

Manual of Policies and Procedures for Student Affairs

Chapter 1. General Policies

Subchapter 1-100. General Provisions

Sec. 1-101. Purpose and Application

a. The University of Texas at Tyler Student Affairs Manual of Policy and Procedures constitutes the institutional rules on student services and student life. It may be consulted on the student affairs web page at [UT Tyler Student Affairs Manual of Policy & Procedures, Table of Contents](#).

b. The *Regents' Rules* of the University of Texas System have full force and effect as concerns The University of Texas at Tyler. Certain aspects of student services and student life are treated only in the *Regents' Rules* and certain portions of the Student Affairs Manual of Policy and Procedures have since their enactment been superseded or amended by the *Regents' Rules*.

c. The *Regents' Rules* may be consulted on the University of Texas System web page at [The University of Texas System - Board of Regents' Rules and Regulations](#).

Sec. 1-201. Definitions

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

1. "chief student affairs officer " means the chief student affairs officer or their designee;
2. "university" means The University of Texas at Tyler;
3. "student" means a person currently enrolled in residence at the university, or who is accepted for admission or readmission to the university, or who has been enrolled in the semester or summer session that immediately follows, or who is attending an educational program sponsored by the university while the person is on campus.
4. "faculty or staff" means a current employee of The University of Texas at Tyler.

Sec. 1-301. Maintenance and Amendment

a. The official version of The University of Texas at Tyler Student Affairs Manual of Policy and Procedures is maintained in the Office of Student Affairs.

b. Amendments to this document can be drafted by any Student Affairs staff member. Each amendment is to be presented at a staff meeting for discussion. The Chief Student Affairs Officer will approve all policy and procedure revisions, update the official version of the Manual, notify staff members of revision, and update the website version of the Manual.

Sec. 1-401. Student Records - Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, and the Texas Public Information Act, Texas Government Code 552.001 et seq., are respectively a federal and state law that provide for the review and disclosure of student educational records. In accordance with these laws, the University has adopted the following policy. Individuals are informed of their rights under these law through this policy which is included in the University Handbook of Operating Procedures (HOP) and Catalog. The Catalog is available in the Registrar's Office and the Office of Admissions and the HOP is available in the University Library and administrative offices.

The University will not permit access to or the release of personally identifiable information contained in student education records without the written consent of the student to any party, except as follows:

1. to appropriate university officials who require access to educational records in order to perform their legitimate educational duties;
2. to officials of other schools in which the student seeks or intends to enroll, upon request of these officials, and upon the condition that the student be notified and receive a copy of the record if desired;
3. to federal, state, or local officials or agencies authorized by law;
4. in connection with a student's application for, or receipt of, financial aid;
5. to accrediting organizations or organizations conducting educational studies, provided that these organizations do not release personally identifiable data and destroy such data when it is no longer needed for the purpose it was obtained;
6. to the parents of a dependent student as defined in section 152 of the Internal Revenue Code of 1954, provided a reasonable effort is made to notify the student in advance;
7. in compliance with a judicial order or subpoena, provided a reasonable effort is made to notify the student in advance unless such subpoena specifically directs the institution not to disclose the existence of a subpoena;
8. in an emergency situation if the information is necessary to protect the health or safety of
9. the students of other persons; or
10. to an alleged victim of any crime of violence, the results of the alleged perpetrator's disciplinary proceeding may be released.

The University will release information in student education records to appropriate University officials as indicated in (1) above when such records are needed by administrators, faculty, or staff in furtherance of the educational or business purposes of the student or University.

A record of requests for disclosure and such disclosure of personally identifiable information from student education records shall be maintained the Registrar's Office for each student and will also be made available for inspection pursuant to this policy. If the institution discovers that a third party who has received student records from the institution has released or failed to destroy such records in violation of this policy, it will prohibit access to educational records for five (5) years. Respective records no longer subject to audit nor presently under request for access may be purged according to regular schedules.

Directory Information

At its discretion, the University may release Directory Information which shall include:

1. name, address, telephone number
2. major field of study at UT Tyler
3. dates of attendance
4. most recent previous educational institutional attended
5. classification
6. degrees, certificates and awards received
7. date of graduation
8. e-mail address
9. photographs
10. participation in officially recognized activities and sports
11. weight and height of members of athletic teams
12. enrollment status (e.g., undergraduate or graduate; full-time or part-time)

Students may have all Directory Information withheld by notifying the Registrar in writing during the first 12 days of class of a fall or spring semester or the first 4 class days of a summer semester. Requests for non-disclosure will be honored by the institution until the student notifies the Registrar in writing that Directory Information may be released.

Access to File

Upon written request, the University shall provide a student with access to his or her educational

records. The Vice President for Business Affairs has been designated by the institution to coordinate the inspection and review procedures for student education records, which include admissions files, academic files, and financial files. Students wishing to review their education records must make written requests to the Vice President for Business Affairs listing the item or items of interest. Education records covered by the Act will be made available within 45 days of the request.

Educational records do not include:

1. financial records of the student's parents or guardian;
2. confidential letters of recommendation which were placed in the educational records of a student prior to January 1, 1975;
3. records of instructional, administrative, and educational personnel which are kept in sole possession of the maker and are not accessible or revealed to any other individual except a temporary substitute for the maker;
4. records of law enforcement units;
5. employment records related exclusively to an individual's employment capacity;
6. medical and psychological records;
7. thesis or research paper; or
8. records that only contain information about an individual after the individual is no longer a student at the institution.

Challenge to Record

Students may challenge the accuracy of their educational records. Students who believe that their education records contain information that is inaccurate or misleading, or is otherwise in violation of their privacy may discuss their problems informally with the Registrar. If agreement is reached with respect to the student's request, the appropriate records will be amended. If not, the student will be notified within a reasonable period of time that the records will not be amended, and they will be informed by the Registrar of their right to a formal hearing.

Student requests for a formal hearing must be made in writing to the Registrar who, within a reasonable period of time after receiving such requests, will inform students of the date, place and the time of the hearing. Students may present evidence relevant to the issues raised and may be assisted or represented at the hearings by one or more persons of their choice, including attorneys, at the student's expense. The hearing officer that will adjudicate such challenges will be appointed by the Vice President for Academic Affairs.

Decisions of the hearing officer will be final, will be based solely on the evidence presented at the hearing, will consist of the written statements summarizing the evidence and stating the reasons for the decisions, and will be delivered to all parties concerned.

The education records will be corrected or amended in accordance with the decision of the hearing officer, if the decision is in favor of the student. If the decision is unsatisfactory to the student, the student may place with the education records statements commenting on the information in the records or statements setting forth any reasons for disagreeing with the decision of the hearing office, or both.

The statements will be placed in the education records, maintained as part of the student's records, and released whenever the records in question are disclosed.

Students who believe that the adjudications of their challenges were unfair or not in keeping with the provisions of the Act may appeal in writing to the President of the institution.

Copies

Students may have copies of their educational records and this policy. These copies will be made at the student's expense at rates authorized in the Texas Public Information Act, except for transcripts and other records which may be subject to specific fees pursuant to other legislative enactments. Official copies of academic records or transcripts will not be released for students who have a delinquent financial obligation or a valid "hold" at UT Tyler.

Complaints

Complaints regarding alleged failures to comply with the provisions of the FERPA may be submitted in writing to the Family Policy Compliance Office, U. S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202-4605.

Sec. 1-501. Approved Student Absences

Official University Events or Activities

University events and activities are a valued part of a student's complete academic and university experience. Examples of these activities may include presentations at research conferences, musical and theatre performances, debate team competitions, and intercollegiate athletics. Participation in these officially sanctioned university activities often requires a student to miss class. On those occasions when it is necessary for students to miss one or more regularly scheduled classes in order to participate in an official university event or activity, faculty sponsors and program directors will assist students to assure they have the opportunity to make up missed work. In doing so they are requested to observe the following procedures:

1. At least one month prior to the date(s)* on which students will be absent from class, the faculty sponsor or program director shall send a memorandum to the Chief Student Affairs Officer. This memorandum shall include information concerning the nature of the event or activity, the dates(s) on which students will be absent from class, and the names of the students involved. The Chief Student Affairs Officer approves the requested student absence by initialing the memorandum and returning it to the faculty sponsor or program director.
2. The faculty sponsor or program director provides copies of the memorandum to the students.
3. Each student delivers a copy of the memorandum to the instructors, in person, at least two weeks* prior to the date of the planned absence. At that time the instructor will set a date and time with the student when the make-up assignment will be completed. Make-up assignments will be mutually arranged and will be without penalty to the student, however, availability of the instructor will be given priority in setting the arrangements.
4. It is expected that students will not abuse the privilege of being absent from class for authorized university events or activities.

*Events scheduled within the first month of an academic term may require a shortened lead time than permitted by this schedule.

Sec. 1-601. Copyrighted Material

It is the policy of The University of Texas System and UT Tyler to follow the requirements of the *United States Copyright Law of 1976*, as amended, (Title 17, United States Code, hereinafter, the "Copyright Act"). Accordingly, all faculty, staff and students of UT Tyler should follow these policy guidelines:

1. Only copyrighted materials are subject to the restrictions in this policy statement. Uncopyrighted materials may be copied freely and without restriction. Because a copyright notice is not required for copyright protection of works published on or after March 1, 1989, most works (except those authored by the United States Government) should be presumed to be copyright protected, unless further information from the

- copyright holder or express notice reveals that the copyright holder intends the work to be in the public domain. With regard to works published prior to March 1, 1989, a copyright notice generally is required in order for them to be copyright protected.
2. Copyrighted software may be copied without the copyright owner's permission only in accordance with the Copyright Act. Section 117 of the Act permits the making of a single archival back-up copy. Most software, however, is licensed to the user and the terms of the license agreement may give the user permission to make copies of the software in excess of the single archival copy permitted by the Copyright Act. Each software license agreement is unique. As a result, the extent of the user's rights to copy licensed software beyond that which is permitted under the Copyright Act may only be determined by reading the user's license agreement. It is the policy of the University of Texas System that any copying or reproduction of copyrighted software on System or UT Tyler computing equipment must be in accordance with the Copyright Act and the pertinent software license agreement. Further, faculty, staff and students may not use unauthorized copies of software on System or UT Tyler owned computers or networks or computers housed in System or component institution facilities.
 3. Copyrighted materials may be copied without the copyright owner's permission where such copying constitutes "fair use" under the Copyright Act.
 4. In order to copy materials, including software, where (a) the materials are copyrighted, (b) use exceeds what is permitted by license or the Rules of Thumb, and (c) the four factor use test indicates that the use is likely not fair, permission should be obtained from the copyright owner.
 5. If permitted by State law and procedures, The University of Texas System will defend any faculty or staff member against a civil action alleging copyright infringement:
 - a. where the use is in accordance with the provisions of a valid software license agreement,
 - b. where the use is within the Rules of Thumb,
 - c. where the permission of the copyright owner has been obtained, or
 - d. where the Office of General Counsel has assisted in determining that the use was permissible.Otherwise, the faculty or staff member will be personally responsible for the defense of a civil action for copyright infringement.
 6. UT Tyler will post notices reflecting this policy at all computers and photocopying stations which may be used for reproducing copyrighted materials, e.g., departmental copy rooms and libraries, and at or near all computers.
 7. For educational uses of music, the guidelines set forth in the legislative history of 107 of the Copyright Act are generally applicable. With respect to emergency copying permitted under those guidelines, special implementing details are set forth in the Fair Use document (see below).

NOTE: The Fair Use of Copyrighted Materials (from the Regents' Rules and Regulations) is available in the offices of the academic deans and the Provost and Vice President for Academic Affairs.

Sec. 1-701. Intellectual Property Policy and Guidelines

- a. Responsibility and Obligation of Faculty and Staff
 1. The intellectual property policy applies to all personnel employed by UT Tyler and to anyone (including students) who use institutional facilities under the supervision of university personnel. A copy of this policy will be provided to faculty and staff upon employment.
 2. It will be the responsibility and obligation of UT Tyler faculty and staff to disclose all creative ideas, inventions, discoveries, trade secrets, technology, scientific or technological developments, processes, and products including but not limited to software and video productions ("Inventions") with potential for commercial exploitation to the University Intellectual Property Advisory Committee (IPAC) regardless of the source of support. The

Invention that may result shall be brought to the attention of the IPAC immediately after it has taken form, and before any publication, to ensure the intellectual property rights of both individual(s), if applicable, and the University are not diminished.

b. Determination of Rights, Privileges and Ownership

1. The Intellectual Property Advisory Committee (IPAC) will consider all disclosures of Inventions created by any employee and help to administer patent and copyright policies and secure appropriate rights.
 - a. PAC will make recommendations as to the degree of university sponsorship, if any, as well as ownership rights and privileges.
 - b. PAC will recommend changes in the distribution of proceeds derived from intellectual property if the equities so require.
 - c. The contributors or inventors have the responsibility to provide the IPAC in writing and in reasonable detail, the information necessary to make such a recommendation concerning rights and ownership.
 - d. IPAC will develop a formal procedure for reporting Inventions as well as the disposition of claims and the exploitation of such creative endeavors in accordance with the UT Board and System general guidelines, policies and regulations.
 - e. Any determinations made by IPAC will be subject to the approval of the President of UT Tyler.
2. IPAC will be appointed by the President. Membership shall include the Provost, Vice President for Business Affairs, and at least four faculty members. At least two of the faculty members should be from disciplines generating research with potential for patentable and copyrightable ideas, processes, or products.

c. Classification of Intellectual Property by Source of Support. The following three categories of determining ownership of intellectual property are set forth in Regents' Rules and Regulations.

1. Intellectual property that is unrelated to the individual's employment responsibility and has been developed as a result of the individual's efforts on his or her own time with no UT Tyler support or use of its facilities.
2. Intellectual property that is related to the individual's employment responsibility, or has resulted either from activities performed by the individual on UT Tyler time, or with support by state funds, or from using UT Tyler facilities.
3. Intellectual property that has resulted from research supported by a grant or contract with the Federal Government or an agency thereof, a nonprofit or for profit nongovernmental entity or by a private gift to UT Tyler.

d. Intellectual Property Rights and Obligations

1. Intellectual property unrelated to the individual's employment responsibility that is developed on an individual's own time and without UT Tyler support or use of UT Tyler facilities (see C.1) is the exclusive property of the creator and UT Tyler has no interest in any such property and no claim to any profits resulting there from. Should the creator choose to offer the creation to UT Tyler, the IPAC shall recommend to the President whether UT Tyler (and the UT System) should support and finance a patent application or other available protective measures and manage the development and commercialization of the property. If the President so recommends and the creation is accepted for management by the System, the procedures to be followed and the rights of the parties shall be those set out in Subdivision 5.23 of the Regents' Rules and Regulations.
2. Intellectual property either related to the individual's employment responsibility, or resulting from activities performed on UT Tyler time, or with support by state funds, or from using UT Tyler facilities is subject to ownership by the University of Texas Board. (see C.2)
 - a. Before intellectual property is disclosed either to the public or for commercial purposes, and before publishing same, the creator shall submit a reasonably

complete and detailed disclosure of such intellectual property to the President of UT Tyler through the IPAC, for determination of the System's interest.

- b. If the President recommends that UT Tyler not assert and exploit its interest and that recommendation is approved by the Office of General Counsel, the creator shall be notified within one hundred eighty (180) days of the date of submission that he or she is free to obtain and exploit a patent or other intellectual property protection in his or her own right.
- c. With respect to intellectual property in which UT Tyler asserts an interest (see D.1 and D.2), the Office of General Counsel in consultation with the President (based upon a recommendation from the IPAC) shall decide how, when, and where the intellectual property is to be protected.
 1. If UT Tyler decides to patent or seek other available protection for intellectual property which falls into D.1 and/or D.2, it may proceed either through its own efforts or those of an appropriate private firm or attorney to obtain protection and manage the intellectual property. Under appropriate circumstances, and with the consent of the Vice Chancellor and General Counsel and the approval of the Attorney General, UT Tyler may arrange to have services to obtain protection for intellectual property performed by a local outside attorney on a case-by-case basis.
 2. It shall be mandatory for all employees, academic and nonacademic, to assign the rights to intellectual property and patents to the Board when such creations fall within. In those instances where UT Tyler licenses rights in intellectual property to third parties, the costs of licensing and obtaining a patent or other protection for the property on behalf of the Board shall first be recaptured from any royalties received by UT Tyler, and the remainder of such royalty income (including license fees, prepaid royalties and minimum royalties) shall be divided as follows:
 - 50% to creator(s)
 - 50% to UT Tyler.
 3. When multiple individuals are involved in any project, the fixed percentages of the proceeds designated to the "creative individual" will be distributed in a manner agreed upon by the individuals involved. The percent of the proceeds attributable to the collaborative departments and colleges will be equal to that assigned to the creative individuals. In cases where a clear decision cannot be reached regarding the degree of project participation by the individuals, departments and schools involved, IPAC will serve as an arbitrator.
 4. The fixed percentages of the proceeds allocated to the University should be distributed among the departments of the faculty/staff member(s), the school of the faculty/staff member(s) and the University administration in equal shares (1/3 each). In general, proceeds assigned to the University will be employed in a manner to encourage future research and other appropriate endeavors.
3. Intellectual property resulting from research supported by a grant or contract with the Federal Government, or an agency thereof, with a nonprofit or for profit nongovernmental entity, or by a private gift or grant to UT Tyler shall be subject to ownership by the Board. (See Subsections 31-5.36, Regents' Rules and Regulations.)

e. Equity Interests

1. In agreements with business entities relating to rights in intellectual property owned by the Board, UT Tyler may receive equity interests as partial or total compensation for the rights conveyed. In any such instance, the component institution where the intellectual property was created may elect, at its option and with the concurrence of the Chancellor,

to share an equity interest with the creator(s) in the same manner as royalties are shared pursuant to Subdivision D.2.c.

2. Consistent with Section 51.912, Texas Education Code, and subject to review and approval by the President of UT Tyler, the appropriate Executive Vice Chancellor, the Chancellor and the Board, employees of UT Tyler who conceive, create, discover, invent or develop intellectual property may hold an equity interest in a business entity that has an agreement with UT Tyler relating to the research, development, licensing or exploitation of that intellectual property.
3. The University may negotiate, but shall not be obligated to negotiate, an equity interest on behalf of any employee as a part of an agreement between UT Tyler and a business entity relating to intellectual property conceived, created, discovered, invented, or developed by the employee and owned by the Board.
4. Dividend income and income from the sale or disposition of equity interests held by the Board pursuant to agreements relating to intellectual property shall belong to UT Tyler and shall be distributed in accordance with the provisions of Section I.
5. Dividend income and income from the sale or disposition of an equity interest held by a UT Tyler employee pursuant to an agreement between the UT Tyler and a business entity relating to rights in intellectual property conceived, created, discovered, invented or developed by such employee shall belong to the employee.

f. Business Participation

1. Any UT Tyler employee who conceives, creates, discovers, invents or develops intellectual property shall not serve as a member of the board of directors or other governing board or as an officer or an employee (other than as a consultant) of a business entity that has an agreement with the University relating to the research, development, licensing, or exploitation of that intellectual property without prior review and approval by the President, the Chancellor and the Board.
2. When requested and authorized by the Board, an employee may serve on behalf of the Board as a member of the board of directors or other governing board of a business entity that has an agreement with the UT Tyler relating to the research, development, licensing or exploitation of intellectual property.

g. Reporting

1. Any employee covered by E.2, F.1 or F.2 shall report in writing to the President and the IPAC the name of any business entity in which the person has an interest or for which the person serves as a director, officer or employee and shall be responsible for submitting a revised written report upon any change in the interest or position held by such person in such business entity. These reports shall be forwarded to the Vice Chancellor and General Counsel by October 1 of each year for filing with the Board as required by Section 51.912, Texas Education Code and inclusion in the annual financial report sent to the State officials listed in Section 51.005, Texas Education Code.

h. Approval of and Execution of Legal Documents Relating to Rights in Intellectual Property

1. Agreements that grant an interest in Board intellectual property may be executed and delivered in accordance with the provisions of the Regents' Rules and Regulations, Part Two, Chapter XI, following any required review by the Office of General Counsel.
2. Any document altering substantially the basic intellectual property policy of UT Tyler as set out in the preceding Sections and other policies and guidelines that may be adopted by the Board shall have the advance approval of the President, the appropriate Executive Vice Chancellor, the Chancellor, and the Board as an agenda item. Such an alteration in a sponsored research agreement shall not be considered substantial and the agreement may be executed and delivered as set forth in Subsection H.1 if, in the judgment of the President and with the concurrence of the appropriate Executive Vice Chancellor, the benefits from the level of funding for the proposed research and/or other consideration from the sponsor outweigh any potential disadvantage that may result from the policy deviation.

3. The Chancellor, the appropriate Executive Vice Chancellor, the Vice Chancellor and General Counsel or the authorized representative of UTIMCO may execute, on behalf of the Board, legal documents relating to the Board's rights in intellectual property, including, but not limited to, declarations, affidavits, powers of attorney, disclaimers, and other such documents relating to patent applications and patents; applications, declarations, affidavits, affidavits of use, powers of attorney, and other such documents relating to trademarks; and other documents approved pursuant to Subsections H.1 or H.2. The President or designee may execute, on behalf of the Board, institutional applications for registration or recordation of transfers of ownership and other such documents relating to copyrights.

i. Income from Intellectual Property

1. The portion of the net income UT Tyler retains from royalties and any other intellectual property-related income shall be used by the University where the income-producing creation originated for research and other purposes approved by the Board in accordance with standard budgetary policies. At the option of UT Tyler, such income may be accumulated in an endowment fund with the income to be distributed to the component institution for such purposes as may be approved by the Board.
2. With the prior written approval of the President of UT Tyler, future royalties payable to a faculty member pursuant to Subdivision D.2.c may be assigned to UT Tyler by the faculty member and designated for use in research to be conducted by such faculty member.

Sec. 1-801. Non-Academic Student Grievance Policy

UT Tyler strives to provide its students with a fair and efficient process to present and resolve complaints and grievances arising out of their interactions with employees. Students may present complaints and grievances concerning their treatment by an employee or department related to their status as a student. Grievances should identify the basis of the dispute, including specific facts, and provide relevant documents or any other information pertinent to the matter. Grievances should also include the student's desired result.

Please note that the Non-Academic Student Grievance process outlined below should not be used to address academic grievances, discrimination or sexual harassment grievances. Please refer to the following information on how to file a grievance for discrimination/sexual harassment, or an academic grievance.

- **Academic Grievances:** if you have an academic grievance, you must follow this process; <http://www.uttyler.edu/registrar/policies/academicgrievance.php>
- **Discrimination or Sexual Harassment Grievances:** if your grievance involves a charge of discrimination or sexual harassment, you must follow this process; http://www.uttyler.edu/ohr/nondiscrimination_policy_complaint_procedure.php

Non-Academic Student Grievance Process

Informal Procedure: Initial Consideration of Grievance

In an effort to resolve misunderstandings or concerns, a student must first make every effort to resolve the matter informally by discussing his or her concerns with the employee, supervisor or department against whom the complaint is initiated within 30 calendar days of the time of the incident. The person to whom the complaint is presented must respond orally or in writing within 10 business days after receipt of the complaint.

Formal Procedure: Appeal to Supervising Vice President

If the complaint is not resolved to the student's satisfaction by the employee, supervisor, or department head, the student may submit a final formal appeal Non-Academic Student Grievance Form to the Vice President supervising the department where the complaint originated. The student must submit this appeal within 10 business days after the student receives the response from the department head. The Vice President and/or designee will provide a written response to the student within 10 business days of the receipt of the student's appeal. Decisions at the vice presidential level will be final.

Revised: 01/07/11