlined in this policy. If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the University are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of University policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary. This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the process will resume at the same point where it was paused.

### **Delays in the Investigation Process and Interactions with Law Enforcement**

The University may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include, but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions. Parties will be notified in writing regarding the reasoning for any delays and the anticipated duration. The investigation and resolution process will resume as soon as feasible. University action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

### **Counterclaims**

Upon receipt of a counterclaim, the Title IX Coordinator will assess whether the allegations in the counterclaim are made in good faith or for retaliatory purposes. Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below but may occur after resolution of the underlying initial allegation. Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

### **Role and Participation of Witnesses in the Investigation**

All witnesses, including employees, are expected to cooperate with and participate in the investigation and resolution process. Failure to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline. While in-person interviews for parties and all potential witnesses are ideal, circumstances may require individuals to be interviewed remotely. The University will take appropriate steps to reasonably ensure the security/privacy of remote interviews. Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the

Investigator(s), though not preferred. If a witness submits a written statement but does not intend to be and is not present for cross examination at a hearing, their written statement may not be used as evidence.

### **Right to an Advisor**

The parties may each have an Advisor of their choice present with them for all meetings and interviews within the resolution process, if they so choose. The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may select whomever they wish to serve as their Advisor, from inside or outside of the University community, as long as the Advisor is eligible and available. Choosing an Advisor who is also a witness in the process creates potential for bias and conflict of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

### **Advisor's Role**

The parties may be accompanied by their Advisor in all meetings and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Advisors may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

### **Sharing Information with the Advisor**

The University expects that the Parties will wish to share documentation and evidence related to the allegations with their advisors. The University provides a consent form that authorizes such sharing. The Parties must complete this form before the University is able to share records with an advisor. Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with 3rd Parties, disclosed publicly, or used for purposes not explicitly authorized by the University. The University will restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations. The University will not comply with requests that all communication be made through a Party's Advisor.

### **Expectations of an Advisor**

The University generally expects an Advisor to adjust their schedule to allow them to attend investigation meetings when planned, but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay. The University may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

### **Expectations of the Parties with Respect to Advisors**

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of any meeting or hearing (or as soon as possible if a more expeditious meeting is necessary or desired). The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured.

### **Advisors in Title IX Hearings/University-Appointed Advisor**

Title IX regulations require cross-examination during a hearing to be conducted by the parties' Advisors. The parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an Advisor for a hearing, the University will appoint a trained Advisor for the limited purpose of conducting any cross-examination. The University cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the University is not obligated to provide an attorney. A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct cross-examination, the University will appoint an Advisor

who will do so, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses may also be conducted by the Decision-maker(s) during the hearing. An Advisor may not be called as a witness at a hearing to testify to what their advisee has told them during their role as an Advisor unless the party being advised consents to that information being shared. It is otherwise considered off-limits, and an Advisor who is an institutional employee is temporarily alleviated from mandated reporter responsibilities related to their interaction with their advisee during the resolution process.

### **Advisor Violations of University Policy**

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role. All Advisors are subject to the same University policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during cross-examination in a Title IX hearing proceeding.

### **Recording of Interviews**

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties will be made aware of audio and/or video recording.

### **Informal Resolution Process**

If either party wishes to initiate an Informal Resolution, they must notify the Title IX Coordinator. If the alleged misconduct falls within the scope of Title IX, a Complainant will be required to submit a formal complaint prior to proceeding with an Informal Resolution. Informal Resolution can include three different approaches:

- When the parties agree to resolve the matter informally, in a manner agreeable to all parties;
- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; or
- When the Title IX Coordinator can resolve the matter informally by providing supportive measures to remedy the situation.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process. The University will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

The Title IX Coordinator may look to the following factors to assess whether Informal Resolution is appropriate:

- The parties' amenability to Informal Resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the parties;
- The parties' motivation to participate;
- Civility of the parties;
- Cleared violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Complaint complexity;
- Rationality of the parties.

The ultimate determination of whether Informal Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in an appropriate response, including disciplinary actions. Results of complaints resolved by Informal Resolution are not appealable.

The ultimate determination of whether Informal Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in an appropriate response, including disciplinary actions. Results of complaints resolved by Informal Resolution are not appealable.

### **Formal Resolution Process – Resolution Process Pool**

The resolution process relies on a pool of administrators (“the Pool”) to carry out the process. Members of the Pool can serve in the following roles, at the direction of the Title IX Coordinator:

- To act as an Advisor to the parties;
- To serve in a facilitation role in informal resolution;
- To serve as a hearing Chair or facilitator (process administrator, no decision-making role);
- To serve as a Decision-maker regarding the complaint;
- To serve as an Appeal Decision-maker.

### **Pool Member Appointment**

The Title IX Coordinator appoints the Pool, which acts with independence and impartiality. While members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases, the University can also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.

### **Withdrawal or Resignation While Charges are Pending**

Should a Respondent (student or employee) withdraw/resign during the resolution process, the University will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination, and/or retaliation. The following stipulations will also apply: Students: Should a student decide to not participate in the resolution process, the process proceeds to a reasonable resolution absent their participation. Should a student Respondent permanently withdraw from the University, the resolution process ends, as there is no disciplinary jurisdiction over the withdrawn student. If a student Respondent permanently withdraws while the process is pending, they are ineligible to return to the University, and the Registrar and Admissions Departments will be notified that they cannot be readmitted. They may also be barred from University property and/or events. If the student Respondent takes a leave of absence for a specified period of time, the resolution process may continue remotely, and that student is not permitted to return active enrollment unless the investigation is concluded and all sanctions have been satisfied. Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as the University no longer has disciplinary jurisdiction over the resigned employee. The employee who resigns with unresolved allegations pending is not eligible for rehire with the University.

### **Title IX Hearing Process**

The Title IX Hearing Process, as described below, applies only to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) involving students, staff, administrator, or faculty members which fall within the scope of Title IX and do not meet the criteria for dismissal. If any component of the allegation meets these criteria, the Title IX Hearing Process will be utilized in lieu of the Discriminatory Harassment Administrative Resolution Process.

### **Notice of Investigation and Allegations**

The Title IX Coordinator will provide written notice of the investigation and allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process.

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,

- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- Information on the ability for each party to have an Advisor of their choosing,
- Details on how the party may request disability accommodations during the interview process,
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have,

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

## **Evidentiary Considerations**

The formal resolution process does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

## **Referral for Hearing**

Once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing. The hearing cannot be less than ten (10) business days from the conclusion of the investigation –when the final investigation report is transmitted to the parties and the Decision-maker– unless all parties and the Decision-maker agree to an expedited timeline. The Title IX Coordinator will select an appropriate Chair, and Decision-makers from the Pool.

## **Hearing Board Composition**

The Title IX Coordinator designates a three-member panel from the Pool. One of the three members will be appointed as Chair by the Title IX Coordinator. The Chair serves to facilitate the hearing and decision making process. The Hearing Board will not have had any previous involvement with the investigation.

## **Notice of Hearing**

The notice of the hearing will be provided to the parties (at least 10 days in advance). The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities. • Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision maker based on demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s). For compelling reasons, hearing may be rescheduled.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and the University will appoint one. Each party must have an Advisor present. There are no exceptions.
- A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already.
- An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-maker will review during any sanction determination.

- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.

### **Alternative Hearing Participation Options**

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator at least five (5) business days prior to the hearing. The Title IX Coordinator can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

### **Pre-Hearing Preparation**

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions, unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair will delay the hearing and instruct that the investigation needs to be reopened to consider that evidence. The parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than three days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Decision-maker(s) will receive the investigative materials at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

### **Hearing Procedures**

Participants at the hearing will include the Chair, the Board members, the Investigator(s) who conducted the investigation, the parties, Advisors to the parties, any called witnesses, the Title IX Coordinator and anyone providing authorized accommodations or assistive services. The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf. The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties and will then be excused.

### **Joint Hearings**

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly. However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

### **The Order of the Hearing-Introductions and Explanation of Procedure**

The Chair explains the procedures and introduces the participants. The Chair then conducts the hearing according to the hearing script. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by the Title IX Coordinator.

### **Investigator Presents the Final Investigation Report**

The Investigator(s) will then present a summary of the final investigation report, including items that are contested

and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations. Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

### **Testimony and Questioning**

Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-maker(s) and then by the parties through their Advisors ("cross-examination"). All questions are subject to a relevance determination by the Chair. The Advisor will pose the proposed question orally, electronically, or in writing, the proceeding will pause to allow the Chair to consider it, and the Chair will determine whether the question will be permitted, disallowed, or rephrased. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance. The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance, subject to any appeal. The Chair may ask advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the advisors on relevance once the Chair has ruled on a question.

### **Refusal to Submit to Cross-Examination and Inferences**

Cross-examination is an all or nothing proposition, meaning that if any question is refused, no statements of that party or witness are admissible. Only if a party or witness is willing to submit to cross examination, and answers all questions, will their statements prior to or at the hearing be fully admissible. If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-maker(s) may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Decision-maker(s) must disregard all statements. Evidence provided that is something other than a statement by the party or witness may be considered. Whether a party or witness does or does not answer questions from the Decision-maker, their statements will be admissible as long as they are willing to submit to cross-examination questions, even if they are not asked such questions. The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions. If a party's Advisor of choice refuses to comply with the University's established rules of decorum for the hearing, the University may require the party to use a different Advisor. If a University-provided Advisor refuses to comply with the rules of decorum, the University may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

### **Recording Hearings**

Hearings (but not deliberations) are recorded by the University for the purpose of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted. The Decision-maker(s), the parties, their Advisors, and appropriate administrators of the University will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

### **Deliberation, Decision-making, and Standard of Proof**

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. A majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached. When there is a finding of responsibility on one or more of the

allegations, the Decision maker(s) may then consider the submitted party impact statements and any pertinent conduct history in determining appropriate sanction(s).

The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence disregarded, credibility assessments, and any sanctions. This report must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations.

### **Discriminatory Harassment Administrative Resolution Process**

The Discriminatory Harassment Administrative Resolution Process, as described below, applies to all allegations of harassment or discrimination based on protected class status, involving students, staff, faculty members, or third-parties that are not eligible for resolution under the Title IX Hearing Process. At any point during the initial assessment or formal investigation, if the Title IX Coordinator determines that reasonable cause does not support the conclusion that policy has been violated, the process will end, and the parties will be notified.

### **Notice of Investigation**

If the Administrative Resolution Process is initiated, the Title IX Coordinator will provide written notification of the investigation to the parties, as applicable, at an appropriate time during the investigation. Notification will include a meaningful summary of the allegations made in writing. The notification will include the policies allegedly violated, if known at the time. The policies allegedly violated can be modified, in writing, as the investigation progresses, and details become clearer.

### **Investigation and Resolution**

The investigation will commence in accordance with the process described in the preceding “Steps in the Investigation Process.” Upon conclusion of the investigation, the Title IX Coordinator appoints a three-member decision-maker panel from the Pool members to review the investigative materials and all responses. The appointed decision-makers will conduct a thorough review and evaluate the totality of circumstances based on the preponderance of the evidence within 10 business days.

### **Sanctions**

Upon determination of a finding of responsibility in either the Title IX Hearing Process or Discriminatory Harassment Administrative Resolution Process, the following factors are considered when determining a sanction/responsive action, which may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent’s disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested. The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by external authorities.

#### **a. Student Sanctions**

The following are the usual sanctions that may be imposed upon students or organizations singly or in combination:

- Warning: A formal statement that the conduct was unacceptable and a warning that further violation of any University policy, procedure, or directive will result in more severe sanctions/responsive actions.

- **Required Counseling:** A mandate to meet with and engage in either University-sponsored or external counseling to better comprehend the misconduct and its effects.
- **Probation:** A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions if the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- **Suspension:** Termination of student status for a defined period and/or until specific criteria are met. After the suspension period is observed, a student is eligible to apply for reinstatement, although reinstatement is not guaranteed.
- **Expulsion:** Termination of student status and revocation of rights to be on campus for any reason or to attend University-sponsored events, for a period of two years. After the expulsion period is observed, a student is eligible to apply for reinstatement, although reinstatement is not guaranteed.
- **Denial of Commencement Participation:** The University may deny or restrict a student participation in commencement activities.
- **Organizational Sanctions:** Deactivation, loss of recognition, loss of some or all privileges for a specified period.
- **Other Actions:** In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

## **b. Employee Sanctions**

As stated in the employee handbook, responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include disciplinary action, up to and including termination.

### **Notice of Outcome**

Upon conclusion of either the Title IX Hearing Process or Discriminatory Harassment Administrative Resolution Process, the Title IX Coordinator, in conjunction with the decision-making body as appropriate, will prepare the Notice of Outcome, including the finding for each alleged policy violation, the rationale supporting the essential findings, and any sanction(s). The Notice of Outcome will typically be issued within three business days; the Notice of Outcome will be delivered to the parties simultaneously. The determination may be appealed by either party, therefore, the Notice of Outcome includes the grounds on which the parties may appeal and the steps to request an appeal.

### **Appeals**

All requests for appeal consideration must be submitted in writing to the Title IX Coordinator within 5 business days of the delivery of the Notice of Outcome. Any party may appeal the findings only under the grounds described below.

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures, etc).
- To consider new evidence, unknown or unavailable during the investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
- The sanctions imposed fall outside the range of sanctions the University has designated for this offense.

Upon receipt of an appeal, the appropriate decision-maker(s) will review the request to determine if it meets the grounds for appeal. If the appeal does not meet the established criteria, the request will be denied and the parties will be notified in writing of the denial and the rationale. If the request does meet the established appeal criteria, the decision-maker(s) will be provided all the documentation and materials used to make the initial determination. Appeals are not intended to be full re-hearings of the allegation(s). In most cases, appeals are confined to a review of documentation or record of the investigation pertinent to the grounds for appeal. The appeal decision-maker(s) will typically issue the determination within 5 business days of receipt of the accepted appeal. A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each ground for appeal and rationale for each decision.

### **Appeal Considerations**

- Any sanctions imposed as a result of the hearing are postponed during the appeal process. Supportive measures may be reinstated.
- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeal decision-makers have the authority to apply any administrative resolution necessary based on the merits of an approved appeal, up to and including overturning a decision or sanction, fully or in part.
- In cases where new evidence is presented which warrants further review, the appeal timeframe may be extended. The parties will be notified of any such delays.
- An appeal decision is the final determination of the University.

Failure to Comply with Sanctions Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in a referral to the University's Code of Conduct for students for additional sanction(s)/action(s), including expulsion. Employees will be referred to Human Resources for further corrective action up to and including termination.

**The Texas Regional Office of the U.S. Department of Education can be contacted at:**

U.S. Department of  
Education  
1999 Bryan Street, Suite 1620  
Dallas, TX 75201-6810  
Telephone: (214) 661-9600  
Facsimile: (214) 661-9587  
[Email: OCR.Dallas@ed.gov](mailto:OCR.Dallas@ed.gov)

THSU disseminates crime data to current and prospective students by posting the data on the institution's website and email. In preparing the crime data report, the institution relies on data from on-campus incidents and incidents reported to the local police department. The Austin police department provided off campus incidents for the Austin campus, and the San Antonio police department provided off campus incidents for the San Antonio campus.

**Security Awareness Programs**

Safety programs for students begin on the first day's orientation for each class and continue throughout the year in cooperation with the School Administration. The Dean of Students may coordinate personal safety seminars when there is interest from the students. The safety policies are also provided at employee orientation for new employees.

The school security committee is also responsible for coordinating the School's fire prevention and training programs, designing fire safety policy and procedures, and ensuring that THSU is in compliance with the fire safety codes of the state of Texas. Information regarding the number of fires, injuries, fire drills, fire-related property damage, and the type of fire detection systems in each building can be obtained by contacting the School Safety Officer at (512) 444-8082.

The school security committee members have the authority to:

- i. check all persons on the school property to
- ii. determine their legitimate presence, and to escort unauthorized persons to the proper office or off the school property;
- iii. report any suspicious activity or criminal activity to their supervisor or local law enforcement;
- iv. control the actions of persons violating School rules or local, state, or federal laws, as long as these actions by the School security committee do not in themselves violate any local, state or federal laws; and
- v. cooperate with local, state or federal law enforcement should that become necessary.

All members of the THSU community play an important role in keeping the campus safe and are encouraged to alert a member of the school security committee of any criminal act, unsafe condition, or suspicious activity. While on School Property students are encouraged to be responsible for their own security and the security of others. Students, faculty, and staff should use sound judgment and take simple precautions to avoid becoming the victim of

a crime, such as traveling in groups or pairs, staying or walking in well-lit areas, reporting suspicious activities or persons, locking vehicles or personal property and knowing where school security committee members can be reached at any time.

### **Crime Prevention Programs**

Crime prevention material is on display for one week in the Dean's Office during the month of October and programs focusing on crime prevention are conducted throughout the year in cooperation with the Dean of Student's Office.

## SEXUAL MISCONDUCT REPORT FORM

<b>COMPLAINANT'S INFORMATION (if different from reporter):</b>	
<b>Complainant's Name:</b>	<b>Complainant's Affiliation to THSU (student, faculty, staff, unaffiliated):</b>
<b>Complainant's Contact Information (if available):</b>	
<u>Telephone:</u>	<u>Email:</u>
<b>OFFENDER(S) INFORMATION:</b>	
<b>Offender's Name (if known):</b>	<b>Offender's Affiliation to THSU (student, faculty, staff, unaffiliated):</b>
<b>INCIDENT INFORMATION:</b>	
<b>Date and Time of Incident:</b>	<b>Location of Incident:</b>
<b>Brief Description of Incident (nature of misconduct, context or circumstances, such as spring break trip, on campus event, off campus party, etc.):</b>	
<b>REPORTER'S INFORMATION (required):</b>	
<b>Reporter's Name:</b>	<b>Date of Report:</b>
<b>Reporter's Affiliation to THSU (student, faculty, staff, unaffiliated):</b>	<b>Reporter's Contact Information:</b>
	<u>Telephone:</u>
	<u>Email:</u>

## Drug and Alcohol Abuse Prevention Policy

Texas Health and Science University has established a Drug and Alcohol Prevention Program to inform its students and employees about the dangers of drug and alcohol abuse, penalties that may be imposed for drug and alcohol abuse violations, and available resources to combat drug and alcohol related issues. The policy complies with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989.

## Drug and Alcohol Free Workplace

Texas Health and Science University provides a safe drug and alcohol free environment for all students and employees. All student and employees are prohibited from using drug and alcohol on University premises.

The University explicitly prohibits:

- The use, possession, solicitation for, or sale of narcotics or other illegal drugs, alcohol, or prescription medication without a prescription on premises or any of its off campus properties.
- Being impaired or under the influence of legal or illegal drugs or alcohol away from the University, if such impairment or influence adversely affects the employee's work performance, the safety of the student, employee, others, or puts at risk the reputation of the University.

The University will conduct drug and/or alcohol testing under any of the following circumstances:

- **FOR-CAUSE TESTING:** The University may ask an employee or student to submit to a drug and/or alcohol test at any time it feels that the student or employee may be under the influence of drugs or alcohol, including, but not limited to, the following circumstances: evidence of drugs or alcohol on or about the student's or employee's person or in the student's or employee's vicinity, unusual conduct on the student's or employee's part that suggests impairment or influence of drugs or alcohol.
- **POST-ACCIDENT TESTING:** Any student or employee involved in an on campus accident or injury under circumstances that suggest possible use or influence of drugs or alcohol in the accident or injury event may be asked to submit to a drug and/or alcohol test.

Violation of the drug and alcohol free policy could lead to disciplinary action up to, and including termination of the employee or suspension of the student.

## Sanctions (Federal, State, and Local Law)

Students and employees should be aware that there are criminal penalties – under federal, state, and local law – that make it illegal to use, manufacture, sell, or possess controlled substances. See Appendix A for a detailed listing of federal drug-trafficking. Students must also be aware that there are federal financial aid penalties for drug-related convictions – received prior to and/or while receiving aid – that can affect student eligibility to receive federal financial aid.

The chart below illustrates the period of ineligibility for federal financial aid programs. Please note that eligibility is dependent upon the nature of the conviction and the number of prior offenses.

	Possession of Illegal Drugs	Sale of Illegal Drugs
<b>1st Offense</b>	1 year from date of conviction	2 years from date of conviction
<b>2nd Offense</b>	2 years from date of conviction	Indefinite Period
<b>3+ Offenses</b>	Indefinite Period	Indefinite Period

## Intervention

Texas Health and Science University urges individuals with substance abuse problems to seek assistance and support. Employees and students are encouraged to seek help through available national and community resources and hotlines including, but not limited to, the following examples:

- National Council on Alcoholism and Drug Dependence, Inc. (NCAD)
  - Telephone: 1-800-NCA-CALL (622-2255)
  - Website: <https://ncadd.org/>
- Substance Abuse and Mental Health Services Administration (SAMHSA)

- Telephone: 1-800-662-HELP (4357)
- Website: <http://www.samhsa.gov/>
- Treatment Finder: <https://findtreatment.samhsa.gov/>
- National Institute on Alcohol Abuse and Alcoholism (NIAAA)
  - Telephone: 1-800-662-HELP (4357)
  - Website: <http://www.niaaa.nih.gov>
- National Institute on Drug Abuse (NIDA)
  - Telephone: 1-800-662-HELP (4357)
  - Website: <http://www.drugabuse.gov/>
  - Alcoholics Anonymous (AA)
  - Telephone: see local telephone directories
  - Website: <http://www.aa.org/>
- Al-Anon
  - Telephone: 1-888-425-2666
- National Cocaine Hotline
  - Telephone: 1-800- COCAINE (262-2463)

## SANCTIONS

### State

- A person commits an offense if the person appears in a public place while intoxicated to the degree that the person may endanger the person or another. (Texas Penal Code 49.02)
- A person commits an offense if the person knowingly possesses an open container in a passenger area of a motor vehicle that is located on a public highway, regardless of whether the vehicle is being operated or is stopped or parked. Possession by a person of one or more open containers in a single criminal episode is a single offense. (Texas Penal Code 49.031)
- A person commits an offense if the person is intoxicated while operating a motor vehicle in a public place. (Texas Penal code 49.04)
- Note that a person may also be convicted of offenses if intoxicated while operating a plane, driving with a minor in the vehicle, or boating. (Texas Penal code 49.045-.06)
- Punishable with a minimum term of confinement of 30 days.
- A person commits an offense if the person, by accident or mistake while operating an aircraft, watercraft, or amusement ride while intoxicated, or while operating a motor vehicle in a public place while intoxicated, by reason of that intoxication causes serious bodily injury to another. (Texas Penal Code 49.07)
- A person commits an offense if the person: (1) operates a motor vehicle in a public place, operates an aircraft, a watercraft, or an amusement ride, or assembles a mobile amusement ride; and (2) is intoxicated and by reason of that intoxication causes the death of another by accident or mistake. (Texas Penal Code 49.08)

- A minor commits an offense if the minor purchases or attempts to purchase an alcoholic beverage. (Texas Alcoholic Beverage Code 106.02-.025)
- The offense is punishable by a fine of not less than \$250; confinement in jail for a term not to exceed 180 days; or both the fine and confinement. The court may also mandate community service and suspend the driver's license of the convicted individual. Additionally, the court may mandate attendance at an alcohol awareness course.
- A minor commits an offense if he consumes an alcoholic beverage. (Texas Alcoholic Beverage Code 106.04)
- The offense is punishable by a fine of not less than \$250; confinement in jail for a term not to exceed 180 days; or both the fine and confinement. The court may also mandate community service and suspend the driver's license of the convicted individual. Additionally, the court may mandate attendance at an alcohol awareness course.
- A minor commits an offense if the minor operates a motor vehicle in a public place, or a watercraft, while having any detectable amount of alcohol in the minor's system. (Texas Alcoholic Beverage Code 106.041)
- The offense is punishable by a fine of not less than \$500 or more than \$2,000; confinement in jail for a term not to exceed 180 days; or both the fine and confinement. In addition, the court shall order community service to be performed.
- A minor commits an offense if he possesses an alcoholic beverage. (Texas Alcoholic Beverage Code 106.05)
- The offense is punishable by a fine of not less than \$250; confinement in jail for a term not to exceed 180 days; or both the fine and confinement. The court may also mandate community service and suspend the driver's license of the convicted individual. Additionally, the court may mandate attendance at an alcohol awareness course.
- A person commits an offense if he purchases an alcoholic beverage for or gives or makes available an alcoholic beverage to a minor with criminal negligence. (Texas Alcoholic Beverage Code 106.06)
- The offense is punishable by a fine of not less than \$250; confinement in jail for a term not to exceed 180 days; or both the fine and confinement. The court may also mandate community service and suspend the driver's license of the convicted individual. Additionally, the court may mandate attendance at an alcohol awareness course.
- A minor commits an offense if he falsely states that he is 21 years of age or older or presents any document that indicates he is 21 years of age or older to a person engaged in selling or serving alcoholic beverages. (Texas Alcoholic Beverage Code 106.07)
- The offense is punishable by a fine of not less than \$250; confinement in jail for a term not to exceed 180 days; or both the fine and confinement. The court may also mandate community service and suspend the driver's license of the convicted individual. Additionally, the court may mandate attendance at an alcohol awareness course.
- The manufacture, delivery, or possession of a controlled substance (as defined by the Texas Controlled Substances Act) in the State of Texas is a crime and punishable by a fine up to \$250,000 and/or prison term of life or not more than 99 years. (Tex. Health & Safety Code 481.112-.119)
- A person commits an offense if the person knowingly or intentionally delivers marijuana.
- Such offense is punishable by a fine up to \$100,000 and/or prison term of life or not more than 99 years. (Tex. Health & Safety Code 481.120)
- A person commits an offense if the person knowingly or intentionally possesses a usable quantity of marijuana.

- This offense is punishable by imprisonment for life or for a term of not more than 99 years or less than 5 years, and a fine not to exceed \$50,000. (Tex. Health & Safety Code 481.121)
- A person commits an offense if the person knowingly delivers a controlled substance listed in Penalty Group 1, 1-A, 2, or 3 (of the Texas Controlled Substances Act) or knowingly delivers marijuana and the person delivers the controlled substance or marijuana to a person who is a child or who is enrolled in a public or private primary or secondary school.
- This offense is punishable as a felony in the second degree. (Tex. Health & Safety Code 481.122)
- Drug related offenses have increased penalties if the offense occurs in a “drug free zone.” Drug free zones include institutions of higher education, youth centers, schools (and other facilities) and the areas surrounding such locations.
- Penalties include fines that may be doubled and minimum jail terms that may be raised. (Tex. Health & Safety Code 481.134)

## **Federal**

- 21 U. S. C. 841 makes it a crime (a) to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance; or (b) to create, distribute, or dispense, or possess with intent to distribute or dispense, a counterfeit substance.
- The Controlled Substances Act places all substances which are in some manner regulated into one of five schedules. The CSA provides penalties for unlawful manufacturing, distribution, and dispensing of controlled substances.
- The U. S. Code establishes and authorizes the U. S. Attorney General to revise as needed, classifications of controlled substances. Schedule I is comprised essentially of “street drugs” and Schedule V is comprised of drugs with a “low potential for abuse” when compared with drugs in schedules I-IV. Examples of Schedule I drugs are heroin and marijuana. PCP, for example, is a Schedule II drug. Amphetamine is a Schedule III drug, while Barbitol is a Schedule IV drug. An example of a Schedule V drug would be a prescription medication with not more than 200 mg. of codeine per 100 grams.
- The penalties are determined by the schedule of the drug or other substance, and sometimes are specified by drug name, as in the case of marijuana.
- Penalties for first offenses include a fine up to \$10 million and/or a prison term up to life, but no less than 1 year.
- For the Drug Enforcement Agency’s complete list of Federal Trafficking Penalties for Schedules I-V and Marijuana, please see: [http://www.justice.gov/dea/druginfo/ftp\\_chart1.pdf](http://www.justice.gov/dea/druginfo/ftp_chart1.pdf).

## **Campus Safety Tips**

All students, faculty, and staff should note that the THSU campuses are located in large urban environments. As such, students and University personnel are not immune from potential dangers: theft, threat of bodily harm, and other acts of violence that exist in an urban environment. Please be advised that you should be constantly aware of your surroundings. If you leave the campus by walking, do so with someone else and pay attention to strangers and report any suspicious activity to a campus security officer or other University officials.

Campus safety is the responsibility of every member of the University family.

These are ways you can help make the University a safe and enjoyable place to live, work and learn:

1. Purchase insurance for your personal property;
2. Record personal property make, model and serial numbers;
3. Secure your valuables;
4. Never leave your purse or wallet unattended, even for a short time;
5. Be cautious of strangers asking for change or directions;

6. Report suspicious activity to Campus Safety Officers immediately. Be prepared to provide a brief description of the individual's activity and direction of travel when last observed; and
7. At night, travel with a friend. Always tell someone where you are going and when you can be expected to return.

You need to be aware that theft, loss, or vandalism of personal property is a possibility in a setting where there are large numbers of people. The University cannot and does not accept responsibility for lost, damaged, or stolen property.

**Steps you can take to reduce the risk of theft or loss are:**

1. Keep your vehicle locked. Do not keep expensive, attractive equipment stored in plain view in your car;
2. Lock your bike with a sturdy chain and lock;
3. Keep a written record of the model and serial numbers of valuables. Photographs are also often helpful;
4. Do not carry or keep large amounts of cash around campus;
5. Purchase property insurance for items such as stereos, computers, media players, etc.;
6. A report of loss or damage should be made to the Campus Safety Officer;
7. Identify your property, especially electronics, with your name and a state issued driver's license number or a personal identification number;
8. All guests must be properly registered and should never be left unattended;
9. Suspicious persons found in or around the building should be reported to Campus Safety Officer;
10. Do not tamper with security cameras and monitors;
11. Stay alert at all times and tuned in to the surroundings (wearing headphones while walking or jogging can reduce the level of alertness);
12. Plan routes in advance, and vary those routes, whenever possible;
13. Get to know the neighborhoods where you live and work: find out what stores and restaurants are open late and where police and fire stations are located;
14. When walking or jogging, use busy streets and avoid shortcuts through deserted parks, vacant lots and unlit passages;
15. At night, walk or jog only on streets with plenty of light and traffic, and avoid walking alone, if possible;
16. Walk on the part of the sidewalk close to the street and away from shrubbery, trees or doorways (on less busy streets at night, it is sometimes safer to walk in the street rather than on the sidewalk);
17. Stand tall and walk confidently;
18. Trust your instincts: get help right away if the situation or place is uncomfortable;
19. Do not carry large sums of cash or display cash in public;
20. Do you give anyone your apartment or house key;
21. If possible, carry only identification, phone numbers and the credit cards you need. Keep a list at home of credit cards and other important material you would need to replace in case of loss;
22. Separate house keys from car keys (women should keep their keys in places other than their purses);
23. Keep names and phone numbers of relatives or friends handy in the event of an accident or emergency; and
24. Keys and key cards should never be loaned to another person.

**Preventing Textbook Theft**

It is unfortunate but some people steal. One of the major expenses of attending a university is the cost of textbooks. The average student spends \$300-\$400 per semester on textbooks. And because textbooks may be re-sold for cash, they make attractive targets for thieves.

**Remember...**

Textbooks often are left unattended in public areas;  
Textbooks can be easily resold;  
Textbooks are increasing in value; and  
Often, owners cannot be identified.

**Textbook Theft Prevention Tips**

Never leave your possessions unattended in public places. Remember, the majority of thefts on campus are thefts of opportunity. Most items are stolen because they are left unattended.

The only way to stop a person from selling a book back or accuse a person of stealing someone's book is to see if the book has a designated mark.

Marking your possession with an identifying number is an effective method of deterring theft.

Thieves find it more difficult to dispose of stolen articles that can be traced through an owner making identification marks.

Students should mark the textbook with an identifying number on a specific page of the textbook and keep a record of it. Mark the corresponding page with your own initials. This way, if the book is stolen, both the police and the bookstores will have a better chance of tracing the book once it is sold back.

If caught with a marked item, the thief can be convicted. The marked items can also be returned to the rightful owner.

Make a list of your books and include the name of the book, type of book, the author, and any identifying marks to help the Campus Safety Officer in the recovery of the lost or stolen book(s).

Report all textbook thefts immediately to the Campus Safety Officer. By doing so, you can enhance your chances of recovering your textbook.

### **Ways to Mark Your Textbooks**

Print your full name on the inside cover of each textbook.

Print the current school year and trimester under your name.

Print an identifiable number that you can remember on a specific page with your own initials on the corresponding page.

**DO NOT USE YOUR SOCIAL SECURITY NUMBER, STUDENT ID NUMBER, OR BIRTH DATE TO MARK YOUR TEXTBOOKS!**

### **Annual Disclosure of Crime Statistics**

The University's Campus Safety Officer prepares the Annual Crime Report for the entire University, to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The Report is prepared in cooperation with information and data from other state and local law enforcement agencies. Campus crime, arrest and referral statistics include those incidents reported to the local law enforcement agencies and the University's Campus Safety Officer. The statistics may also include crimes that have occurred in private residences or businesses that touch the University's boundaries. Each year, by email and flyers placed on bulletin boards and electronic message boards, notification is made to all faculty, staff and students that the THSU website provides access to this report. Copies of the Report may also be obtained at the Campus Safety Officer.

### **Campus Emergency Response and Evacuation**

An Emergency Management Plan has been developed by the School security committee as part of its ongoing effort to protect THSU students, faculty, and staff. The development of this plan is based on a realistic assessment of potential incidents that could affect our community and the capabilities to react to those situations.

Because of the size of the Texas Health and Science University campus, an announcement will be made by direct communication from the administrative staff to the classrooms and instructors. The system is used to distribute emergency notifications without delay in situations where a clear and active (e.g., in progress) threat or emergency exists that impacts the campus and where it is recommended that the recipients take some form of action in response to the active threat or emergency. This procedure is to be tested 3 times a calendar year, once during each semester.

The THSU – San Antonio Campus, located on the University of Incarnate Word – Saidoff building, coordinates with UIW security guards to ensure the safety of all persons located within the campus buildings.

### **Evacuations**

Instructions to evacuate will be issued by the school security committee as described above. Students, faculty, and staff are to evacuate quickly, in a calm and orderly fashion to a safe area. Students, faculty, and staff should remain calm and assist handicapped persons or those in need and not turn off lights or equipment or lock doors to a room or building. If community members observe something unusual or suspicious, they should not touch it and notify a member of the school security committee. Students, faculty, and staff should remain in a safe area until receiving notification to return to the facility.

In situations where THSU is forced to evacuate the campus, the School security committee will notify the public that

campus is closed and that traffic will not be allowed to enter.

If the emergency occurs on a day and time prior to the start of classes, notification of all members of the School community will occur according to normal weather closing policies and procedures. In addition, notification will be made to all staff members. Evacuation will be performed by personal vehicles if possible, and students, faculty and staff are directed to their homes or other safe havens.

### **Cancellations due to Weather**

If the emergency occurs on a day and time prior to the start of classes, notification of all members of the School community will occur according to normal weather closing policies and procedures. In addition, notification will be made to all staff members. THSU follows the lead of the University of Texas (<http://emergency.utexas.edu/>) with regard to class cancellations and closures due to inclement weather and other emergency situations. Students are advised to listen to the radio and television stations to determine if a situation necessitating closure exists. THSU also posts class cancellation on its website and Facebook pages when such situations occur.

### **Missing Student Notification Procedures**

Students age 18 or above, including emancipated minors, will be provided the opportunity during each registration process to designate an individual to be contacted by THSU in the event the student is officially reported as missing. If the missing student is 18 or older, or an emancipated minor, and has not identified an emergency contact, THSU will contact the local Police Department. THSU will continue to assist all outside agencies in the investigation as needed. Any questions or concerns regarding a student who is missing or appears to be missing should be referred to a member of the school security committee.

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### **City, State, County and Federal Law Enforcement**

Texas Health and Science University maintains a highly professional working relationship with federal law enforcement, the Texas Department of Public Safety, the Travis County and Bexar County Sheriffs, the City of Austin Police Department and the City of San Antonio Police Department. THSU follows all applicable policies and laws regarding confidentiality of records and reserves the right to provide police any information obtained as a result of a criminal investigation. THSU strongly encourages anyone who is the victim or witness to any crime to promptly report the incident to a member of the school security committee. It is the right of any member of the School community to contact the local Police Department to investigate any crime. Assistance in contacting the local Police Department may be arranged through the school security committee.

There are currently no formal written agreements with local, state, or federal agencies.

### **Emergency Action Plan**

This plan was developed and implemented to help the university to comply with the requirements of CFR, title 29, Part 1910- OSHA General Industry Standards. In order to ensure your safety in the unlikely event of a fire or other emergency, all students are to familiarize themselves with all exits to the building.

The following chain-of-responsibility determines the person responsible for implementing the appropriate part of the Emergency Action Plan. The person on the premises in the highest position on this list will be in charge.

University President

Campus Safety Officers  
Academic Dean  
Clinic Director

#### **a. Emergency Escape Route Assignments**

Anyone on the premises can order an evacuation for good reason, such as an observed fire, activation of the sprinkler system, or electrical power failure. Such person should announce the need for evacuation in a loud voice in enough locations to insure that everyone in the building has been notified. Instructors will be responsible for directing their classes to evacuate, and the clinic director will be responsible for all clinic interns and patients, and for the receptionist. Interns will help patients to negotiate the escape route as necessary. The receptionist will attempt to notify 911 authorities, time permitting, but will not delay his/her personal evacuation to the point of danger.

The primary emergency exits from the school premises are the three doors leading to the interior courtyard. The secondary exit is the stairwell in the interior hallway. The primary exits should be used unless they are blocked for some reason. After exiting into the interior courtyard, all staff, faculty, students and patients should proceed down the stairs to the far (west) end of the parking lot so that the person in charge can perform an accounting. The person in charge will designate one individual to call 911, if this has not already been done. After the building has been evacuated, no one will re-enter until competent authority deems it safe to do so.

#### **b. Employees Who Remain to Perform Critical Operations Before They Evacuate**

There are no school operations critical enough to risk injury or loss of life. The receptionist will attempt to call 911, but not to the point of danger. Patients will be assisted by interns, if necessary, remembering that the essential purpose is to get away from the danger and not to attempt to save any equipment or other physical effects.

#### **c. Account for All Employees After Emergency Evaluation Has Been Completed**

After assembly at the west end of the parking lot, the senior person on the scene will poll instructors to determine that all students were evacuated, and the receptionist will confirm the status of all patients who were on the premises.

#### **d. Rescue and Medical Duties For Employees Who Can Perform Them**

In the event of an injury requiring first aid or CPR prior to the arrival of emergency response personnel, all Clinic Instructors and interns have been trained in First Aid and CPR, and will perform these functions as needed. If an injury results during or before a required evacuation, complete the evacuation before performing medical duties.

#### **e. Preferred Means of Reporting Fires and Other Emergencies**

The primary means to report a fire or other emergency is for the clinic receptionist to call 911. If this is not possible, the senior responsible official shall designate an individual make the call.

### **Fire Evacuation Policy**

#### **Fire Drills**

A fire drill is conducted at the beginning of the fall trimester and one fire drill is scheduled, but not announced, at the beginning of the spring trimester. The announced fire drill is designed to give students an opportunity to evacuate in non-emergency situations. All students, faculty, and staff must leave the building at the nearest exit when the alarm sounds for the drill. Once outside, all students, faculty, and staff must go to the front of the building where a campus safety officer will be available to do a head count of all persons who should have exited the building. Failure to do so will result in disciplinary action. In case of a real emergency, a campus safety officer will activate the fire alarm, and the campus safety officer for each floor will notify students to exit the building based on the following protocol.

Floor 1- Exit the back of the building if attending class in one of the downstairs classrooms, or exit through front door if working in the administrative area, and then go to front of building where a campus safety officer will be available for head count and additional instructions, if warranted;

Floor 2- Follow the exit sign to downstairs exit, and then exit the building where a campus safety officer will be available for head count and additional instructions, if warranted.

Fire evacuation route maps are posted on all floors, and all students, faculty, and staff should become familiar with the map each trimester.

**The fire evacuation protocol for the student clinic is as follows:**

The student clinic manager will use **R-A-C-E** to respond to a fire situation.

- **Rescue** any individual directly threatened by fire. Patient safety is the primary consideration, so move patients who are in immediate danger away from smoke or flames. Place the patient in a nearby room, behind a closed door.
- **Alarm.** Activate the fire alarm if a fire is discovered and respond immediately to an alarm if an alarm sound is made.
- **Confine** fire by closing doors to slow the spread of smoke and flame. Close the door to patient rooms. Per OSHA, patients are generally safer in a closed room than in a smoke filled hallway.
- **Extinguish** the fire only if the fire is small and the fire extinguisher is operational. Make sure that patients have been rescued and that the fire department (9-1-1) is called before using the fire extinguisher.

Exit doors can be found in the following locations in the clinic:

1. Brown door at front of building
2. Student Intern Waiting room
3. Room C
4. Room D
5. Laboratory

The clinic manager is responsible for student, faculty, staff, and patient head counts.

**Daily Crime and Fire Log**

The daily crime log is provided in accordance with the regulations set out under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The campus safety officer maintains a public log of all crimes reported or made aware of. The log will contain the most recent 60 days' worth of information. Each entry in the log will contain the nature, date, time and general location of each crime and disposition of the complaint, if known. Information in the log older than 60 days will be made available within two business days. To review the log, persons may stop by the Texas Health and Science, main building, located at 4005 Menchaca Rd, Austin, TX 78704, between the hours of 9 a.m. and 5 p.m., Monday through Friday. The fire safety log for the student clinic is available for view at the clinic office located at 1707 Fort View Rd., Austin, TX 78704.

**Texas Health and Science University and its affiliated student clinic comply with all state and local government requirements for fire, safety, sanitation, and insurance.**

**Additional Safety Guidelines****Fire Safety and Corridors**

State fire regulations require that all paths of egress from the building, including corridors and stairways, must be free of obstruction. Bicycles or other impeding objects should not be left in corridors or stairwells. Any such obstructing objects will be removed. Any vehicle or vessel containing gasoline is prohibited inside the offices, library, clinic, and classroom facilities of Texas Health and Science University.

**Extinguishers**

Fire extinguishers should be used only for their intended purpose and must not (by Texas law) be removed from their assigned locations. Extinguishers should only be used after an alarm has been sounded and the fire department contacted. Only small fires, such as fires in a wastebasket or laboratory sink, can or should be controlled with fire extinguishers. Do not attempt to control large or rapidly spreading fires! Report fires of any size by calling 911.

**Safety Tips and Directions for Using Fire Extinguishers**

A portable fire extinguisher can save lives and property by putting out a small fire or containing it until the fire department arrives; but portable extinguishers have limitations. Because fire grows and spreads so rapidly, the **number one priority** for occupants is to get out safely.

**Safety Tips**

- Use a portable fire extinguisher when the fire is confined to a small area, such as a wastebasket, and is not growing; everyone has exited the building; the fire department has been called or is being called; and the room is not filled with smoke.
- To operate a fire extinguisher, remember the word PASS. - **P**ull the pin. Hold the extinguisher with the nozzle pointing away from you, and release the locking mechanism. - **A**im low. Point the extinguisher at the base of the fire. - **S**queeze the lever slowly and evenly. - **S**weep the nozzle from side-to-side.
- For the classroom, select a multi-purpose extinguisher (Type ABC) that is large enough to put out a small fire, but not so heavy as to be difficult to handle.
- If flammable metals such as calcium or magnesium are used in the classroom, a type D extinguisher must be installed.
- Choose a fire extinguisher that carries the label of an independent testing laboratory.
- Read the instructions that come with the fire extinguisher and become familiar with its parts and operation before a fire breaks out. Local fire departments or fire equipment distributors often offer hands-on fire extinguisher training.
- Install fire extinguishers close to an exit and keep your back to a clear exit when you use the device so you can make an easy escape if the fire cannot be controlled. If the room fills with smoke, leave immediately.
- Know when to go. Fire extinguishers are one element of a fire response plan, but the primary element is safe escape. Every building should have a fire escape plan.

### **Fire doors**

Keep all fire doors closed at all times. This is the best way to prevent the spread of fire and smoke, thereby minimizing the potential for property damage, injury, or loss of life.

### **If You Become Trapped in a Fire**

Keep a closed door between you and the fire, if possible. Pack the space around the door base or door-jamb with towels or other materials to keep smoke out. Open any windows, if possible, to let fresh air in. Make every effort to draw attention to yourself, shouting, yelling for help at the top of your lungs, and so forth. If you have a cell phone, use it to call 911 and let the fire department know where you are.

### **If Someone Catches On Fire (Stop, Drop, and Roll)**

First of all, don't panic quite yet. Prevent the person from running. Get him or her flat on the ground as quickly as possible. Roll the person over and over until the flames are extinguished. Use a blanket or towel to extinguish the flames if one is available. Extinguishing the flames will prevent serious injury if done quickly enough.

### **Tornado Safety Information**

The State of Texas is known for many things, one of them being the frequent occurrence of tornadoes during the spring and summer. Here are some signs of an approaching tornado:

- A greenish or greenish-black color to the sky.
- If there is a watch or warning posted, then the fall of hail should be considered as a real danger sign. Hail can be common in some areas, however, and usually has no tornado activity along with it.
- A strange quiet that occurs within or shortly after the thunderstorm.
- Clouds moving very fast, in a rotating pattern or converging toward one area of the sky.
- A sound, a little like a waterfall or rushing air at first, but turning into a roar as it comes closer. The sound of a tornado has been likened to that of both railroad trains and jets.
- Debris dropping from the sky.
- An obvious "funnel-shaped" cloud that is rotating, or debris such as branches or leaves being pulled upwards, even if no funnel cloud is visible.

If you see a tornado and it is not moving to the right or to the left relative to trees or power poles in the distance, it may be moving towards you! Remember that although tornadoes usually move from southwest to northeast, they also move towards the east, the southeast, the north, and even northwest. Seek shelter in a windowless interior room on the first floor. Do not stay in a room with windows during a tornado, and do not attempt to run from one if you see it approaching. The best rule is to stay inside and get as low to the ground as possible.

### **Sex Offender Registration**

In compliance with the Campus Sex Crimes Prevention Act of 2000, members of the School community may search the following registries for information concerning registered sex offenders:

National Sex Offender Public Website at [www.nsopr.gov/](http://www.nsopr.gov/)

TXDPS Sex Offender Registry at <https://records.txdps.state.tx.us/DPSWEB/SorNew/index.aspx>

## **Appendix A**

### **CONFIDENTIAL CRIME REPORT**

Describe the nature of the crime:

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Where did the crime occur:

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---

Provide the date and times associated with this crime:

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---

Please provide the suspect's name, if known:

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---

If unknown, please provide a detailed description:

---

---

Would you like us to contact you? If so, please provide your necessary contact information:

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ACTIONS TAKEN:

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## Appendix B

### INCIDENT REPORT FORM

Describe the nature of the incident

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Where did the incident occur:

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---

Provide the date and times associated with this incident:

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Please provide any names of individuals that were involved:

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If the names are unknown, please provide a detailed description:

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Are there any actions you believe that the school needs to take in this matter?

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Would you like the school to report this matter to other authorities or assist you in seeking further assistance?

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---

Would you like us to contact you? If so, please provide your necessary contact information:

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Received by THSU Safety Committee Member:

\_\_\_\_\_. Name)

on \_\_\_\_\_ Date

at \_\_\_\_\_ Time

ACTIONS TAKEN:

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## **Annual Campus Security Report**

### **Texas Health and Science University**



#### **Crime Awareness and Campus Security**

**Jeanne Clery Act**

**10-1-2021**

## Introduction

Federal Public Law 102-26 (Jeanne Clery Act) and its extension in Public Law 110-315 of the Higher Education Opportunity Act of 2008 requires that Universities and schools disclose security policies and procedures and campus crime statistics to prospective and enrolled students. This brochure establishes policies and procedures for Texas Health and Science University.

Additional information about the Jeanne Clery Act can be found at the U.S. Department of Education website: <http://ed.gov/admins/lead/safety/campus.html>

Texas Health and Science University is committed to maintaining a safe and secure environment for students and staff. This brochure provides guidelines and advice that can contribute to this aim and encourage trust and effective communication in our educational community.

### Campus Security and Reporting Crimes

Crime awareness and prevention starts with effective communication. Students and staff are encouraged to report dangerous conditions, suspicious activity and criminal acts on or near campus to the appropriate authorities. This section provides guidelines for reporting crimes and emergencies.

#### ***Campus Security Authorities***

The Vice President for Academic Affairs serves as the University's Campus Safety and Security Officer. The Vice President of Operations, Dean of Students, Campus Director and Dean of Student Affairs are the school officials to whom all reports related to actual or potential criminal activity should be directed. The chart below provides the names and contact information of the designated Campus Security Authorities.

Antonio Holloway, MBA	Vice President of Operations (Title IX Coordinator)	512-444-8082 ext. 107	vpoperation@ thsu.edu
Priscilla Elizondo, M.S.	Dean of Admissions and Student Services, Austin Campus	512-444-8082 ext. 112	admissions2@ thsu.edu
Shu-Chiang Lin, Ph.D.	Campus Director, San Antonio Campus	210-509-8080 ext. 305	sclin@thsu.edu

The Campus Security Authorities serve as a school security committee appointed to enhance the safety of the students and the employees of Texas Health and Science University ("THSU" or the "School"). All reports of criminal offenses should be made to a member of the school security committee.

The school security committee assists in the reporting of campus crimes to local police so that statistics can be made available to all students, prospective students, and employees as of October 1 of each year. The report will be submitted to the Department of Education on an

annual basis. The campus crime statistics will cover the three most recently completed calendar years and is attached hereto as **Appendix A**. This report is maintained on the school's website and referenced in the school catalog. Below lists the current campus policies of Texas Health and Science University as they relate to campus security.

## **I Reporting Crimes and Other Emergencies**

All students and employees are encouraged to report crimes, suspicious activities, injuries or other security problems to the proper authorities at the School. The local police departments of Austin, Texas and San Antonio, Texas are authorized by Texas Health and Science University to prevent, investigate, and report any violations of state or federal law. School regulations are monitored and enforced by the school safety committee. Student behavior that violates state or federal law and/or school regulations may also be investigated and reported by authorized staff of the School.

Any student, faculty member, or employee of THSU should directly report any potential criminal act or other emergency to a member of the school security committee, or if a member is not in the immediate vicinity, to any staff member of THSU, who shall immediately notify a member of the School Security Committee. Callers should dial (512) 444-8082 (Austin campus) or (210) 509-8080 (San Antonio campus) and ask for the Dean of Students or other staff member. Upon receipt of the call, the staff member will dial 311 for city service requests, to insure that the correct services are dispatched to either the school or the clinic if necessary, an investigation is conducted, and appropriate action is taken. The 911 emergency number should be called for any and all life-threatening emergencies.

### **Those reporting must be as detailed as possible when providing a physical description of a suspect or perpetrator;**

- Physical description should include height, weight, build, facial hair, complexion, jewelry, and tattoos.
- Vehicle description should include make, model, color, and approximate year of manufacture, marker plate, state of origin, and any notable damage to the vehicle. ***Do not disturb any crime scene so as to preserve any physical evidence that may exist.***

### **Timely Warning**

In the event that a situation arises, either on or off campus, that, in the judgment of the school security committee constitutes an ongoing or continuing threat, a campus-wide "timely warning" will be issued. The notification will include a short description of the crime or incident, giving the time and date, location, reported offense, suspect description, and any other pertinent information used to facilitate the crime. The notification will also include personal safety information to aid members of the THSU community in protecting themselves from becoming victims of a similar crime. The warning will be distributed via direct contact, phone, or email to students, faculty and staff. Depending on the nature of the emergency, a decision will be made to utilize other methods of notification including broadcasts on the local television network and posting of red colored flyers entitled "Security Alert" on building entrances.

### **Confidential Reporting Procedures**

Victims of crime who do not wish to pursue action within the School or criminal justice systems

can provide a confidential report. A "Confidential Report Form" for victims to complete and submit can be found in Appendix B attached hereto. The report will assist in providing an accurate record of the number of incidents involving the THSU community and determine any patterns that may exist, while allowing the School security committee to alert the community to any potential danger. Reports filed in this manner are counted and disclosed in the annual statistics for the institution.

### **Whistleblower Policy**

The Higher Education Opportunity Act (HEOA) establishes safeguards for whistleblowers by prohibiting retaliatory action against any individual with respect to the implementation of any provision of the Clery Act.

The Vice President for Academic Affairs, Assessment and Research is assigned to communicate directly and regularly on the progress of the inquiry with the individual raising the allegations. The Vice President for Academic Affairs, Assessment and Research will respond to any concerns about personal retaliation or unfair treatment linked to the raising of such allegations.

## **II Campus Emergency Response and Evacuation**

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Texas Health and Science University follows the lead of the University of Texas with regard to class cancellations and closures due to inclement weather and other emergency situations. Students are advised to listen to the radio and television stations to determine if a situation necessitating closure exists. THSU also posts class cancellation on its website and Facebook pages when such situations occur.

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crime. Assistance in contacting the local Police Department may be arranged through the school security committee. There are currently no formal written agreements with local, state, or federal agencies.

## **VI Security Awareness Programs**

Safety programs for students begin on the first day's orientation for each class and continue throughout the year in cooperation with the School Administration. The Dean of Students may coordinate personal safety seminars when there is interest from the students. The safety policies are also provided at employee orientation for new employees.

The school security committee is also responsible for coordinating the School's fire prevention and training programs, designing fire safety policy and procedures, and ensuring that THSU is in compliance with the fire safety codes of the state of Texas. Information regarding the number of fires, injuries, fire drills, fire-related property damage, and the type of fire detection systems in each building can be obtained by contacting the School Safety Officer at (512) 444-8082.

The school security committee members have the authority to:

- vi. check all persons on the school property to
- vii. determine their legitimate presence, and to escort unauthorized persons to the proper office or off the school property;
- viii. report any suspicious activity or criminal activity to their supervisor or local law enforcement;
- ix. control the actions of persons violating School rules or local, state, or federal laws, as long as these actions by the School security committee do not in themselves violate any local, state or federal laws; and
- x. cooperate with local, state or federal law enforcement should that become necessary.

All members of the THSU community play an important role in keeping the campus safe and are encouraged to alert a member of the school security committee of any criminal act, unsafe condition, or suspicious activity. While on School Property students are encouraged to be responsible for their own security and the security of others. Students, faculty, and staff should use sound judgment and take simple precautions to avoid becoming the victim of a crime, such as traveling in groups or pairs, staying or walking in well-lit areas, reporting suspicious activities or persons, locking vehicles or personal property and knowing where school security committee members can be reached at any time.

## **VII Crime Prevention Programs**

Crime prevention material is on display for one week in the Dean's Office during the month of October and programs focusing on crime prevention are conducted throughout the year in cooperation with the Dean of Student's Office.

## **VIII Drug and Alcohol Regulations**

THSU enforces drug and alcohol regulations as required in the Drug Free Schools and Communities Act of 1988 and amendments of 1989. The unlawful possession, use, or distribution of alcohol by employees on School property, or as part of any School activity, is prohibited. The Family Educational Rights and Privacy Act (FERPA) as amended in 1998

enables institutions to release to parents of students under the age of 21 information concerning alcohol or drug-related disciplinary violations.

Students documented for an alcohol violation may be referred to substance abuse programs outside the School. If more information is desired, please contact the Office of the Dean of Students and/or the Registrar for a copy of the Alcohol and Substance Abuse policy.

Illegal drugs and drug paraphernalia are prohibited on the grounds of the School. The possession, sale, manufacture, or distribution of any controlled substance is in violation of School regulations and illegal under both state and federal laws. Therefore, any employee or student engaging in such illegal action will be subject to disciplinary procedures, which could result in sanctions, including termination of employment, suspension or expulsion from school, and criminal prosecution. In addition, the use and/or possession of weapons of any type, including facsimiles, except those in possession of a bona fide law enforcement agency, are not permitted on campus.

## **IX Sexual Assault. Rape or Misconduct Statement of Intent**

THSU is committed to providing a learning environment free of all forms of abuse, harassment, or coercive conduct. THSU adheres to the notion that any expression of behavior must comport with and affirm the integrity, dignity, health, and safety of oneself and others. That includes behavior in the realm of human sexuality. Sexual assault is a crime. It is also an issue of justice and each act harms not just an individual but the School community generally. THSU does not tolerate sexual assault or misconduct in any form or to any degree.

THSU has an array of public safety, medical, psychological, administrative, and disciplinary services available for referral to students reporting instances of sexual assault or misconduct. THSU's policy and procedures regarding sexual misconduct seek to achieve the following goals:

To provide prompt, professional, and attentive support services to reduce the sexual assault victim's trauma and alleviate suffering;

To provide a comprehensive framework in which the needs and decisions of the victim, duly informed, are central in determining further administrative response and assistance;

- To create a campus climate that facilitates prompt reporting of assaults;
- To facilitate, in cooperation with the School security committee and local law enforcement, the apprehension of assailants when acts of misconduct or assault are committed;
- To cultivate a campus climate of education and attention where incidence of assault and misconduct are avoided through preventative measures, training, and thoughtful discourse; and
- To protect the rights of the victim of an assault.

## **Violations**

THSU undertakes inquiries and disciplinary hearings and renders disciplinary sanctions regarding sexual assault or misconduct in a noncriminal context. Although the definitions utilized by THSU may be similar to those set forth in the penal code and/or used in a criminal court system, they are specific to THSU and limited to the meaning given to them by THSU. An act which might not be criminally prosecuted under either state or federal law may still violate the policies of THSU.

THSU's disciplinary jurisdiction is limited to conduct which occurs on campus or which occurs off campus and adversely affects members of the THSU community.

**Rape:** At THSU, rape is any sexual penetration (anal, oral, or vaginal), however slight, with any object or sexual intercourse between individuals without effective consent. Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger, or object and also includes oral copulation by mouth to genital contact or genital to mouth contact. Attempted rape is also prohibited under this policy.

**Sexual Assault:** At THSU, sexual assault is any sexual touching, however slight, with any object or with any part of the body without effective consent. Sexual assault also includes disrobing or otherwise exposing oneself to another without consent. Attempted sexual assault is also prohibited under this policy.

**Sexual Exploitation:** At THSU, sexual exploitation occurs when a student takes non-consensual, unjust, or abusive sexual advantage of another for his/her own benefit or for the benefit of anyone other than the one being exploited, and that behavior does not otherwise constitute rape, sexual assault, or sexual harassment. Examples of sexual exploitation include but are not limited to, prostitution, videotaping without knowledge and consent of all parties, peeping tommy, transmission of HIV or STD, or inducing incapacitation with the intent to rape or sexually assault regardless of whether sexual activity actually takes place.

**Consent:** At THSU, effective consent is informed consent which is freely and actively given; it is mutually understandable words or actions indicating a willingness to do the same thing, at the same time, in the same way with each other. Mutually understandable consent is almost always viewed under an objective, reasonable person standard. The only context in which mutually understandable consent would be viewed under a subjective standard is in the instance of a long-standing relationship where a couple has established patterns of communicating consent, but even then there must still be evidence of free and knowing participation to establish consent. Consent which is obtained through the use of fraud, force (actual or implied), threats, intimidation, or coercion is ineffective consent. Consent may never be given by a minor (in Connecticut, those not yet 18 years of age). Mentally disabled persons cannot give effective consent to sexual activity. Physically incapacitated persons cannot give consent. One who is physically incapacitated as a result of **alcohol or other drug consumption** (voluntary or involuntary) or who is unconscious, unaware, or otherwise physically helpless, **is incapable of giving consent.**

**Sexual Harassment:** At THSU, sexual harassment includes unwelcome sexual advances, direct or indirect sexual demands, requests for sexual favors, sexual comments, gestures, or other physical actions of a sexual nature, when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's educational success;
- Submission to or rejection of such conduct by an individual is used as the basis for educational decisions affecting the individual;
- Such conduct has the purpose or effect of unreasonably interfering with an individual's academic performance or creating an intimidating, hostile, or offensive

working, living, or educational environment.

### **What to do If You Have Been Assaulted**

THSU strongly encourages students to report incidences of rape, sexual assault, and sexual misconduct. Trained professionals and support services are available to assist students and anyone else impacted by such events. Resources exist off campus. The wishes of the victim of an assault or misconduct will guide how incidents are handled.

If a student is in IMMEDIATE DANGER, the student should get to a safe place and dial **911** for the local Police Department. Similarly, if a student is hurt and in need of medical attention, **dial 911, immediately.**

If the student is not in immediate danger, the student may either dial 911 for the local Police Department or speak to the Dean of Students by calling (512) 444-8082. The Dean of Students is trained to provide services and act as advocates for students who are victims of sex offenses. A victim's discussion with the Dean of Students is confidential.

The Dean of Students will be able to review options with the victim and assist in facilitating contact with any other resource or service the victim may need and desire. Depending on the student's wishes and the circumstances, the Dean of Students will facilitate the following services which include, but are not limited to:

- Obtaining medical attention at a hospital;
- Filing an Confidential Crime Report;
- Filing an Incident Report with the School Security Force;
- Filing a Criminal Report with the local Police Department;
- Contacting a clergy member;
- Issuance of a "Timely Warning" alert to the campus community.

Often times, the first person a sexual assault victim will turn to is a friend or trusted member of the staff. If a student tells a staff member about the sexual offense, the staff member must tell the Dean of Students. The Dean of Students consults with the student to determine his/her wishes for support services.

For third parties: If a student's friend has been assaulted or raped, they should:

- Listen and be supportive;
- Let the friend make his or her own choices;
- Resist touching the friend unless the student knows he or she welcomes it;
- Encourage the friend to immediately call the local Police Department, preserving any evidence there may be.

### **Additional off-campus resources for victims of sexual assault:**

SafePlace - (512)-267-SAFE (512-267-7233)

Austin Police Department 911

National Sexual Assault Hotline at 1.800.656.HOPE.

Texas Department of Public Safety - Victim Services Counselor (254) 759-7225 Williamson County Crisis Center - (800) 460-SAFE

Websites that have support information for victims and those who support the victims:

<http://www.rainn.org/>

<http://www.safeplace.org/> <http://www.ithappenedtoalexa.org>

### **Reporting Options**

When a student is sexually assaulted, he/she has reporting options. Victims of sexual misconduct are encouraged, but not required, to file a report. If a student elects to file a report, the student has reporting options available:

1. the filing of a Confidential Crime Report;
2. the filing of an Incident Report with a school security committee member;
3. the filing of a Criminal Report with the local Police Department.

**Confidential Crime Report:** A student may fill out or seek assistance in completing a Confidential Crime Report. A Confidential Crime Report does not contain the name of the victim or the offender. A Confidential Crime Report will be kept in the file of the Dean of Students and recorded with the school security committee for purposes of the Jeanne Clery reporting disclosure requirements. Confidential Crime Reports allow THSU to track reported incidents of sexual assault. Completing the Confidential Crime Report does NOT constitute an incident report, a police report, or a student conduct report, and THSU will NOT initiate investigatory or student conduct proceedings. The victim will NOT be contacted by THSU unless the victim indicates a desire to be contacted.

**Incident Report:** Sexual assault is a crime and is a violation of the rules and regulations of THSU. As such, a student may always file a standard, formal Incident Report with the School Security Force. An Incident Report will include the name of the student filing the report and the name of the alleged offender, if known. Upon the filing of an Incident Report, the School security committee will conduct an investigation which will include notifying the local Police Department. Upon a finding of responsibility, the School will take disciplinary action against the offender. The offender may also be prosecuted under Texas criminal statutes, and the victim may also sue the offender in a civil action. The results of these various actions are independent of each other. After the filing of an Incident Report, the student filing the report has the option to take no further action with respect to the investigation. In that instance, the student will be advised that the School may still take action regarding the alleged offender as the School has the responsibility to protect its students.

**Criminal Report:** Sexual assault and rape are against the law in the State of Texas and may be prosecuted under Texas criminal and/or civil statutes. In that respect, and in addition to the reporting options listed above, students who have been sexually assaulted are encouraged to

contact the local Police Department directly by calling 911. Filing a Criminal Report with the local Police Department is different than filing an Incident Report with the School Security Force. If a student files a Criminal Report with the local Police Department, the police will determine if a criminal investigation will occur and if the case will be referred for prosecution.

### **Confidentiality**

Students have the right to decide whether or not to report a rape, sexual assault, or other sexual misconduct. We recommend that students contact a School official as soon as possible. While THSU is required by law (e.g., the Jeanne Clery Act) to report incidents of sexual assault, confidentiality laws may prohibit us from disclosing a victim's name or any other personal or identifying information. This means that a student's identity will be protected unless the student agrees otherwise.

It is certainly understood that victims of sexual assault experience significant distress and may desire confidentiality. If a student desires confidential support following an incident, he or she is encouraged to seek out professional help through the local resources available and mentioned above. Students should be aware that School administrators must fulfill separate obligations as a matter of law. All personally identifiable information shall be kept confidential, but statistical information must be passed along to the School security committee regarding the type of incident and its general location (e.g., on campus or off campus) for inclusion in the annual crime statistic report, but no names will be used.

THSU will maintain the victim's confidentiality to the extent permitted by the law. However, THSU reserves the right to investigate and pursue resolution of an incident when it is deemed necessary to protect the interests of members of the campus community. In addition, School administrators must issue timely warnings for incidents reported to them that continue to pose a substantial threat of bodily harm or danger to members of the School community.

### **Disciplinary Process**

THSU will initiate disciplinary action when an investigator or decision-maker has established that an alleged act of sexual misconduct took place. In most circumstances where rape or sexual assault is alleged, both the victim and the accused will meet separately with the Dean of Students. When a determination of responsibility is made, the victim will be notified of the decision as well as sanctions assigned. In cases of rape and sexual assault, the typical sanction is dismissal or expulsion.

### **X Sex Offender Registration**

In compliance with the Campus Sex Crimes Prevention Act of 2000, members of the School community may search the following registries for information concerning registered sex offenders:

National Sex Offender Public Website at [www.nsopr.gov/](http://www.nsopr.gov/)

TXDPS Sex Offender Registry at <https://records.txdps.state.tx.us/DPSWEB/SorNew/index.aspx>

For further information about campus safety, please contact the Dean of Students at (512) 444-8082 or speak to a member of the school safety committee.



## Appendix A

### **AUSTIN CAMPUS CRIME STATISTICS**

Texas Health and Science University provides this report to members of the university community.

<b><u>Criminal Offenses – On Campus</u></b>	<b>2</b>	<b>2</b>	<b>2</b>
	<b>0</b>	<b>0</b>	<b>0</b>
	<b>1</b>	<b>1</b>	<b>2</b>
	<b>8</b>	<b>9</b>	<b>0</b>
a) Murder/Non-negligent manslaughter	0	0	0
b) Negligent manslaughter	0	0	0
c) Rape	0	0	0
d) Fondling	0	0	0
e) Incest	0	0	0
f) Statutory Rape	0	0	0
g) Robbery	0	0	1
h) Aggravated assault	0	0	0
i) Burglary	0	0	0
j) Motor vehicle theft (Does not include theft from a motor vehicle)	0	0	0
k) Arson	0	0	0
<b><u>Criminal Offenses – Public Property/Adjacent</u></b>	<b>2</b>	<b>2</b>	<b>2</b>
	<b>0</b>	<b>0</b>	<b>0</b>
	<b>1</b>	<b>1</b>	<b>2</b>
	<b>8</b>	<b>9</b>	<b>0</b>
a) Murder/Non-negligent manslaughter	0	0	0
b) Negligent manslaughter	0	0	0
c) Rape	0	0	0
d) Fondling	0	0	0
e) Incest	0	0	0
f) Statutory Rape	0	0	0
g) Robbery	0	0	0
h) Aggravated assault	0	0	0
i) Burglary	0	0	0
j) Motor vehicle theft (Does not include theft from a motor vehicle)	0	0	0
k) Arson	0	0	0
<b><u>Hate Crimes – On Campus</u></b>	<b>2</b>	<b>2</b>	<b>2</b>
	<b>0</b>	<b>0</b>	<b>0</b>
	<b>1</b>	<b>1</b>	<b>2</b>
	<b>8</b>	<b>9</b>	<b>0</b>
a) Occurrences Descriptions:	0	0	0
<b><u>Hate Crimes – Public Property/Adjacent</u></b>	<b>2</b>	<b>2</b>	<b>2</b>
	<b>0</b>	<b>0</b>	<b>0</b>

	1	1	2
	8	9	0
a) Occurrences	0	0	0
Descriptions:			
<b><u>Violence Against Women Offenses – On Campus</u></b>	2	2	2
	0	0	0
	1	1	2
	8	9	0
a) Domestic violence	0	0	0
b) Dating violence	0	0	0
c) Stalking	1	0	0
<b><u>Violence Against Women Offenses – Public Property/Adjacent</u></b>			
	2	2	2
	0	0	0
	1	1	2
	8	9	0
a) Domestic violence	0	0	0
b) Dating violence	0	0	1
c) Stalking	0	0	0
<b><u>Arrests – On Campus</u></b>	2	2	2
	0	0	0
	1	1	2
	8	9	0
a) Weapons: carrying possessions, etc.	0	0	0
b) Drug abuse violations	0	0	0
c) Liquor law violations	0	0	0
<b><u>Arrests – Public Property/Adjacent</u></b>	2	2	2
	0	0	0
	1	1	2
	8	9	0
a) Weapons: carrying possessions, etc.	0	0	0
b) Drug abuse violations	1	0	0
c) Liquor law violations	0	0	0
<b><u>Disciplinary Actions – On Campus</u></b>	2	2	2
	0	0	0
	1	1	2
	8	9	0

a) Weapons: carrying possessions, etc.	0	0	0
b) Drug abuse violations	0	0	0
c) Liquor law violations	0	0	0

**Disciplinary Actions – Public  
Property/Adjacent**

<b>2</b>	<b>2</b>	<b>2</b>
<b>0</b>	<b>0</b>	<b>0</b>
<b>1</b>	<b>1</b>	<b>2</b>
<b>8</b>	<b>9</b>	<b>0</b>

a) Weapons: carrying possessions, etc.	0	0	0
b) Drug abuse violations	0	0	0
c) Liquor law violations	0	0	0

**Unfounded Crimes**

<b>2</b>	<b>2</b>	<b>2</b>
<b>0</b>	<b>0</b>	<b>0</b>
<b>1</b>	<b>1</b>	<b>2</b>
<b>8</b>	<b>9</b>	<b>0</b>

a) Total	0	0	0
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**Fires – Summary**

<b>2</b>	<b>2</b>	<b>2</b>
<b>0</b>	<b>0</b>	<b>0</b>
<b>1</b>	<b>1</b>	<b>2</b>
<b>8</b>	<b>9</b>	<b>0</b>

a) Main Building	0	0	0
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## **SAN ANTONIO CAMPUS CRIME STATISTICS**

Texas Health and Science University provides this report to members of the university community.

**Criminal Offenses – On Campus**

<b>2</b>	<b>2</b>	<b>2</b>
<b>0</b>	<b>0</b>	<b>0</b>
<b>1</b>	<b>1</b>	<b>2</b>
<b>8</b>	<b>9</b>	<b>0</b>

a) Murder/Non-negligent manslaughter	0	0	0
b) Negligent manslaughter	0	0	0
c) Rape	0	0	0
d) Fondling	0	0	0
e) Incest	0	0	0
f) Statutory Rape	0	0	0
g) Robbery	0	0	0
h) Aggravated assault	0	0	0
i) Burglary	0	0	0

j) Motor vehicle theft (Does not include theft from a motor vehicle)	0	0	0
k) Arson	0	0	0

**Criminal Offenses – Public Property/Adjacent**

	<b>2</b>	<b>2</b>	<b>2</b>
	<b>0</b>	<b>0</b>	<b>0</b>
	<b>1</b>	<b>1</b>	<b>2</b>
	<b>8</b>	<b>9</b>	<b>0</b>

a) Murder/Non-negligent manslaughter	0	0	0
b) Negligent manslaughter	0	0	0
c) Rape	0	0	0
d) Fondling	0	0	0
e) Incest	0	0	0
f) Statutory Rape	0	0	0
g) Robbery	0	0	0
h) Aggravated assault	0	0	0
i) Burglary	0	0	0
j) Motor vehicle theft (Does not include theft from a motor vehicle)	0	0	0
k) Arson	0	0	0

**Hate Crimes – On Campus**

	<b>2</b>	<b>2</b>	<b>2</b>
	<b>0</b>	<b>0</b>	<b>0</b>
	<b>1</b>	<b>1</b>	<b>2</b>
	<b>8</b>	<b>9</b>	<b>0</b>

a) OccurrencesDescriptions:	0	0	0
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**Hate Crimes – Public Property/Adjacent**

	<b>2</b>	<b>2</b>	<b>2</b>
	<b>0</b>	<b>0</b>	<b>0</b>
	<b>1</b>	<b>1</b>	<b>2</b>
	<b>8</b>	<b>9</b>	<b>0</b>

a) Occurrences Descriptions:	0	0	0
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**Violence Against Women Offenses – On Campus**

	<b>2</b>	<b>2</b>	<b>2</b>
	<b>0</b>	<b>0</b>	<b>0</b>
	<b>1</b>	<b>1</b>	<b>2</b>
	<b>8</b>	<b>9</b>	<b>0</b>

a) Domestic violence	0	0	0
b) Dating violence	0	0	0
c) Stalking	0	0	0

**Violence Against Women Offenses – Public Property/Adjacent**

	2	2	2
	0	0	0
	1	1	2
	8	9	0
a) Domestic violence	0	0	0
b) Dating violence	0	0	0
c) Stalking	0	0	0
<b><u>Arrests – On Campus</u></b>	2	2	2
	0	0	0
	1	1	2
	8	9	0
a) Weapons: carrying possessions, etc.	0	0	0
b) Drug abuse violations	0	0	0
c) Liquor law violations	0	0	0
<b><u>Arrests – Public Property/Adjacent</u></b>	2	2	2
	0	0	0
	1	1	2
	8	9	0
a) Weapons: carrying possessions, etc.	0	0	0
b) Drug abuse violations	0	0	0
c) Liquor law violations	0	0	0
<b><u>Disciplinary Actions – On Campus</u></b>	2	2	2
	0	0	0
	1	1	2
	8	9	0
a) Weapons: carrying possessions, etc.	0	0	0
b) Drug abuse violations	0	0	0
c) Liquor law violations	0	0	0
<b><u>Disciplinary Actions – Public Property/Adjacent</u></b>	2	2	2
	0	0	0
	1	1	2
	8	9	0
a) Weapons: carrying possessions, etc.	0	0	0
b) Drug abuse violations	1	0	0
c) Liquor law violations	0	0	0
<b><u>Unfounded Crimes</u></b>	2	2	2
	0	0	0
	1	1	2
	8	9	0

a) Total	0	0	0
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<b><u>Fires – Summary</u></b>	<b>2</b>	<b>2</b>	<b>2</b>
	<b>0</b>	<b>0</b>	<b>0</b>
	<b>1</b>	<b>1</b>	<b>2</b>
	<b>8</b>	<b>9</b>	<b>0</b>

a) Administrative Offices and Clinic	0	0	0
b) Classrooms	0	0	0

**Report Submitted by:**  
**Martha Calliham, Director of Assessment**

## Appendix B

### CONFIDENTIAL CRIME REPORT

Describe the nature of the crime: \_\_\_\_\_

Where the crime occurred: \_\_\_\_\_

Provide the date and times associated with this crime: \_\_\_\_\_

Please provide the suspect's name, if known: \_\_\_\_\_

If unknown, please provide a detailed description: \_\_\_\_\_

Would you like us to contact you? \_\_\_\_\_

If so, please provide your necessary contact information: \_\_\_\_\_

ACTIONS TAKEN: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Appendix C

### Incident Report Form

Describe the nature of the incident: \_\_\_\_\_

Describe where the incident occurred: \_\_\_\_\_

Provide the date and times associated with this incident: \_\_\_\_\_

Please provide any names of individuals that were involved: \_\_\_\_\_

If the names are unknown, please provide a detailed description: \_\_\_\_\_

Describe any actions you believe that the school needs to take: \_\_\_\_\_

Would you like the school to report this matter to other authorities or assist you in seeking further assistance? \_\_\_\_\_

Would you like us to contact you? If so, please provide your necessary contact information:

\_\_\_\_\_

Report Delivered to THSU Safety Committee Member on \_\_\_\_\_ (date) at  
(time)

ACTIONS TAKEN: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_