



STUDENT GRIEVANCES AND APPEALS

Prairie View A&M University is committed to providing an educational and work climate that is conducive to the personal and professional development of each individual. To further that commitment, the University has developed procedures for students to pursue grievances.

TYPES OF GRIEVANCES

Prairie View A&M University has several procedures for undergraduate and graduate students to pursue a grievance for any of the following problems, issues or concerns:

Title IX and Title VI Discrimination Grievance and Appeal Procedures

Disability Accommodations Discrimination and Appeals

ASSISTANCE WITH STUDENT GRIEVANCES

To ensure that students understand how to appropriately pursue a grievance at Prairie View A&M, students are encouraged to seek clarification and advice regarding procedures before initiating a grievance. Although a student may seek such advice from any faculty or staff member, the Office of Student Affairs, Evans Hall, (936) 261-3550 has staff trained to help students through the process. Students are encouraged to seek assistance from this office in pursuing any type of grievance.

The decision as to which procedure to utilize for a grievance filed by a student, shall be made solely by the University and shall be based on the fact pattern of each particular case. Each grievance shall be directed to a specific procedure and shall be accorded only one opportunity to be adjudicated unless the appeal body remands for further review.

TITLE IX AND TITLE VI DISCRIMINATION GRIEVANCE AND APPEAL PROCEDURES

TITLE IX: Prohibition Against Sex Discrimination

Prairie View A&M University prohibits all forms of discriminatory exclusion to include discrimination on the basis of sex under Title IX of the Education Amendments of 1972, which protects males and females from discrimination based on sex in education programs or activities, and states that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.”

TITLE VI: Prohibition Against Discrimination

Prairie View A&M University prohibits all forms of discriminatory exclusion to include discrimination on the basis of race, color or national origin in any program or activity receiving federal financial assistance prohibited under Title VI of the Civil Rights Act of 1964. Prairie View A&M University prohibits retaliation against anyone who files a complaint or participates in an investigation concerning discrimination.

Informal Grievance Procedures

Students who believe they have been subjected to discrimination under the prohibitions of either Title IX or Title VI may use one of the following informal grievance procedures to resolve their grievance:

- A. The student may seek a resolution of the matter through discussions with the alleged offender or person responsible for the inappropriate behavior/actions (hereafter referred to as Respondent). Before following this procedure; however, students may choose to seek advice about how best to approach this individual. Students are encouraged to seek assistance from the Title IX Coordinator.
- B. If no resolution is forthcoming or if direct confrontation is deemed inappropriate by both parties, the student may report the incident or incidents to the Respondent's immediate or general supervisor. The supervisor should attempt to resolve the grievance and will maintain the student's confidentiality to the extent provided by law.
- C. The student may report the incident or incidents to the Associate Vice President for Student Affairs, the Office of Student Conduct, Administrator of Health and Counseling Center, any Residence Hall Supervisor or someone in a position of authority that they feel comfortable confiding in to reach an informal resolution of the matter.

- D. These individuals may then contact the Respondent's immediate or general supervisor, who should attempt to resolve the complaint and will maintain the student's confidentiality to the extent provided by under these informal procedures. The student may, at any time, elect to stop further administrative action by withdrawing the complaint.

Formal Grievance Procedures

Students who believe they have been subjected to discrimination under the prohibitions of Title IX or Title VI and who elect not to utilize the informal grievance procedures may use the following formal procedures to resolve their grievance. Students electing to file a formal grievance must complete the formal standardized Complaint Form through the Office of The Equal Opportunity/Title IX Coordinator and submit a completed copy to the Title IX Coordinator for the University. The grievance should be submitted within 90 business days of the incident or incidents.

The Title IX Coordinator will conduct an impartial investigation and attempt to resolve the grievance, as appropriate, using the following steps:

- A. Review the grievance report from the student
- B. Interview witnesses
- C. Obtain additional information from the student, as needed
- D. Obtain a response and any additional information deemed necessary from the Respondent
- E. Document and assess the finding of facts, including those agreed upon and those disputed
- F. Attempt a resolution of the grievance between the student and the Respondent as deemed appropriate
- G. Make a determination as to whether the student was subjected to discrimination

The investigation should be completed and a written report of the investigation, findings and determination should be submitted within 31 business days of receiving the formal complaint. If the Title IX Coordinator is unable to complete the investigation and report within this timeframe, he/she shall notify the student in writing and provide an estimated completion date. If the investigation will take longer than 31 business days, the Title IX Coordinator will periodically inform the student of the status of the investigation. The complaining student, the Respondent, and, as appropriate, the Respondent's Department Head, Dean and Vice President will be notified in writing of the outcome of the complaint.

The Title IX Coordinator will make recommendations to the Vice President for Student Affairs and Institutional Relations, who will implement the recommendations.

Appeals

The student may appeal in writing the determination made by the investigator to the Vice President for Student Affairs and Institutional Relations by filing a written appeal within five (5) business days of receipt of the decision of the Investigator.

The Vice President for Student Affairs and Institutional Relations, with advice from the Office of General Counsel, will conduct a review of the student's appeal within fifteen (15) business days of receipt. The review will determine if the appeal:

- A. Alleges "new" facts, which if true, would demonstrate a violation of an anti-discrimination statute or regulation;
- B. Contains "new" allegations that appear to be substantially credible;

If the Vice President for Student Affairs and Institutional Relations finds that the appeal does not meet all of the above criteria, he/she will terminate the appeal and notify the student.

If the Vice President for Student Affairs and Institutional Relations finds that the complaint meets all of the above criteria, he/she will conduct a complete review of the new findings and make a determination. The Vice President for Student Affairs and Institutional Relations will conduct interviews and obtain information, as deemed appropriate and necessary and will draw a conclusion to uphold, modify or reverse the original determination by the Title IX Coordinator.

The Vice President for Student Affairs and Institutional Relations will issue his/her final report in response to the appeal. The report will summarize actions taken and the determination made. The determination of the Vice President is final.

ADA GRIEVANCE AND APPEAL PROCEDURES

Informal Grievance

Students who wish to raise a specific grievance regarding the University's compliance with the Americans with Disabilities Act (ADA) may request assistance from the Office of Diagnostic Testing and Disability Services to informally resolve the issue with faculty or staff.

Formal Grievance

Students electing to file a formal grievance must complete the Complaint Form in the Office of Diagnostic Testing and Disability Services. The grievance should be submitted within 30 business days of the incident.

The Director of Diagnostic Testing and Disability Services will conduct an impartial investigation and attempt to resolve the grievance, as appropriate, using the following steps:

- A. Review the grievance Complaint Form from the student
- B. Interview witnesses
- C. Obtain additional information from the student, as needed
- D. Obtain a response and any additional information deemed necessary from the Respondent
- E. Document and assess the finding of facts, including those agreed upon and those disputed
- F. Attempt a resolution of the grievance between the student and the Respondent as deemed necessary
- G. Make a determination based on the substantiated facts provided

A determination letter of the findings will be provided to the student, the Associate Provost for Academic Affairs and the Associate Vice President for Student Affairs. If the complaint is substantiated, the determination letter will outline how the student accommodations should be addressed. The student, the Respondent and, as appropriate, the Department Head, and appropriate Dean will be notified in writing of the outcome of the complaint.

The Director of Diagnostic Testing and Disability Services will complete the investigation and report within 30 days unless mitigating circumstances occur and it is approved by the Vice President for Student Affairs and Institutional Relations. If the grievance is against the Office of Diagnostic Testing and Disability Services, the Complaint Form should be submitted to the Associate Vice President for Student Affairs who will then determine the appropriate person for conducting the investigation.

Appeals

The student may appeal in writing the determination made by the Director of Diagnostic Testing and Disability Services to the Vice President for Student Affairs and Institutional Relations by filing a written appeal within five (5) business days of receipt of the determination letter.

The Vice President for Student Affairs and Institutional Relations, with advice from the Office of General Counsel, will conduct a review of the student's appeal within fifteen (15) business days of receipt. The review will determine if the appeal:

- A. Alleges “new” facts, which if true, would demonstrate a violation of an anti-discrimination statute or regulation;
- B. Contains “new” allegations that appear to be substantially credible;
- C. Addresses a violation, which if true, results in a personal wrong to the grievant; and
- D. Is not frivolous.

If the Vice President for Student Affairs and Institutional Relations finds that the appeal does not meet all of the aforementioned criteria, he/she will terminate the appeal and notify the student.

If the Vice President for Student Affairs and Institutional Relations finds that the complaint meets all of the aforementioned criteria, he/she will conduct a complete review of the “new” information and make a determination. The Vice President for Student Affairs and Institutional Relations will conduct interviews and obtain information, as deemed appropriate and necessary, and will draw a conclusion to uphold, modify or reverse the original determination by the Director of Diagnostic Testing and Disability Services.

The Vice President for Student Affairs and Institutional Relations will issue his/her final report in response to the appeal. The report will summarize actions taken and determination made. The determination of the Vice President is final.

DISABILITY ACCOMMODATIONS

The Office of Diagnostic Testing and Disability Services is responsible for achieving and maintaining program accessibility for all students who self-identify as having an officially documented disability (Rehabilitation Act, Section 504 and Americans with Disability Act (ADA)). Students are encouraged to become self-advocates; however, the office provides leadership in advocating for removal of attitudinal and physical barriers that may impede successful progression toward achievement of the student’s educational objectives.

Students requesting service through the Office of Diagnostic Testing and Disability Services must self-identify and meet eligibility requirements each semester. Services are based on medical recommendations, individual assessments and generally involve academic accommodations that will support the student’s success.

ADA RESOURCES

The Office of Diagnostic Testing and Disability Services exists to create and sustain a supportive environment that includes policies and practices that assist persons with disabilities in achieving their full potential. The Office provides direct, individualized services to persons with disabilities based on their needs and the level of disability. Accommodations may include, but are not limited to, extended time for testing and or assignments, interpreter services, note taker assistance, use of tape recorders and other accommodations as needed. Assistive technology services include loaner wheelchairs, adapted computers, spelling and grammar checks, and colored overlays for dyslexic readers. Also, if requested, the Office makes referrals to additional campus support service providers and external agencies.

The Office offers individualized psycho-educational testing for students who suspect they may have a learning disability. For information about eligibility, academic accommodations, testing and additional services, visit Evans Hall, Room 317.

APPENDIX

Appendix A:

WHAT TO DO IF WE HAVE AN “ACTIVE SHOOTER” ON CAMPUS

Violent incidents, including but not limited to acts of terrorism, an active shooter, various assaults or other incidents of workplace violence can occur on University grounds or in close proximity with little or no warning. An “active shooter” is considered to be a suspect or assailant whose activity has caused serious injury or death and has not been contained.

The Prairie View A&M University Police Department has adopted nationally accepted law enforcement response procedures to contain and terminate such threats as quickly as possible. The following information regarding law enforcement response will enable you to take appropriate actions to protect yourself.

How you respond to an active shooter will be dictated by specific circumstances during the encounter. Always keep in mind that there could be more than one shooter involved in the same situation. The most important points to remember if you find yourself involved in or in close proximity to an active shooter situation are remain calm and use the following guidelines to plan a strategy for survival:

1. IF AN ACTIVE SHOOTER IS IN THE SAME BUILDING YOU ARE IN

- a. Secure the immediate area. Whether in a classroom, residential area, office or restroom.
- b. Lock or barricade the door, if possible. Block the door using whatever is available—desks, tables, file cabinets, or other furniture, books, etc.
- c. After securing the door, stay behind solid objects away from the door as much as possible.
- d. If the shooter enters your room and leaves, lock or barricade the door behind them.
- e. If safe to do so, allow others to seek refuge with you.

Protective Actions: Take steps to reduce your vulnerability in a safe area

- 1. Close blinds
- 2. Block windows
- 3. Turn off radios and computer monitors
- 4. Silence cell phones
- 5. Place help signs in interior windows, but remember the assailant can see the signs as well.
- 6. Place help signs in the exterior windows to identify your location and to notify the emergency personnel of injured persons.
- 7. Keep all room occupants calm and quiet.
- 8. After securing the room, people should be positioned out of sight or hidden from plain view behind items that might offer additional protection such as walls, desks, file cabinets, bookshelves, etc.

Unsecured Area: If you find yourself in an open area, immediately seek protection:

- 1. Put something between you and the assailant.
- 2. Consider trying to escape, if you know where the assailant is and there appears to be an escape route immediately available to you.
- 3. If in doubt, find the safest area available and secure it the best way that you can.

2. IF THE SHOOTER IS OUTSIDE YOUR BUILDING

Seek refuge:

- a. Proceed to a room that can be locked or secured by some other means such as a door wedge or with barricade materials.
- b. Lock all doors and windows and turn off the lights.
- c. Get everyone down on the floor, to ensure that no one is visible outside the room.
- d. Make a call to the Campus Police by dialing 4911 if using the campus phone system, or (936) 261-1375 or 911 if using a cellular phone.
- e. You may hear multiple rings, so stay on the line until your call is answered.
- f. Be prepared to provide the dispatch operator with as much information as possible such as:
 1. What is happening
 2. Where you are located, include building name and room number
 3. Number of people at your specific location
 4. Specific location and direction of the assailant, if possible
 5. Number of assailants
 6. Gender, race and approximate age of the assailant
 7. Type of clothing - e.g. color and style
 8. Physical features - e.g. height, weight, facial hairs, color of hair and hair style
 9. Type of weapon - e.g. handgun, rifle, shotgun, explosives
 10. Describe any backpack or bag that the assailant is carrying
 11. What exactly did you hear? - e.g. explosion, gunshots, etc.

Remain in place until the police or a University administrator that you know or recognize gives the “all clear.” Please remember that an unfamiliar voice may be the shooter attempting to lure victims from their safe space; therefore, do not respond to any voice commands until you can verify with certainty that the voices or those of the police or emergency personnel.

3. IF THE SHOOTER ENTERS YOUR OFFICE OR CLASSROOM

Remain calm:

- a. Call 4911 or 936-261-1375 or 911 if using a cellular phone to alert the police of the shooter's location.
- b. If you can't speak, leave the phone's receiver positioned in such a way so the dispatcher can hear what is taking place.
- c. If there is absolutely no opportunity of escape or hiding from the shooter, try to negotiate with the shooter.
- d. ANY ATTEMPT TO OVERPOWER THE SHOOTER WITH FORCE SHOULD BE CONSIDERED AS A VERY LAST RESORT AND ONLY AFTER ALL OTHER OPTIONS HAVE BEEN EXHAUSTED.
- e. Do not touch anything that was in the area of the shooter for fear of possible explosives being left behind or the possibility of destroying crucial evidence.

If you decide to flee:

- a. Make sure you have a plan and escape route in mind
- b. Do not carry anything in your hands while fleeing
- c. Move quickly and keep your hand visible
- d. Follow instructions given by any police officer you may encounter
- e. Do not try to move any injured person(s)
- f. When out of danger, notify the authorities of the location of any injured person(s) as soon as possible.
- g. Do not attempt to drive or leave campus until told by police that it is safe to do so.

4. WHAT TO EXPECT FROM RESPONDING POLICE OFFICERS

Prairie View A&M Department of Public Safety will immediately respond to the area of the reported shooting, assisted by other local law enforcement agencies.

Remember, help is on the way. It is important that you:

- a. Remain inside the secure area
- b. Law enforcement will locate, contain and stop the assailant as quickly as possible
- c. The assailant may not flee when law enforcement enters the building but instead may target arriving police personnel
- e. The police will form a “contact team” of four (4) officers, possibly from different agencies and dressed in different uniforms
- f. They may even be dressed in civilian clothes wearing an external bulletproof vest
- g. The officers may be armed with rifles, shotguns or handguns
- h. The officers might be using pepper spray or tear gas to control the situation
- i. Regardless of how law enforcement personnel appear, remain calm and follow the directions given by the officers
- j. Put down any bags or packages
- k. If you know where the shooter is located, tell the officers
- l. The first officers to arrive will not stop to render aid to injured victims until the threat has been neutralized and the area is secure
- m. Rescue teams composed of other officers and emergency medical personnel will follow the first team to treat and remove injured persons, once the area has been secured of all hostile threats
- n. Responding law enforcement will establish safe corridors for persons to evacuate, please remember:
 1. This may be time consuming
 2. Remain in a secure area until instructed otherwise
 3. You may be instructed to keep your hands on your head
 4. You may be subjected to a search
 5. You may be escorted out of the building by law enforcement personnel; please follow their directions
- o. Please be mindful that once you have escaped to a safer location the entire area is considered to be a crime scene
- p. Police will not let anyone leave the scene until the situation is under control and all witnesses have been identified
- q. After evacuation, you may be taken to a staging or holding area for medical care, interviewing, counseling, etc.
- r. Once you have been evacuated you will not be permitted to retrieve items or access the area until law enforcement has released the crime scene.

Appendix B:

UNIVERSITY HISTORY Prairie View A&M University, the second-oldest public institution of higher education in Texas, originated in the Texas Constitution of 1876. On August 14, 1876, the Texas Legislature established the “Agricultural and Mechanical College of Texas for Colored Youths” and placed responsibility for its management with the Board of Directors of the Agricultural and Mechanical College at Bryan. The A&M College of Texas for Colored Youths opened at Prairie View, Texas on March 11, 1878.

The University's original curriculum was designated by the Texas Legislature in

1879 to be that of a “Normal School” for the preparation and training of teachers. This curriculum was expanded to include the arts and sciences, home economics, agriculture, mechanical arts and nursing after the University was established as a branch of the Agricultural Experiment Station (Hatch Act, 1887) and as a Land Grant College (Morrill Act, 1890). Thus began the tradition of agricultural research and community service, which continues today.

The four-year senior college program began in 1919, and in 1937, a division of graduate studies was added, offering master’s degrees in agricultural economics, rural education, agricultural education, school administration and supervision, and rural sociology.

In 1945, the name of the institution was changed from Prairie View Normal and Industrial College to Prairie View University, and the school was authorized to offer, “as need arises,” all courses offered at the University of Texas. In 1947, the Texas Legislature changed the name to Prairie View A&M College of Texas and provided that “courses be offered in agriculture, the mechanics arts, engineering, and the natural sciences connected therewith, together with any other courses authorized at Prairie View at the time of passage of this act, all of which shall be equivalent to those offered at the Agricultural and Mechanical College of Texas at Bryan.” On August 27, 1973, the name of the institution was changed to Prairie View A&M University, and its status as an independent unit of the Texas A&M University System was confirmed.

In 1981, the Texas Legislature acknowledged the University’s rich tradition of service and identified various statewide needs which the University should address including the assistance of students of diverse ethnic and socioeconomic backgrounds to realize their full potential, and assistance of small and medium-size communities and businesses in their growth and development.

In 1983, the Texas Legislature proposed a constitutional amendment to restructure the Permanent University Fund to include Prairie View A&M University as a beneficiary of its proceeds. The Permanent University Fund is a perpetual endowment fund originally established in the Constitution of 1876 for the sole benefit of Texas A&M University and the University of Texas. The 1983 amendment also dedicated the University to enhancement as an “institution of the first class” under the governing board of the Texas A&M University System. The constitutional amendment was approved by the voters on November 6, 1984.

In January 1985, the Board of Regents of the Texas A&M University System responded to the 1984 Constitutional Amendment by stating its intention that Prairie View A&M University become “an institution nationally recognized in its areas of education and research.” The Board also resolved that the University receive its share of the Available University Fund, as previously agreed to by Texas A&M University and the University of Texas.

In October 2000, the Governor of Texas signed the Priority Plan, an agreement with the U.S. Department of Education Office of Civil Rights to make Prairie View A&M University an educational asset accessible by all Texans. The Priority Plan mandates creation of many new educational programs and facilities. It also requires removing language from the Institutional Mission Statement, which might give the impression of excluding any Texan from attending Prairie View A&M University.

The University’s enrollment now exceeds 8,000, including more than 2,000 graduate students. Students come from throughout the United States as well as many foreign countries. In the last five years, 5,970 degrees were awarded, including more than 2,400 graduate degrees. During the University’s 132-year history, some 51,500 academic degrees have been awarded.

Appendix C:

HAZING

The Texas Education Code, Title 2. Public Education, Subtitle G. Safe Schools, Chapter 37. Discipline; Law and Order, Subchapter F. Hazing

c. 37.151. Definitions

In this subchapter:

- (1) “Educational institution” includes a public or private high school.
- (2) “Pledge” means any person who has been accepted by, is considering an offer of membership from, or is in the process of qualifying for membership in an organization.
- (3) “Pledging” means any action or activity related to becoming a member of an organization.
- (4) “Student” means any person who:
 - (A) is registered in or in attendance at an educational institution;
 - (B) has been accepted for admission at the educational institution where the hazing incident occurs; or
 - (C) intends to attend an educational institution during any of its regular sessions after a period of scheduled vacation.
- (5) “Organization” means a fraternity, sorority, association, corporation, order, society, corps, club, or service, social, or similar group, whose members are primarily students.
- (6) “Hazing” means any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization. The term includes:
 - (A) any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;
 - (B) any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
 - (C) any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
 - (D) any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described in this subdivision; and
 - (E) any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.152. Personal Hazing Offense

- (a) A person commits an offense if the person:
 - (1) engages in hazing;
 - (2) solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing;

- (3) recklessly permits hazing to occur; or
 - (4) has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or has firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge in writing to the dean of students or other appropriate official of the institution.
- (b) The offense of failing to report is a Class B misdemeanor.
 - (c) Any other offense under this section that does not cause serious bodily injury to another is a Class B misdemeanor.
 - (d) Any other offense under this section that causes serious bodily injury to another is a Class A misdemeanor.
 - (e) Any other offense under this section that causes the death of another is a state jail felony.
 - (f) Except if an offense causes the death of a student, in sentencing a person convicted of an offense under this section, the court may require the person to perform community service, subject to the same conditions imposed on a person placed on community supervision under Section 11, Article 42.12, Code of Criminal Procedure, for an appropriate period of time in lieu of confinement in county jail or in lieu of a part of the time the person is sentenced to confinement in county jail.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.153. Organization Hazing Offense

- (a) An organization commits an offense if the organization condones or encourages hazing or if an officer or any combination of members, pledges, or alumni of the organization commits or assists in the commission of hazing.
- (b) An offense under this section is a misdemeanor punishable by:
 - (1) a fine of not less than \$5,000 nor more than \$10,000; or
 - (2) if the court finds that the offense caused personal injury, property damage, or other loss, a fine of not less than \$5,000 nor more than double the amount lost or expenses incurred because of the injury, damage, or loss.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.154. Consent Not a Defense

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

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.155. Immunity from Prosecution Available

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

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.156. Offenses in Addition to Other Penal Provisions

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

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.157. Reporting by Medical Authorities

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

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

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

The Texas Education Code, Title 3. Higher Education, Subtitle A. Higher Education in General, Chapter 51. Provisions Generally Applicable to Higher Education

Sec. 51.936. Hazing

- (a) Subchapter F, Chapter 37, applies to a postsecondary educational institution under this section in the same manner as that subchapter applies to a public or private high school.
- (b) For purposes of this section, "postsecondary educational institution" means:
 - (1) an institution of higher education as defined by Section 61.003;
 - (2) a private or independent institution of higher education as defined by Section 61.003; or
 - (3) a private postsecondary educational institution as defined by Section 61.302.
- (c) Each postsecondary educational institution shall distribute to each student during the first three weeks of each semester:
 - (1) a summary of the provisions of Subchapter F, Chapter 37; and
 - (2) a list of organizations that have been disciplined for hazing or convicted for hazing on or off the campus of the institution during the preceding three years.
- (d) If the institution publishes a general catalogue, student handbook, or similar publication, it shall publish a summary of the provisions of Subchapter F, Chapter 37, in each edition of the publication.
- (e) Section 1.001(a) does not limit the application of this section to postsecondary educational institutions supported in whole or in part by state tax funds.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 18, eff. May 30, 1995.

Amended by: Acts 2005, 79th Leg., Ch. 594, Sec. 1, eff. September 1, 2005.

Sec. 51.9361. Risk Management Programs for Members and Advisers of Student Organizations

- (a) In this section:
 - (1) "Adviser" means a person who:
 - (A) serves in an advisory capacity to a student organization to provide guidance to the organization and its members;
 - (B) is older than 21 years of age; and
 - (C) is not a student of the postsecondary educational institution at which the student organization is registered.
 - (2) "Postsecondary educational institution" means:
 - (A) an institution of higher education as defined by Section 61.003, except that the term does not include a medical and dental unit or other agency of higher education as those terms are defined by that section; and
 - (B) a private or independent institution of higher education as defined by Section 61.003, except that the term does not include:
 - (i) a health-related institution; or
 - (ii) an institution that offers only upper-division, graduate-level, or professional courses.

- (b) This section applies only to a student organization that is registered at a postsecondary educational institution and that is composed mostly of students enrolled at the institution. Notwithstanding Section 1.001(a), this section applies to each postsecondary educational institution at which is registered one or more student organizations.
- (c) At least once during each academic year, a postsecondary educational institution shall provide a risk management program for members of student organizations registered at the institution. Any member of a student organization who is not otherwise required to attend may attend the program.
- (d) Unless a postsecondary educational institution requires each student organization registered at the institution to have representatives of the organization attend a program under this section, the institution shall adopt a policy that specifies one or more of those student organizations or types of student organizations that are required to have representatives attend. The selection of student organizations or types of student organizations under the policy must be based on the institution's determination that those organizations or types of organizations could particularly benefit from risk management guidance. Each advisor who has not previously attended a program under this section and each person serving in a designated officer position of a student organization that is required to have representatives attend a program under this section shall attend the program. An institution may allow an advisor, other than a faculty or staff member of the institution, to satisfy the attendance requirements prescribed by this subsection through completion of an appropriate computer-based risk assessment program.
- (e) For purposes of Subsection (d), the institution may designate not more than four officer positions of a student organization, such as the president, membership chair, risk management chair, social chair, or pledge class or new member chair. If a student organization does not have an officer position described by this subsection or if an officer position described by Subsection (d) is vacant, the institution shall, to the extent practicable, identify and designate an equivalent officer position, and the person serving in that officer position shall attend the program.
- (f) Each advisor or officer required by Subsection (d) to attend a program shall report on the program's contents at a meeting of the full membership of the student organization the advisor or officer represented at the program.
- (g) A program under this section may address any issue determined appropriate by the postsecondary educational institution and must address:
 - (1) possession and use of alcoholic beverages and illegal drugs, including penalties that may be imposed for possession or use;
 - (2) hazing;
 - (3) sexual abuse and harassment;
 - (4) fire and other safety issues, including the possession and use of a firearm or other weapon or of an explosive device;
 - (5) travel to a destination outside the area in which the institution is located;
 - (6) behavior at parties and other events held by a student organization; and
 - (7) adoption by a student organization of a risk management policy.
- (h) A postsecondary educational institution shall provide notice of a program under this section to student organizations in the manner determined by the institution.
- (i) A postsecondary educational institution shall take attendance at a program provided under this section in the manner determined appropriate by the institution and may, as provided by a policy adopted by the institution, impose reasonable sanctions on a person who is required to attend the program and fails to attend. The institution shall, until at least the third anniversary of the date of the program, maintain in an appropriate location at the institution a record of that attendance and of notice provided under Subsection (h).

Added by Acts 2007, 80th Leg., R.S., Ch. 731, Sec. 1, eff. September 1, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. 807, Sec. 1, eff. September 1, 2007.

Appendix D: CIVILITY IN THE CLASSROOM

STUDENT COMMITMENT:

To refrain from exhibiting disruptive, inappropriate, unhealthy behavior in the classroom.

Students WILL:

- Report to class 5 minutes before class begins
- Turn off cell phone
- Engage in constructive dialogue
- Follow the course syllabus
- Respond positively to immediate notification that your behavior is unacceptable
- Take corrective action to change unacceptable behavior
- Complete assignments
- Be honest and thoughtful
- Maintain a positive attitude
- Act, think and dress like they are bound for success

Students WILL NOT:

- Report to class late
- Hold a conversation with a classmate while class is in session
- Disrespect or initiate arguments with faculty and fellow classmates
- Speak out inappropriately
- Use profanity
- Threaten anyone
- Talk on the cell phone while class is in session
- Play electronic or other games in class
- Wear or listen to headphones
- Sleep in class
- Eat, smoke, chew gum, drink
- Have poor hygiene
- Carry weapons (guns, knives, explosives)

FACULTY COMMITMENT:

To ensure that students learn in an environment that is free from disruptive, inappropriate, unhealthy behavior.

Faculty WILL:

- Provide a syllabus to each student
- Respect each student
- Encourage healthy dialogue
- Maintain control of the classroom
- Speak privately to students about inappropriate behavior
- Recognize the rights of students
- Inform students of planned absences
- Create an environment whereby students will be motivated to learn

If the Student Disrupts the Class

- Talk to the student about his/her behavior in private
- Ask the student how he/she plans to correct the behavior
- Observe the student after addressing his/her behavior
- Compliment the student in private about any improvements
- Be consistent
- Be proactive
- Ask for assistance as needed
- Refrain from taking an aggressive stand that may cause the problem to escalate

First Offense: Talk to the student and let him/her know that any further disruption will require a referral to the Office of Student Conduct.

Second Offense: Refer the student to the Office of Student Conduct. The student must present a statement from the Office of Student Conduct stating that the student has committed to correcting the behavior.

Third Offense: Removal from the class. A statement from a professional such as a psychiatrist or medical doctor, submitted through the Office of Student Conduct, is required for re-entry into the class.

THE COURSE SYLLABUS outlines the goals, objectives, grading procedures and rules of engagement for the course.

Instructional Methods should be varied and engage students in the learning process. (examples: lecture, debates, role playing, dialogue, case studies.)

Statement on Syllabi is a class designed to provide you with an enriching experience in this subject matter. You may not disrupt the learning process in the classroom by exhibiting inappropriate behavior. Failure to adhere to expectations may result in removal from class and other sanctions as outlined in the Code of Student Conduct.

Office of Student Conduct

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