

**Student
Handbook
2023 – 2024**



Welcome from the Dean of Students & Campus Life

Dear War Hawk,

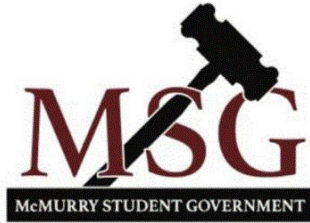
All of us in Student Affairs are committed to creating a positive and impactful educational experience for our students. As you live, work, learn, create, play and grow on campus, we are committed to ensuring that all members of our campus community feel safe, welcome and supported. If you ever find yourself in need of support or direction my colleagues and I are committed to providing you advocacy, answer any questions, and getting you connected to the right places.

The information provided regarding college policies and student conduct is given in the spirit of creating a healthy, safe and supportive campus where each of you have the opportunity to maximize your potential while pursuing your educational dreams. I invite you to familiarize yourself with the following policies and expectations. Residential students please pay particular attention to the policies specific to living on campus.

We stand ready to assist you in whatever way that we can. Your McMurry experience is waiting for you. We cannot wait to see what you will do to make the most of it.

Ala Cumba!

John Yarabeck
Dean of Students and Campus Life



Welcome from the McMurry Student Government President

Welcome Warhawks!

I am glad to help usher in a new era for McMurry University... A year marking the end of our centennial celebration and one that sets up our beloved community for the next 100 years and on. A new year brings new opportunities, a new set of challenges, and a new sense of purpose to us all.

I want to wish every student good luck when facing these uncharted waters. Whether it be intensive research or athletic competitions, I have faith in each and every one of my brothers and sisters to prevail. Even in failure do we learn the best ways to succeed later, which is truly the McMurry way.

As your Student Body President, I serve to lead each and every one of my peers, to help you as you navigate your unique journey at McMurry, and to ensure that every voice is heard no matter the degree of importance. McMurry Student Government (MSG) is a great organization of student representatives that also work towards meaningful goals such as enhancing the student experience and improving student engagement.

Whatever your goals and aspirations, interests and extracurriculars, or identity is - there is a place for you here. McMurry is all our home, and no matter what new frontier we face as a community, we can overcome together.

Hayden James
Student Body President 2023-2024

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MISSION OF MCMURRY UNIVERSITY

Shaped by Christian principles, McMurry University challenges students to examine our complex world from multiple perspectives in preparation for lives of leadership, service, and professional success.

The University fulfills this mission by fostering a campus culture that is distinctive in the following ways:

McMurry is shaped by Christian principles.

As a United Methodist institution grounded in traditions of intellectual achievement and vital piety, McMurry nurtures and cares for students as they face the many challenges of higher education. The institution provides the support necessary to encourage students to grow as whole persons – spiritually, emotionally, morally, intellectually, socially, and physically. The McMurry community expresses its Christian principles through hospitality and gracious interactions with those who do and those who do not identify with the Christian faith. The institution encourages connections between people of varying circumstances, cultures, languages, and beliefs.

McMurry challenges students to examine our complex world from multiple perspectives.

The goal of a McMurry education is to provide the foundation for an examined, informed, and purposeful life. To that end, academic programs encourage students to build on the broader curricular experience and integrate the various disciplines' core ideas while developing fundamental skills in communication, analysis, and reasoning. McMurry strives to create an environment in which students can examine their own and others' perspectives to become, not simply consumers of knowledge, but sophisticated producers of knowledge connected to a global world. Such an environment better prepares women and men of all backgrounds to engage others in working toward the common good.

McMurry prepares students for lives of leadership, service, and professional success.

Through its curricular and extra-curricular opportunities, McMurry gives students practical experience in leadership and service. The institution places particular importance on servant leadership, an approach that focuses on empowering followers by encouraging and supporting the growth of others. The university develops servant leaders who seek to transform communities through listening first, emphasizing excellence and empathy, and inspiring an attitude of service. McMurry graduates have a solid basis for achievement in their religious, civic, professional, and family communities. McMurry expects its alumni to perform as servant leaders in diverse and complex environments and to use their leadership skills for the betterment of community and society.

HISTORY

McMurry University was founded in 1923 as a United Methodist institution, and is a vibrant and comprehensive center of higher education. McMurry has a national reputation for excellence and value through the achievements of its faculty, students and graduates. The University enrolls more than 1,000 students and has an average class size of 16.

Offering a diverse academic curriculum, students can choose from 45 majors in the arts, business, education and the sciences as well as our pre-professional programs in nursing, medicine, dentistry, engineering, law, pharmacy, physical therapy and others.

McMurry has 40 clubs and organizations and 20 intercollegiate sports. Students are engaged with the community and averages 24,000 hours of annual service.

McMurry is guided by our core values: Christian Faith as the foundation of life, Personal Relationships as the catalyst for life, Learning as the journey of life, Excellence as the goal of life, and Service as the measure of life.

The establishment of McMurry University began in the heart and vision of a single person, McMurry founder and first president Dr. James Winford Hunt. He had a vision of establishing a Methodist college in West Texas.

He wanted it to represent academic excellence. He wanted the college to be able to prepare young men and women for lifetime work and to be whole human beings who could function effectively in society.

McMurry's mission still reflects Dr. Hunt's philosophy of higher education: Shaped by Christian principles, McMurry University challenges its students to examine our complex world from multiple perspectives in preparation for lives of leadership, service, and professional success.

ACADEMICS

CLASS ATTENDANCE

It is understood that attendance is part of the learning commitment, placing oneself in a class setting where effective educational communication and interaction can happen. Both faculty and students are expected to be regular and punctual in their attendance habits. Professors and students cooperate and are responsible for shaping a community at work. As part of this responsibility, attendance will be noted in some manner suitable to the size of the class, group, and type of activity. Any necessary absence occurring while a student is representing the University in some official way will be considered an authorized absence. Work missed due to such an absence is to be made up as the respective professor determines. Please refer to the McMurry Course Catalog, Faculty Handbook, or course syllabus for more specific information.

ABSENCES

The following guide will help you determine the number of unauthorized absences allowed before a professor may drop a student from the class. Each professor will determine the consequences for absenteeism in his or her class. This will be noted in the syllabus.

- 3 absences in MWF classes per semester
- 2 absences in TR classes per semester
- 1 absence in a 2 or 3 hour class that meets once a week
- 3 tardies equals one absence

ADDING OR DROPPING COURSES

A student may add a course with the permission of the advisor at any time during the first 5 days of the semester. A student may drop a course with the permission of the instructor and the advisor with the grade of W at any time through the sixth week of the semester. After the sixth week of class, a student may drop a course with the permission of the instructor and the advisor and will be assigned the grade of WP or WF. For information regarding the last date to withdraw from a class, refer to the college calendar on page 4. A course may not be dropped after that date. The process of adding or dropping a course has not been completed until the form requesting permission to add or drop a course has been returned to and processed by the Office of the Registrar.

ACADEMIC PROBATION AND SUSPENSION

Academic Standing

The minimum GPA requirement for graduation is 2.00. To ensure that students stay on track to graduate, academic standing is calculated at the conclusion of each long semester in which the student is enrolled (Fall, Spring, and Summer). Academic standing is determined by comparing the student's cumulative GPA with the threshold GPA for a given number of attempted hours. Cumulative GPA is calculated only on courses completed at McMurry University. (See section on GPA calculation) The GPA thresholds necessary for good Academic Standing increase as the number of attempted hours increase. Attempted hours include, in addition to all credit earned at McMurry University, all transfer credit, dual credit, and credit earned by examination. If the student's cumulative GPA falls below the probation threshold GPA for the number of attempted hours, the student is placed on academic probation.

Academic Probation.

A student is placed on academic probation when their cumulative GPA falls below the following probation GPA thresholds:

<u>Attempted Hours</u>	<u>GPA Threshold for Probation</u>
0-30	1.50
31-60	1.75
61 and Above	2.00

Students who are on academic probation will receive written notification of the change in their academic standing by email. Students who are on academic probation are required to meet with their student success coach prior to the beginning of the subsequent semester to establish an academic recovery plan, and are required to comply with all elements of the academic recovery plan. Students who fail to meet this requirement may be administratively withdrawn from the university prior to the first day of the subsequent semester.

Academic Suspension.

Students will be suspended from continued enrollment if after the completion of two consecutive enrolled semesters on academic probation (including Fall, Spring, and Summer), their cumulative GPA is still below the probation GPA thresholds listed above. Suspended students will receive written notification of the change in their academic standing by United States mail and by email. Suspended students are immediately withdrawn from the University and may not apply for readmission for a minimum of one full semester.

Readmission after Suspension.

Students who wish to apply for readmission must acquire a readmission application from the University Registrar (<https://mcm.edu/registrar-office/>) and must submit the completed application to the Student Appeals Committee at least 14 calendar days prior to the scheduled start date of classes for the desired return semester. The application requires that students meet with a student success coach to develop an academic recovery plan. In addition to the academic recovery plan, the student must present compelling evidence indicating how they will be academically successful if readmitted. This typically means they must be able to demonstrate significant changes in their lives that would indicate the potential for academic success. Compelling indications may include enrollment at another college or university for a semester or more with earned grades of A, B, or C in all classes, or may relate to substantial changes in personal circumstances that promote better academic performance.

If readmitted, the student must comply with all elements of the academic recovery plan during the semester. Students who fail to meet this requirement may be immediately administratively withdrawn from the university.

Readmitted students must maintain semester GPAs higher than 2.0 until they are in Good Academic Standing. Students readmitted under this policy will be suspended from continued enrollment if their semester GPA is below 2.0 before achieving Good Academic Standing.

Students readmitted under this policy who obtain good academic standing are then subject to the Academic Probation and Suspension policy as described above.

GRADE APPEALS

Grade appeals involve disputed course grades. If a student disagrees with the grade received in a class, he or she has the right to appeal using a formal appeal process. Grade appeals deal with the policies, as stated on the course syllabus, by which grades were to be determined. All grade appeals must thus be confined to class policy and the assignment of grades. Concerns or complaints about faculty attitudes, ideas, or behavior should be directed to the chair of the department offering the class or to the Dean of Students & Campus Life. If the chair is the subject of the complaint, the student should speak with the Vice President for Academic Affairs.

The process for appealing a grade must be completed within 30 working days of the posting of the grade in question. In exceptional circumstances (e.g., an instructor being out of town or otherwise unavailable), the Associate Vice President for Academic Affairs for Curriculum and Faculty Development (AVPAA-CFD) can

extend the 30-day time limit. The process works as follows (except for graduate courses and courses taken in the Patty Hanks Shelton School of Nursing):

1. Within a week of receiving the semester grade report with the grade in question, the student should contact the instructor of the course and determine if he or she reported the grade correctly.
2. If meeting with the instructor does not resolve the dispute, the student can proceed with the complaint by discussing the issue with the chair of the department. Depending on the situation, the chair may request a follow-up meeting to include the student and instructor.
3. If meeting with the chair does not resolve the dispute, the student can appeal to the Associate Vice President for Academic Affairs for Curriculum and Faculty Development (AVPAA-CFD). The student must submit documentation to the AVPAA-CFD consisting of the following materials: (1) A written statement of the issue and chronological review of past attempts to resolve it with the instructor and department chair; and (2) additional pertinent documentation in support of his or her argument, including a copy of the course syllabus and specific assignments or course work related to the complaint.
4. If necessary, the AVPAA-CFD will seek additional information from the instructor and other relevant sources. The AVPAA-CFD will deny or uphold the appeal within 10 working days of receiving the information.
5. If either the student or the instructor wishes to appeal the AVPAA-CFD's decision, a written request to that effect should be sent to the chairperson of the Student Appeals Committee within two working days. The chairperson will contact both student and instructor to set a meeting for the appeal before the committee. The chairperson will request all materials pertinent to the appeal from the AVPAA-CFD, and will disseminate those materials to the members of the Student Appeals Committee at least five working days prior to the scheduled meeting.
6. At the appeal before the Student Appeals Committee, both student and instructor, in turn, will have no more than five minutes each to provide any other supporting materials or to make a statement. Both will be questioned by the members over the materials placed before them as well as over the individual statements of the student and the instructor for a period not to exceed twenty minutes. Time limits may be modified or waived by a vote of the committee membership. Then, both student and instructor will be excused and the Student Appeals Committee will vote on the matter. A simple majority vote is required either to uphold or to deny the appeal. The student, instructor, chairperson, AVPAA-CFD, Vice President for Academic Affairs, and Registrar (if necessary) will be notified in writing of the decision within three working days.
7. Grade appeals related to academic dishonesty (cases wherein students have been penalized by an instructor for having cheated on any assignment) fall under the same procedures as described above.
8. Grade appeals in academic programs that do not fall under the divisions of the University (e.g., developmental courses) should be handled in this order: the instructor, the program director, the AVPAA-CFD, and the Student Appeals Committee.
9. Decisions of the Student Appeals Committee are final, and cannot be further appealed.

WITHDRAWAL FROM THE UNIVERSITY

STUDENT WHO MUST WITHDRAW FROM THE UNIVERSITY IS REQUIRED TO COMPLETE THE FOLLOWING STEPS:

1. Report to the Registrar's Office to obtain a withdrawal form. (Maedgen 105)
2. Take the form to the Financial Aid Office.
3. Take the form to the Student Affairs Office to meet with the Dean of Students & Campus Life. (South Wing of President Residence Hall, Room 101)
4. Take the form to the Residence Life and Housing Office in Campus Center 104.
5. Take the form to the MOVE Office in the Cooke Hall 103.
6. Take the form to the Student Accounts office. (Maedgen, Room 102)
7. Return the completed form to the Registrar's Office. (Maedgen, Room 105)

Unless a student officially withdraws, the University has no choice but to record a grade of "F" in every course in

which the student was enrolled. See the Financial information section in the latest University catalog for refund dates and amounts.

TEXTBOOKS through MCM.TEXTBOOKX.COM

Beginning with the Fall 2023 term, McMurry University will change how course materials are made available to students. Going forward, all* required course materials will be included in tuition and made available to students prior to the first day of class for all courses (*except courses with NURS prefixes).

Accessing course materials: Visit the website at mcm.textbookx.com and log into the website with your MCM account. Your "Student Homepage" will appear which will list all of your registered courses and corresponding materials plus a timeline and FAQ.

Course materials are delivered in one of two formats: Physical or Digital. Delivery formats were determined by instructor. Log into your bookstore account to see which course items are physical and which are digital.

Physical Textbooks: Click "Pick up Instructions" for further information and location.

- Physical Textbooks **MUST BE PICKED UP** at the beginning of each term/subterm by before Friday of the first week of classes.
- Physical Textbooks **MUST RETURNED** at the end of each and every term/subterm **AND** if you drop a course. Student account will be charged if physical course materials are not returned &/or damaged.

Digital Course Materials: All digital course material access information will be emailed to you on or before the first day of class. Log into mcm.textbookx.com to access your eLibrary account, there you can see a master list of all digital course materials.

Add/Drop a Course:

- Adding a class: The bookstore will continually check for new enrollments in classes up until the add/drop date, so any new materials that are needed will continue to be processed. To check the delivery status, visit your bookstore account and click "Track."
- Dropping a class: If physical items were delivered to you, you will receive an email with return instructions. Physical items must be returned to avoid student account charge. For digital course materials that have not been accessed, codes will be deactivated and you will no longer have access to the materials. If you have already accessed digital course materials for dropped courses, please contact the online bookstore for further instructions.

CAMPUS RESOURCES

ACADEMIC ADVISING

MAEDGEN 106, 793-3813

Who do you ask when you don't know who to ask? The Academic Advising Office is open to all students with questions about planning and developing their academic programs. Academic Advising coordinates class placement for new students; processes major, minor, and teaching field changes; assists with registration; assigns academic advisors to all students; and serves as a referral center to other campus offices and services. Academic Advising also assists students transferring to or from McMurry in making informed choices about program options. Students are seen on a walk-in basis when possible, but appointments are recommended.

ACCESSIBILITY & ACCOMMODATIONS PRESIDENT HALL SOUTH, 793-4882

Accessibility & Accommodations Services provides support to enable students with permanent or temporary disabilities to participate in the full range of college experiences; to promote an environment that is barrier-free; and to actively address and promote disability awareness within the campus community through programs and services designed to meet the academic and professional needs of the individuals with disabilities. Qualified students with a disability shall, by reason of such disability, not be excluded from participation in or be denied the benefits of any University services, programs, or activities or be subjected to discrimination of any kind. To be eligible for services, the student with a disability must provide the Disability Services Coordinator current and appropriate documentation that describes the specific disability prior to or at the beginning of the semester. The documentation must be from a licensed or certified professional in the area of the disability (i.e. psychologist, physician, or educational diagnostician). Students with disabilities must contact the Disability Services office to discuss academic needs before the beginning of each semester so that reasonable accommodations may be made.

Securing appropriate documentation is the sole responsibility of the student. Documentation criteria at McMurry University are consistent with the 1997 guidelines of the Association of Higher Education and Disability (AHEAD). All information is kept in strict confidence. Students without appropriate documentation of their disability will not receive accommodations.

Students are encouraged to apply for Disability Services 30 days prior to the initial semester of enrollment to allow adequate time for the coordination of reasonable accommodations. For your benefit, please maintain a copy of all documentation submitted to the Disability Services Coordinator. All documentation submitted will be kept confidential, except where permitted or required by law, and will be used solely for determining reasonable accommodations for the student.

Accessibility & Accommodations services do not offer testing for disabilities, but we can provide referrals. Accommodations that are provided include, but are not limited to the following:

- Academic accommodations
- Extended test time
- Accommodations for participation in university-sponsored activities
- Testing in a separate room
- Note-taking assistance
- Assistance in identifying local and community services
- Use of tape recorder
- Referral for testing (fee based)

Technical resources such as listening devices, telephone devices for the deaf, and enlargers are not provided by the university.

Please refer to the website for information on how to apply for accommodations: <http://services.mcm.edu/disability/index.html>.

Service/Emotional Support Animals: McMurry University acknowledges and respects the need for such accommodations. In accordance with the Americans Disability Act, service animals are permitted on campus, and it is highly encouraged for students to report their service animal to the Disability Services Coordinator. Emotional Support Animals must be approved through the Disability Services Office (President Hall) as an accommodation and then the Office of Residence Life & Housing prior to being brought onto campus. Please contact the Director of Counseling & Disability Services for more information. Students with approved Emotional Support Animals must gain approval the beginning of each semester in order to have their animal continue to reside with them on campus.

CAMPUS SAFETY & SECURITY

PRESIDENT HALL, 793-4666

McMurry University Security can be reached 24 hours a day, 7 days a week. McMurry provides uniformed officers for campus patrols, traffic and parking enforcement. The McMurry University Security also works to provide a safe place for students, staff and faculty to study, work, and teach.

Visit McMurry University Security's Web Page:

<http://services.mcm.edu/security/index.html>

McMurry University Security's Anonymous Tip Web Page:

(If you see crime occurring on campus and you would like to submit an anonymous report, please fill out the form below. All information is kept strictly confidential, and the sender of the information cannot be identified.)

<http://services.mcm.edu/security/silent-witness/index.html>

McMurry University Security's "Thought You Would Like to Know" Report Form:

(If you see any problems, have any concerns, recommendations, or ideas regarding campus lighting or safety issues, please let our department know by filling out this form.)

<http://services.mcm.edu/security/form/index.html>

CAREER DEVELOPMENT

COOKE BUILDING 207A, 793-4982

McMurry University's Career & Experiential Learning Center provides a variety of career and professional development opportunities that can assist students and alumni in making wise career decisions. Opportunities provided are:

- **Career Counseling:** Help with decisions concerning majors, careers, and career-related issues. Learn about yourself and what careers/majors would be a good fit for you through career assessments and individual appointments, resources, or group workshops. The career center offers students a 4-year career plan mapping guide for you to review, provide examples and instances you can work on your 4 years at McMurry.
- **Appointment types:** Document creation and review, graduate and professional school process, job search and job market insight, career exploration, LinkedIn profile reviews, and mock interviews for interview preparation.
- **Professional Development:** Assistance in creating and reviewing job and graduate school application documents, Career Exploration job search strategies, interview skills, networking skills and opportunities, and professional communication and etiquette.
- **Employment Services:** Online Job postings are provided for on-campus work study jobs and also for off campus part-time and full-time jobs as well as internships. Resume and cover letter critique is available, and career fair prep. Opportunities for on-campus recruiting and on-campus interviews are offered. Lastly, McMurry provides Handshake as a resource to you to sign up for events, gain relevant market and skills information, and connect with employers.
- **Partnerships:** Our office, establishes, maintains, and increases alumni, employer, and local Abilene partnerships to engage and provide you with experiences to get involved and learn about a variety of career and professional development topics and skills.
- **Special Programs/Events:** Workshop, special events, and programs are offered to you as a student and alumni. These workshops and events are for personal professional exploration and development,

meeting with employer partners, and develop critical skills and knowledge needed during college and after.

- **Experiential Learning Opportunities:** provides a chance for you to learn about internships, shadowing, and research opportunity, and participate in discovery trips. Discovery trips are a unique opportunity for McMurry University students to increase their awareness of career possibilities by visiting organizations, exploring various industries and careers, and engaging with professionals.

The mission of the McMurry Career & Experiential Learning Center is to provide a supportive environment for McMurry students and alumni to engage in individualized career exploration and planning that complements their academic experience and supports their professional goals. McMurry Career Center is committed to serving the diverse campus community and alumni with sound knowledge and supportive enthusiasm for academic, career, and personal development leading to careers that reflect their values and lead to lives of leadership and service. It also provides opportunities for employers to have access to bright talent through campus events and online resources. [View Career & Experiential Learning Center website here!](#)

If you are interested in utilizing these services provided to you: [Book an appointment today via Handshake.](#)

CONFERENCE & ENRICHMENT SERVICES

RADFORD, 793-4853

The Office of University Events supervises and directs the planning and coordinating of special events all over campus. This office also operates all of the Universities Summer Programs. For meeting space availability or facility use for on campus and community events, please contact them directly for availability. In addition, if your club or organization would like to be placed on the *MyMcM* web calendar, you must contact the University Events office.

COUNSELING SERVICES

PRESIDENT HALL SOUTH, 793-4880

Counseling services are devoted to helping students who need assistance in coping with problems associated with everyday life. The philosophy of the Counseling Center is to promote independence while challenging and educating students to accept individual responsibility for the development of confidence, stability, self-respect, health, interpersonal relationships, and coping skills.

Appointments are required and available on a first-come, first-serve basis. Counseling services are currently offered without charge to McMurry students and staff.

Who needs counseling? Wide ranges of concerns are addressed in counseling. Frequent concerns include adjustment to college, relationship difficulties, depression, anxiety, low self-esteem, healing from emotional, physical, or sexual abuse, life transitions, stress management, sexuality, alcohol and drug use, and eating disorders.

Is what I say confidential? All counseling is held in the strictest confidence. Counseling Services supports and maintains confidentiality to the limits provided by Texas law and the professional ethics set by the American Psychological Association. No record of counseling is made on academic transcripts. Information is only released when requested in writing by the student, except in cases of imminent danger to self or others in accordance with professional ethics and state laws. We **do not** speak to coaches, parents, faculty, staff, friends, etc., without a signed release form.

DINING SERVICES

DINING HALL, 793-4833

The *Village Market Dining Hall*, *Sports Grille*, *the Brew*, and *the C-Store* are operated by Pioneer College Caterers. A variety of meal plans are offered to accommodate the needs of all students. Students residing in the residence halls are required to purchase a meal plan. Students living in university apartments and off-campus may purchase non-resident meal plans to add convenience to the dining schedule and budget. Most meal plans include Munch Money for use in the dining hall, the Sports Grille, the Brew, and the C-Store. Additional Munch Money

may be purchased to avoid the need to carry cash. The dining hall is an all you can eat environment with an array of foods to choose from daily. It is asked that main course items be limited to one serving at a time; however, you may go back for additional servings throughout the meal period. A validated McMurry I.D. or cash are required to use the services. You will not be able to access your account at the register without your I.D. Entrance into the dining hall without the purchase of a meal cannot be accommodated. The hours for the Sports Grille, the Brew, and the C-Store are posted at the beginning of each semester.

FINANCIAL AID

MAEDGEN LOBBY, 793-4713

Financial Aid may take the form of one or any combination of the following: 1) scholarships, 2) grants, 3) loans, and 4) work-study. Every year students should complete the FAFSA online at www.fafsa.gov to begin the application process. Students with questions regarding eligibility should visit the office, call, or email financialaid@mcm.edu.

GARRISON CAMPUS CENTER, (GCC) (NOTE: Closed during 2022-2023 for renovation.)

The Campus Center serves as the focal point for students, faculty, and staff at McMurry. It is a resource for students wanting to become involved in University activities. There's no better way to enhance your collegiate experience than to actively participate in campus life. The Campus Center is a gathering spot for individuals and groups to plan and implement activities; attend movies, lectures, and meetings; seek help or information; participate in special events, and coffeehouses; or just eat and relax. There are dozens of opportunities waiting.

The Campus Center houses the following offices and services: Spirit Store, Copy Center, Post Office, Religious & Spiritual Life, Residence Life & Housing, Sports Grille, and Student Engagement. The Campus Center also houses *The Nest* (student gathering place), *The Perch* (student lounge), the Chapel, Campus Activities Board office, McMurry Student Government office, weekly Chapel Services (in the Mabee Room) and various meeting rooms.

HEALTH SERVICES

PRESIDENT HALL SOUTH, 793-4857

The Health Services clinic is open Monday through Friday 8:00 a.m. – 5:00 p.m. and is staffed by a registered nurse and a nurse practitioner. There is no charge for services provided in clinic. However, all students are encouraged to have health insurance coverage in case an off-campus referral is necessary. Walk-in appointments are welcome however, scheduled appointments are preferred and will be given priority. Appointments, including walk-ins, will be scheduled between 8:30 a.m.-11:30 a.m. and 1:30 p.m.- 4:30 p.m. Please call 325-793-4857 or email healthservices@mcm.edu to request an appointment.

Services provided in the clinic include:

- Evaluation and assessment by an RN or FNP
- COVID/Flu testing
- Strep testing
- UTI testing
- Pregnancy testing
- Treatment of minor illnesses and injuries
- Some non-prescription medications available in clinic
- Prescription medications sent to pharmacy of choice as indicated by assessment
- Referral to off campus physician or facility as needed
- Flu vaccinations (offered between October and February on a first come, first serve basis due to limited supply)

All students are required to have:

- A completed "Report of Medical History, Consent to Medical Treatment and HIPPA acknowledgement" form, and

- Tuberculosis Screening Questionnaire – a TB skin test or chest x-ray may be required if the screening indicates high risk.
- Bacterial meningitis (ACWY) vaccination (*see requirement below)

*Bacterial meningitis vaccine (quadrivalent meningococcal conjugate or meningococcal polysaccharide vaccine) is required for all students under 22 years of age. The meningitis vaccination must be received within 5 years of the first day of class in the semester being admitted but no later than the 10th day prior to the first day of classes.

Recommended immunizations listed below:

- Tdap booster – within last 10 years
- MMR – 2 doses
- Hepatitis B vaccine – 3 dose series
- Hepatitis A vaccine – 2 dose series
- Hib – 4 dose series
- HPV – 3 dose series
- Meningitis B – 2 dose series (not the same of the ACWY vaccination)
- Pneumonia – 4 dose series
- Polio – 4 dose series
- Varicella – 2 dose series or documented history of disease
- Annual Flu vaccine
- COVID vaccine

CENTER FOR INTERNATIONAL EDUCATION - COOKE BUILDING, 793-3847

The Center for International Education (CIO) exists to prepare students to engage a diverse world characterized by globalization and intercultural contact. Upon graduation, students will enter professions where they will work with people of various cultures, ethnicities, religions, and identities. The CIO seeks to lead the campus in structuring curricular and co-curricular emphases that will prepare students for this diverse environment. One way to accomplish this task is through study abroad. Students wishing to study abroad for a semester or a summer should contact the Director of International Education. In addition, international students needing guidance, support, or resources may contact the Director of International Education or the Assistant Registrar.

JAY ROLLINS LIBRARY

Circulation, 793-4692 | Reference, 793-4683

The Jay-Rollins Library and Learning Commons serve the students, faculty, and staff of the University and the Abilene Community as a member of the Abilene Library Consortium. The library contains over 156,550 volumes as well as a growing collection of digital and print resources, including databases, online books, journals, and media. In addition, there is a young adult book collection in the *Nook*. As an extra benefit, users have access to the library collections at Abilene Christian University, Hardin-Simmons University, Howard Payne University, and the Abilene Public Library through the Consortium's online catalog. There are over 2 million items available in the catalog. Stop by with your MCM ID card to link to our system.

Check out our [website](#): you can search for books, articles, ebooks and ejournals as resources for your writing. With our discovery tool *Multi-Search*, you can search all of our resources (the catalog, databases and online books & journals) at one time.

Off-Campus access to databases is available with a McMurry email username and password.

Need assistance? You can contact us in person, by phone (325-793-4692), by email (library@mcm.edu), or thru *Ask a Librarian!* our online 24/7 chat service.

In the Learning Commons, we have a student computing area with 15 computers and space to work together, a current magazine reading area, the STEM Student Success Center (S3C), TRIO offices, and tutoring space. The library's media collection of DVDs, and music CDs is located in L116 behind the Check Out Desk. The library has Wi-Fi access throughout the building and "The Brew", a coffee shop, in the lobby. Two classrooms, Library 201 and 202, are located on the second floor. These spaces are available for study when not being used for classes. If you are having, trouble with your computer call the Helpdesk at extension x4900.

Fall & Spring Semester Hours

Monday-Thursday	7:30am- midnight
Friday:	7:30am - 5pm
Saturday	Closed
Sunday:	2pm- midnight

Summer Hours

Monday-Friday	8am-5pm
Saturday-Sunday	Closed

The library has five full time staff members, a night supervisor twelve student workers and is open 85.5 hours a week during the Fall and Spring Semesters.

The University Archives and four special collections are located in the Library: the J.W. Hunt Library of Texana and the Southwest, the E. L. and A. W. Yeats Collection, the Clement Collection of Methodist History and the Grady McWhiney Collection in Celtic, Southern and Civil War History.

McMurry Writing Center Old Main (OM 301)

The McMurry Writing Center is located on the third floor of Old Main (OM 301). McMurry students are encouraged to consult with trained writing guides who will help with any aspect of student writing, from how to approach specific assignments to how to improve general writing skills. Students are not required to have a finished paper in order to schedule an appointment. Students can come in with ideas, notes, or a draft. Consultations are 1-1 and students may make appointments Monday through Friday from 8:00am to 5:00pm.

MINDSET FOR SUCCESS OFFICE (MSO) RYAN FINE ARTS BUILDING, 793-4606

The goal of McMurry's Mindset for Success Office (MSO) is to increase student success at McMurry University by empowering students to focus on their own academic success. This program provides the support needed to be successful in a student's academic life by offering services and tools such as organizational skills, study skills, time management, and other academic coaching. This office can also connect students with other helpful resources on campus. The MSO is located in the Ryan Fine Arts Building.

POST OFFICE

PRESIDENT HALL, 793-4798

The McMurry post office is a contract station through the U.S. Postal Service. Window hours are Monday-Friday 8:00 am to 5:00 pm. The post office observes all McMurry Holidays and will be closed during the holidays the University is closed. We receive the mail usually mid-morning and is placed in student mail boxes by 11:00 am. UPS, Fed-Ex delivers in the afternoon.

Outgoing mail is picked up at 2:30 pm Monday thru Friday. All prices of mailing are set by United States Postal Service. Postal money orders are sold each day until 2:00 pm. Mail boxes are provided for all students **living** in the residence halls and campus apartments free of charge. There is a \$20.00 yearly fee for students who move off-campus and keep their campus mail box.

REGISTRAR'S OFFICE

MAEDGEN 105, 793-3888

The Registrar's Office is located in Maedgen Room 105 and is open Monday – Friday from 8am – 5pm. Services include, but are not limited to, registration assistance, processing official transcript requests, name changes, degree audits, withdrawing from the University and graduation evaluations.

Official Transcripts

Detailed information concerning official transcript requests is located on the Registrar's page of the McMurry website. Transcripts cost \$10.00 each and requests are normally processed within 2-4 business days.

Readmission Applications

If a student has not been enrolled at McMurry for one long semester or more, a Readmission Application is required to return and continue enrollment. Readmission applications are located online at mcm.edu.

Graduation Applications

May/August graduation applications are due September 1st and audits will be emailed in October. Transcripts, substitutions, incomplete grades, CLEP, AP and Departmental Exams must be on file in the Registrar's Office no later than March 1st of the graduating spring semester. It is the student's responsibility to make sure these deadlines are met. Communication regarding graduation will be made through the student's McMurry email address. It is the student's responsibility to make sure they check and maintain their McMurry email.

December graduation applications are due February 1st and audits will be mailed in March. Transcripts, substitutions, incomplete grades, CLEP, AP and Departmental Exams must be on file in the Registrar's Office no later than October 1st of the graduating fall semester. It is the student's responsibility to make sure these deadlines are met. Communication regarding graduation will be made through the student's McMurry email address. It is the student's responsibility to make sure they check and maintain their McMurry email.

MyMcM

Students can access their accounts through the McMurry website via the MyMcM portal. It is the student's responsibility to maintain their password and be familiar with their MyMcM account. Students are able to accept or decline their financial aid, they can view their financial account status, they can update their demographic information, view and print their degree audit, register for classes once their holds are cleared and they have seen their advisor, view and print their unofficial transcript, view their grades at the end of each semester, view any holds that may be on their account as well as many other things.

Student Privacy (FERPA)

The Family Education Rights and Privacy Act of 1974 (FERPA) protects the privacy of student records. This Act allows that certain information, known as Directory Information, may be released without the consent of the student. Students may request that Directory Information not be made public by completing the appropriate request form in the Registrar's Office. Directory Information at McMurry includes the following: student's full name; local and permanent addresses and telephone numbers; directory phone (as indicated by student); hometown, student's McMurry email address; enrollment status (full or part time or currently enrolled or not); dates of

attendance; previous educational institutions attended; major and minor; degree being pursued; degrees awarded; student's participation in officially recognized university activities; honors and awards received in connection with officially recognized activities; height and weight if a member of an athletic team; classification; place and date of birth; anticipated degrees; anticipated graduation dates; photographs.

McMurry Email

It is the student's responsibility to check and maintain their McMurry email accounts. Students receive vital communication from administrators and faculty through their McMurry email and they are held responsible for the information that is sent to their McMurry email accounts. Due to confidentiality concerns, no other email address will be used to contact the student.

RELIGIOUS AND SPIRITUAL LIFE

RADFORD HALL 301, 793-4776

The United Methodist Church has a historical tradition of support for and involvement in higher education. McMurry University proudly stands in that tradition. McMurry University is interested in the whole person and thus offers opportunities for developing and celebrating one's personal spirituality as well as the inter-connectedness we share in faith - one with another. The Chaplain and Assistant Chaplain of the University work with a student leadership team to provide such opportunities. The following are weekly opportunities for spiritual growth:

- Mondays at 7:30 p.m. – FCA or Fellowship of Christian Athletes is an organization dedicated to the spiritual growth and development of student scholar/athletes that meets at Redeemer Church with the other universities in the city.
- Tuesdays at 11:00 a.m. - University Chapel Worship (Location: Matthews Auditorium, Old Main & other areas of campus) Services are nondenominational and offer creative ways for students, administrators, staff, and faculty to gather together.
- Tuesdays & Thursdays at 7:30 p.m. - Abilene Catholic Student Association (a community of Catholic students from McMurry, ACU, HSU & Cisco) Bible Study is open to all interested students. Volleyball, Adoration, community service and more (Location: Sacred Heart Catholic Church).
- BTA or Better Together Alliance is the interfaith student organization that works to promote a better understanding of all people of religious or spiritual traditions. (day and location to be determined)
- Thursdays (alternating weeks) at 7:00 p.m. - Holy Grounds Coffeehouse – a safe space for conversation, study and community building.
- Retreat and Mission/Service Opportunities - Students will be informed about dates and locations for retreats and mission opportunities as those events are planned throughout the year. Each semester there are sponsored community service activities and food drives to support the Friends' Closet (food pantry) on campus.
- Spiritual Direction and Counseling: The Chaplain and Assistant Chaplain of the University are available to students for religious or spiritual, vocational, and personal counsel.
- Involvement in Local Congregations: Students are encouraged to take advantage of the opportunities to become involved with one of the numerous local congregations. Congregations often seek student employees for their music, children's and youth ministries. Many welcome students each fall with special meals and are available to promote their ministries and services through the Organizational Expo that takes place the first week of the fall semester.

RESIDENCE LIFE

Old Main 305A, 793-4643

Living on campus provides many opportunities to discover and develop friendships and talents. Residents often face challenges of personal responsibility, as they become independent adults. By residing on campus and embracing the University's academic mission, students gain insight into differing lifestyles, cultures, and beliefs

of McMurry students. This experience or life on campus is the foundation to life beyond McMurry.

All students are responsible for following the guidelines set by McMurry University concerning housing, as well as all policies and regulations listed in the *Student Handbook*, housing agreement, and *Residence Life Guidebook*. All unmarried students without 60 hours (4 Long semesters on campus), under 21 years of age who are not residing with a parent or legal guardian in Abilene or within commuting distance of 30 miles of the university are required to live in a residence hall or on-campus apartment. Additionally, all residential students must purchase a residential meal plan. Students may request exemption from this policy by contacting the Director of Residence Life & Housing in writing. Exceptions are very rare. Housing agreements are for the term of the agreement and any student that breaks the agreement by leaving the halls before the term of the agreement has expired, without authorization from the Dean of Students & Campus Life, will be charged the full amount of the agreement and meal plan.

Under the Fair Housing Amendments Act of 1988, McMurry University respects and welcomes the need of Emotional Support Animals (ESAs). ALL students requesting an ESA must go through the appropriate approval process in order to have their animal reside with them on campus. For information about how to obtain an ESA, please contact the Director of Counseling & Disability Services to learn more about our policy and approval process. Please note that it is a violation of your housing agreement to have an animal reside in your campus housing prior to approval. This violation will likely result in a fine if the animal is not approved as an ESA.

Residence Life Staff

The Residence Life staff consists of a Director of Residence Life & Housing and a Residence Hall Directors (RHD) overseeing Gold Star Hall, Hunt Hall, Martin Hall and the University Apartments. The professional staff is responsible for day-to-day operations within the residence halls as well as staff supervision. In addition to the professional staff, each residence hall has student resident assistants (RA). These students are selected for their character, outstanding leadership abilities, interest in students, and experience in residence hall living. They are considered employees of the university and are trained to assist students in their living/learning environment. RAs are trained to assist students academically, socially, spiritually, physically, vocationally, and emotionally.

SERVANT LEADERSHIP

OLD MAIN 306A, 793-4995

Servant leadership is an unconventional approach to life and work reflected in the mission of the university. It places primary emphasis on the well-being of those being served, the transformation of supervision in organizational cultures, and accomplishment of systemic social change.

The McMurry Servant Leadership Program academically trains students to learn servant leadership philosophy and practice. It improves the capacity and quality of campus organizations and student life, and provides meaningful, sustained, and measurable service addressing social problems in Abilene.

Students develop as servant leaders sequentially, in terms of both cognition and behavior. The First Year Seminar features an introduction and baseline assessment of servant leadership. Next, students gain new philosophical and practical knowledge by taking *Concepts and Techniques of Servant Leadership*, a popular course that meets a General Education requirement. Then, students can choose to major (BIS) or minor in Servant Leadership as a program of study. Emerging servant leaders are encouraged to apply for Irene and Clifford Trotter Scholarships and community-engaged student employment.

SPIRIT STORE

PRESIDENT HALL, 793-4832

The University operates a Spirit Store, temporarily located in President Hall, which maintains a wide selection of college supplies that contribute to the overall experience of the University. The Spirit Store offers official McMurry University clothing and gifts, as well as snacks, drinks, and school supplies. Shop online for delivery or in store pick up at, <https://mcmurry-university-spirit-store.square.site/>

The Spirit Store hours year-round are Monday through Friday, 8:00 a.m. – 5:00 p.m. and most forms of payment and Apple Pay are accepted.

For assistance, please e-mail spiritstore@mcm.edu or call 325-793-4832.

STEM STUDENT SUCCESS CENTER (S3C) - OLD MAIN SOUTH, 793-4842

The STEM Student Success Center (S3C) supports McMurry's science, technology, engineering and mathematics students with various services to support their success. The program is supported by federal Title V funds for Hispanic-serving institutions. Among other services, this office offers tutoring, peer mentoring, supplemental instruction for specific classes, advising, career planning and assistance with research. The office is located on the South (back) side of the Old Main classroom building.

STUDENT ACCOUNTS

MAEDGEN 102, 793-3815

Student Accounts Office is the centralized billing and collection point for student accounts. The office issues statements, receives payments, and posts charges and credits to student accounts. It is open Monday-Wednesday and Friday from 8 a.m. to 5 p.m. and Thursday from 9:00a.m.-5:00p.m. Services include receipt of payments on student accounts, cashing personal checks (no two-party checks, daily limit of \$100), and disbursement of financial aid. All returned checks are automatically sent to a collection agency. For help in understanding your account with McMurry University visit, call, or email at studentbilling@mcm.edu.

STUDENT AFFAIRS

PRESIDENT HALL SOUTH, 793-4680

The life of a McMurry student involves much more than attending classes and studying. At McMurry, students can acquire incredible knowledge in the classroom, but can also acquire and develop leadership, social, and communication skills by becoming actively involved in student organizations, campus life, residence life, and a host of other activities. The bottom line is - Get Involved!

Student Affairs serves as a resource for students, faculty, and staff in student development, social clubs, residence life, career services, religious life, student activities, university recreation, activity center, pool, campus center, wellness center, counseling, accessibility & accommodations services, student conduct, campus security, SOAR, and War Hawk Welcome Week.

Emergencies

Students are encouraged to contact the Student Affairs Office should an unfortunate emergency occur (death, accident, etc.). The Student Affairs Office will gladly contact your entire faculty and notify other offices of your needed absence. Of course, the student remains responsible for completing any coursework missed. This only applies to emergencies. Students that are ill must personally contact their faculty and make appropriate arrangements.

STUDENT ENGAGEMENT

President Hall 3125, 793-4850

The Office for Student Engagement is located in the President Hall Room 3125. Here, you can find the office for the Director of Student Activities & Orientation.

We encourage and facilitate student engagement in various student organizations including Campus Activities Board (CAB), McMurry Student Government (MSG), Social Clubs, the Orientation Team, leadership development, and participation in campus-wide events and community service.

The Office for Student Engagement is committed to providing development opportunities for all students. It is our goal to challenge students to become empowered, motivated and experienced leaders and citizens through a comprehensive co-curricular experience. Stop by and learn how to get involved!

TRIO STUDENT SUPPORT SERVICES

**Library Rooms 112 & 110,
793-6711**

TRIO Student Support Services is a federally-supported program dedicated to increasing the retention and graduation rates for low-income, first-generation, and/or current undergraduate students with documented disabilities at McMurry University. Services provided include academic coaching, tutoring, career counseling, financial aid advising, FAFSA assistance, help with applying to graduate school, and assistance for participants with disabilities. TRIO SSS of various workshops on academic success and financial literacy, as well as social

and cultural events to enrich students. Students must apply to enroll in the TRIO SSS program via the My McM Portal.

UNIVERSITY WELLNESS & RECREATION 2nd FLOOR, HUNT PE CENTER, 793-4849

The McMurry University Wellness & Recreation Department strives to promote and advance healthy lifestyles through participation opportunities, educational experiences, and supportive services. Our goal is to offer comprehensive, quality programs and services that enhance wellness through the promotion of healthy lifestyles. Our qualified staff is committed to excellence and attentive to the developmental needs of our participants. We project a creative and caring attitude, which is sensitive to the needs of the University Community. Through recreation and intramural competition, the University Wellness & Recreation Department provides a safe environment while enhancing sportsmanship, leadership, and lifelong skills for the University Community.

Intramurals, Phone: 325-793-4939

The most popular extracurricular program on campus, intramurals offers a wide variety of sports and activities with the goal of providing something for everyone. Flag football, basketball, volleyball, soccer, racquet sports, and many other events are offered. Separate divisions for various skill levels are provided when possible. The goal of intramurals is wide participation in an atmosphere of fun.

Activity Center and Natatorium

The McMurry Activity Center houses a full-size basketball/volleyball court, two racquetball courts, dressing rooms, showers, and a 25-yard indoor swimming pool. McMurry students, faculty, staff, and alumni may use the facilities with a valid McMurry I.D. card. Children under the age of 18 must be accompanied by their parents. Equipment may be checked out in the Wellness Center during operating hours. Open play times vary with the class and intramural schedules. Aquatics programs include recreational swimming, instructional classes, and special events. For more information, visit our web site at: <http://www.mcm.edu/students/wellness/index.htm>.

Wellness Center

The Wellness Center is located on the second floor of the Hunt P.E. Center and contains a complete fitness center with weight and cardiovascular machines, free weights, and testing equipment. The staff is trained to assist you with instruction on proper use of the equipment and answer any wellness related questions you may have. The Wellness Center also offers campus-wide and community programs throughout the year in the six areas of wellness: physical, spiritual, occupational, social, emotional, and intellectual.

GENERAL INFORMATION

COMPUTER USE POLICY

Please see the “Information Services” section of the McMurry University website for the latest version of the University Computer Use policy (<http://www.mcm.edu/newsite/web/mis/policies.htm>).

DRUG-FREE SCHOOL AND COMMUNITIES ACT

McMurry University strongly supports the provisions of the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226). The following information is provided at least annually to all students and employees of the University under the “Drug Free Schools and Campuses” portion of the above stated law.

Standards of Conduct. As clearly stated in the McMurry University *Student Handbook*, the use, possession or distribution of alcohol and illegal drugs is prohibited on the McMurry University campus. The McMurry University Faculty Handbook reinforces this policy for employees.

Legal Sanctions. Texas legal sanctions for the unlawful possession, use, or distribution of illicit drugs and alcohol vary from class C misdemeanors with fines not to exceed \$200.00 to felonies of the first degree with confinement for life.

Federal sanctions closely parallel those of Texas. More detailed information is available on request from the Student Affairs Office or the local police department. McMurry University will cooperate with all law enforcement agencies in the investigation of drug and alcohol abuse.

Health Risks. Health risks associated with the use of illicit drugs and the abuse of alcohol vary a great deal and are much too numerous to list here. The bottom line is the risk of death as a result of abuse. Detailed materials are available through the Student Affairs Office or the Health Services Office.

Drug and Alcohol Counseling. Counseling is available through Counseling and Career Services, Health Services, and Religious and Spiritual Life. Publications and lists of materials are available in the library for student and employee use. Referral to treatment and rehabilitation programs, as well as to other community counseling services, is available in the Counseling Services office. All requests will be kept confidential.

University Sanctions. Any student who is found responsible for violating drug policies as outlined in the Student Code of Conduct may be suspended or expelled from McMurry University. Any student athlete found responsible of violating drug policies as outlined in the Student Code of Conduct may also be subject to loss of eligibility under NCAA rules and regulations. Any employee found responsible of the same offense faces disciplinary action up to immediate termination of employment. Alcohol abuse is punishable by disciplinary action up to, and including, expulsion.

The *Student Handbook*, staff, and faculty handbooks outline the University's policy on drug and alcohol abuse. A biennial review will be conducted by McMurry University to ensure the abuse program is effective and stated sanctions are consistently enforced. Changes will be implemented as needed. Questions should be directed to the Student Affairs Office.

FIREARMS AND OTHER PROHIBITED WEAPONS

Handguns or any other firearms are prohibited on campus including parking lots, regardless of a license. All License to Carry a Handgun (LTC) holders, including students who possess an LTC, enrolled in or visiting McMurry University, may store the type of handgun for which they hold a license in locked, privately owned vehicles while parked on campus. Other than the LTC holder's handgun storage in locked, privately owned vehicles mentioned in the previous sentence, anyone found in possession of a firearm or handgun will be subject to appropriate judicial action. The McMurry University Security will file applicable charges against anyone found on campus with a firearm or other prohibited weapon.

SEXUAL AND INTERPERSONAL MISCONDUCT POLICY

This policy applies to sexual and gender-based harassment, sexual assault, sexual exploitation, stalking, intimate partner violence, and retaliation. Updated to fulfill requirements of the US Department of Education Title IX Final Rule, effective August 14, 2020.

1. Overview

McMurry University ("McM") is committed to providing a safe and non-discriminatory learning, living, and working environment for all members of the University community.

McMurry University does not unlawfully discriminate on the basis of sex or gender in any of its education or employment programs and activities, and it does not tolerate unlawful discrimination or harassment on the basis of sex or gender. This Sexual and Interpersonal Misconduct ("SIM") policy prohibits: 1) sexual harassment as defined by Title IX ("Title IX Sexual Harassment"); and 2) certain other forms of sexual and interpersonal misconduct not covered by Title IX (e.g., certain types of sexual and gender-based harassment, sexual assault,

sexual exploitation, stalking, intimate partner violence, retaliation, and complicity (“Non-Title IX Misconduct”)) (collectively referred to in this policy as Prohibited Conduct). These forms of Prohibited Conduct are harmful to the well-being of our community and its members, the learning and working environment, and collegial relationships among our students, faculty, and staff.

All violations of Prohibited Conduct under this policy will result in discipline, including potential separation from the University and/or referral to separate procedures that could result in termination of employment. Some forms of Prohibited Conduct may also violate state and federal laws, and criminal prosecution may occur independently of any University process.

The University will comply with Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in the University's programs and activities, and Title IX regulations issued in May 2020; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA); Title VII of the Civil Rights Act of 1964; Chapter 21 of the Texas Labor Code; Chapter 40, Section 819 of the Texas Administrative Code; pertinent provisions of the Texas Education Code, and other applicable law.

This policy sets forth the procedures that will be used to investigate and respond to reports of Prohibited Conduct. The University will respond to reports about Prohibited Conduct with measures designed to eliminate the conduct, prevent its recurrence, and remedy any adverse effects of the conduct on individuals, members of the campus community, or University-related programs or activities. In addition, the University may implement supportive measures that are designed to restore or preserve equal access to University programs and activities and protect individual and campus safety.

Within the bounds of applicable law, the University will make reasonable efforts to investigate and address reports of Prohibited Conduct, regardless of how the information was brought to the University's attention or the extent to which the complainant wishes to participate or be involved. See Balancing Complainant Autonomy with University Responsibility to Investigate.

The University will not pursue disciplinary action against a complainant, respondent, or witness for disclosure of personal consumption of alcohol or other drugs (underage or illegal) where the disclosure is made in connection with a good faith report or resolution process and the personal consumption did not place the health or safety of any other person at risk.

All McMurry students and employees have access to Confidential Resources that they may use for support and guidance regardless of whether they make a report to the University or participate in a resolution process.

Retaliation against anyone who makes a good faith report or complaint under this policy, who opposes in a reasonable manner an act believed to constitute a violation of this policy, or because they have assisted, or participated or refused to participate in any manner in a resolution process under this policy, is prohibited. Concerns or questions about retaliation should be immediately reported to the University's Title IX Coordinator.

2. The University's Title IX Coordinator

The Title IX Coordinator coordinates the University's compliance with Title IX and related provisions of the Clery Act. The Title IX Coordinator oversees the University's centralized response to all reports of Prohibited Conduct to ensure consistent implementation of this policy and compliance with federal and state law. The Title IX Coordinator and designated staff will, among other steps:

- Communicate with all members of the University community regarding applicable law and policy and provide information about how individuals may access reporting and support options.

- Review applicable University policies to ensure institutional compliance with applicable federal and state law.
- Monitor the University's administration of its own applicable policies, including record keeping, adherence to timeframes, and other procedural requirements.
- Conduct or arrange for training regarding Title IX, related provisions of the Clery Act (as amended by VAWA), and Prohibited Conduct defined in this policy.
- Respond as appropriate and within the bounds of the law to any report regarding conduct that may violate this policy. In this capacity, the Title IX Coordinator shall oversee the investigation and resolution of such alleged misconduct, direct the provision of any interim or supportive measures (including oversight of the failure to abide by an interim or supportive measure), and monitor the administration of any request for review of the finding.

The Title IX Coordinator may delegate responsibilities under this policy to designated administrators or external professionals, who will have appropriate training and/or experience. When used in this policy, the term Title IX Coordinator may include a Deputy Title IX Coordinator or appropriate designee. The Title IX Coordinators' contact information is:

Title IX Coordinator:

Kelly Gallagher
 (Off-campus; available by telephone
 or email)
 Maedgen, Room 107
 Phone: 325-793-4990
 Email: gallagher.kelly@mcm.edu

Deputy Title IX Coordinator:

Lecia Hughes, M.Ed., LPC
 Associate Vice President for
 Human Resources and Compliance
 Maedgen, Room 107
 1 McMurry University Box 87
 Abilene, TX 79697
 Phone: 325-793-4998
 Email: hughes.lecia@mcm.edu

Deputy Title IX Coordinator:

Dr. Allen Withers
 Dean of Students & Campus Life
 President Hall, Room 100
 1 McMurry University Box 716
 Abilene, TX 79697
 Phone: 325-793-4680
 Email: withers.allen@mcm.edu

Deputy Title IX Coordinator:

Cammie Petree
 Senior Woman's Administrator
 Hunt P.E. 113
 1 McMurry University Box 188
 Abilene, TX 79697
 Phone: 325-793-4635
 Email: petree.cammie@mcm.edu

Concerns about the University's application of Title IX and the Clery Act may be addressed to the University's Title IX Coordinator; the United States Department of Education, Clery Act Compliance Division (at clery@ed.gov); the United States Department of Education, Office for Civil Rights (at OCR@ed.gov or 800-421-3481); and/or the Equal Employment Opportunity Commission (at info@eeoc.gov or 800-669-4000). Concerns related to employment or housing discrimination may also be addressed to the Texas Workforce Commission (at 888-452-2642 or www.twc.state.tx.us/programs/civil-rights-program-overview).

3. Scope of this Policy

To the extent permitted by applicable law, this policy governs the conduct of McMurry students, regardless of enrollment status; faculty; staff; and third parties (i.e., non-members of the University community, such as vendors, alumni/ae, and visitors).

Third parties are both protected by and subject to this policy. A third party may report potential policy violations committed by a member of the University community, and the University will take appropriate steps to investigate and respond to the conduct consistent with the authority granted by the University's jurisdiction, if any, over the respondent. A third party who is accused of violating University policy may be permanently barred from areas and/or activities controlled by the University or be subject to other restrictions for failing to comply with this policy, and may not be granted the full rights and processes afforded to McMurry community members through the provisions of this policy.

Various procedures provided in this policy may be used to address Prohibited Conduct that occurs:

- on campus or University property;
- in the context of any University-related or sponsored education program or activity, regardless of the location (including travel, research, or internship programs);
- by an McMurry student, regardless of location, under the Student Handbook;
- by an McMurry employee, regardless of location;
- through the use of University-owned or provided technology resources; or
- when the conduct has a nexus to the University, such as continuing adverse effects or the creation or continuation of a hostile environment on campus.

For every report, the Title IX Coordinator will review the circumstances of the reported conduct to determine whether the University has jurisdiction or disciplinary authority over the respondent or the conduct. In exercising jurisdiction over an McMurry affiliated respondent for reported conduct that occurs off campus and that has no nexus to the University or a University-related or sponsored education program or activity, the University's ability to investigate and impose disciplinary action may be limited by the University's authority and/or the amount of information available to the University through the exercise of reasonable diligence.

In instances where the University does not have disciplinary authority over the respondent, the University will still take reasonably available steps to support a complainant through interim or supportive measures and will assist a complainant in identifying external reporting mechanisms.

This policy uses the terms complainant, respondent, third party, and witness as follows:

- The term **complainant** refers to an individual who is reported to have experienced conduct that could constitute Prohibited Conduct, even if they do not participate in any related process.
- The term **respondent** refers to an individual who has been reported to have engaged in conduct that could constitute Prohibited Conduct.
- The term **party** or **parties** may also be used to refer to a complainant or respondent participating in a resolution process.
- The term **third party** refers to an individual who is not a University student, faculty member, or staff member (e.g., vendors, alumni/ae, or visitors).
- The term **witness** refers to an individual who may have information relevant to a report of Prohibited

Conduct. A witness may be a student, an employee, or a third party.

4. Coordination with Other Policies

This policy addresses discrimination on the basis of sex or gender as it relates to Title IX Sexual Harassment and Non-Title IX Misconduct as defined in more detail below. Sex discrimination (not based on harassment or violence), and discrimination and harassment based on race, color, nationality or ethnic origin, age, or disability are governed by the University's Student Handbook, Faculty Handbook, and/or Employee Handbook.

In addition, the conduct of students, employees, and faculty is governed by the following:

- Student Handbook
 - Applies to all other forms of student misconduct (e.g., alcohol or other drug use, threats or physical abuse, possession of firearms, housing violations, etc.)
 - Overseen by the Dean of Students & Campus Life
- McMurry Employee Handbook
 - Set the standards of personal conduct for employees
 - Include the staff disciplinary and grievance policies
- McMurry Faculty Handbook
 - Sets the standards of personal conduct for faculty members
 - Includes the statement of academic freedom (See Also Academic Freedom and Professional Standards below)
 - Outlines the grounds and procedures for dismissal of tenured and non-tenured faculty
- Sexual Abuse and Child Molestation Prevention Policy (Employee Handbook - 922)
 - Provides for the screening, selection, and assessment of personnel
 - Includes information about recognizing, responding to, and reporting inappropriate or suspicious behavior, suspected abuse, and minor-to-minor sexual abuse

Where reported conduct involves the potential violation of both this policy and another University policy, the University may at its discretion choose to investigate other potential misconduct under the procedures set forth in this policy, instead of the procedures ordinarily used to address potential violations of such other University policies, so long as doing so does or would not unduly delay a prompt, equitable resolution of the report.

5. Relationships with Individuals in Authority

Engaging in romantic relationships and/or sexual conduct is prohibited between:

- University employees and undergraduate students (not one's spouse);
- University employees and students whom the employee educates, advises, coaches, supervises, or evaluates, or whom the employee has previously educated, advised, coached, supervised, or evaluated, in any way; or
- University employees and any individual whom that person supervises or evaluates in anyway.

Because prohibited relationships often involve a power differential, the conduct may also constitute sexual harassment or other forms of prohibited conduct under this policy. The Associate Vice President for Human Resources and Compliance, Vice President for Academic Affairs and Dean of the Faculty, and/or appropriate Cabinet members will coordinate with the Title IX Coordinator in enforcing violations.

6. Academic Freedom and Freedom of Expression

The University is committed to the principles of free inquiry and expression. Vigorous discussion and debate are fundamental to this commitment, and this policy is not intended to restrict teaching methods or freedom of expression, nor will it be permitted to do so. This policy shall be interpreted and enforced in a manner consistent with the University's Faculty Handbook – Academic Freedom and Professional Responsibility.

Offensiveness of conduct, standing alone, is not sufficient for the conduct to constitute Prohibited Conduct. To constitute Prohibited Conduct, conduct must be so severe, pervasive and objectively offensive from the perspective of a reasonable person that it effectively denies equal access to the University's education program or activity (including its academic programs and employment activities).

7. Prohibited Conduct

In determining whether reported conduct violates this policy, the University will consider the totality of the facts and circumstances involved in the incident, including the nature of the reported conduct and the context in which it occurred. Individuals of any sex or

gender can commit any of the Prohibited Conduct defined in this policy, and it can occur between individuals of the same sex/gender or different sexes/genders. It can occur between strangers or acquaintances, as well as persons involved in intimate, sexual, dating, domestic, or familial relationships. In broad terms, this policy prohibits the following forms of conduct, collectively referred to throughout this policy as Prohibited Conduct, as well as attempts to commit such misconduct.

A. Title IX Sexual Harassment

"Title IX Sexual Harassment" is a subset of Prohibited Conduct. Under Department of Education regulations (*see* 34 C.F.R., Part 106) issued in 2020 to implement Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., the University is required to prohibit certain forms of sexual harassment as defined in those regulations. Title IX Sexual Harassment is Prohibited Conduct of the following types committed by or against Students and/or Employees in an education program or activity of the University, in the United States:

Prohibited Conduct meets the definition of Title IX Sexual Harassment when:

- An Employee conditions the provision of an aid, a benefit, or a service on another Employee's or a Student's participation in unwelcome sexual conduct (i.e., *Quid Pro Quo* sexual harassment); or

- A Student, Employee, or Third Party (to the extent applicable) engages in unwelcome conduct on the basis of sex that would be determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies another person equal access to the University’s programs or activities; or
- A Student, Employee, or Third Party engages in Sexual Assault, Domestic Violence, Dating Violence, or Sexual and/or Gender-based Stalking as defined below; and
 - The alleged conduct was perpetrated against a person in the United States; and
 - The conduct took place within the University’s programs and activities.

Conduct takes place within the “University’s programs and activities” when that conduct occurs: (1) in a location, at an event, or in a circumstance where the University exercises substantial control over both the respondent and the context in which the conduct occurs; or (2) in any building owned or controlled by a student organization recognized by the University. Events that occur off campus or in locations with no connection to the University are unlikely to be considered a University program or activity.

Conduct that does not meet this strict definition for Title IX Sexual Harassment is still prohibited by this policy if it otherwise constitutes Prohibited Conduct as further defined below.

The following Prohibited Conduct definitions apply for purposes of the definition of Title IX Sexual Harassment:

1. Title IX *Quid Pro Quo* Sexual Harassment

Quid pro quo sexual harassment is conduct on the basis of sex by which an employee of the University conditions the provision of an aid, benefit, or service of the University on a student’s or employee’s participation in unwelcome sexual conduct.

2. Title IX Severe, Pervasive and Objectively Offensive Sexual Harassment

Severe, pervasive and objectively offensive sexual harassment is conduct on the basis of sex that constitutes unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a student or employee equal access to the University’s education program or activity.

3. Title IX Sexual Assault

Title IX sexual assault includes rape, fondling without consent, incest or statutory rape, defined as follows:

- a. Rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral genital contact of another person without consent (as defined below).
- b. Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without consent.
- c. Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. Statutory rape is sexual intercourse with a person who is under the statutory age of consent. Under Texas law, individuals younger than 17 years of age are legally incapable of giving consent to sexual penetration or contact by an adult (someone 18 years of age or older) who is three or

more years older than the individual.

4. Title IX Domestic Violence

Title IX domestic violence is conduct that constitutes a felony or misdemeanor crime of violence 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;
- By a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner;
- By a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; 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 the jurisdiction in which the crime of violence occurred.

5. Title IX Dating Violence

Title IX dating violence is conduct that constitutes violence committed by a person who is 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 parties' statements 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.

6. Title IX Stalking

Title IX Stalking for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex that constitutes a course of conduct directed at a specific person that 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.

B. Non-Title IX Misconduct

Non-Title IX Misconduct is Prohibited Conduct that falls within the Scope of this Policy and the definitions below

but that does not fall within the definition of Title IX Sexual Harassment, either due to the nature of the conduct or because it did not reportedly occur within a program or activity of the University in the United States. Such conduct is defined for purposes of this policy as:

1. Non-Title IX Sexual Assault

Sexual Assault (i.e., rape, fondling, incest or statutory rape) as defined in the Title IX Sexual Assault definition above that did not reportedly occur in a program or activity of the University in the United States.

2. Non-Consensual Sexual Contact

Any intentional touching of a person's breast(s), buttock(s), groin, genitals, or other intimate parts without consent. Touching may be over or under clothing and may include the respondent touching the complainant, the respondent making the complainant touch the respondent or another person, or the respondent making the complainant touch the complainant's own body.

3. Sexual and Gender-Based Harassment

Sexual Harassment: Sexual harassment is any unwelcome sexual advance, request for sexual favors, and/or other unwelcome, verbal or physical conduct of a sexual nature when one of the conditions outlined in (a), (b), or (c), below, is present.

Gender-Based Harassment: Gender-based harassment includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve contact of a sexual nature, when one of the conditions outlined in (a), (b), or (c), below, is present.

- a. Submission to, or rejection of, such conduct is made implicitly or explicitly a term or condition of a person's instruction, academic standing, employment, or participation in any University program, activity, or benefit, but which does not fit within the definition of Title IX *Quid Pro Quo*.
- b. Submission to, or rejection of, such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions, in circumstances that do not fit within the definition of Title IX *Quid Pro Quo*.
- c. Such conduct creates a hostile environment. Under Texas Education Code §51.281(4) a hostile environment exists:
 - i. in the employment context, when it unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or
 - ii. in the education context, when it is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from the University's educational programs or activities.

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment. The perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

Sexual harassment:

- May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- Does NOT have to include intent to harm or involve repeated incidents.
- May be committed by anyone, regardless of gender, age, position, or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational, or employment relationships, harassment can occur in any context.
- May be committed by a stranger, an acquaintance, or someone with whom the complainant has an intimate or sexual relationship.
- May be committed by or against an individual, organization, or group.
- May occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation.
- May occur in the classroom, in the workplace, in residential settings, or in any other context.
- May be a one-time event or may be part of a pattern of behavior, if it meets the standard stated above.
- May be committed in the presence of others or when the parties are alone.
- May affect the complainant and/or third parties who witness or observe harassment.

4. Sexual Exploitation

Any act where one person violates the sexual privacy of another or takes unjust or abusive sexual advantage of another, but that does not fall within the definition of Title IX Sexual Harassment. Sexual exploitation may include:

- surreptitiously observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- recording, photographing, transmitting, showing, viewing, streaming, or distributing intimate or sexual images, audio recordings, or sexual information without the knowledge and consent of all parties involved;
- providing alcohol or drugs to a complainant with the intent to facilitate Prohibited Conduct;
- exposing one's genitals or inducing another to expose their own genitals in non- consensual circumstances;
or
- knowingly exposing someone to or transmitting a Sexually Transmitted Infection (STI) or Human Immunodeficiency Virus (HIV).

5. Non-Title IX Domestic Violence

Domestic violence as defined in the Title IX Domestic Violence definition above that did not reportedly occur in a program or activity of the University in the United States.

6. Non-Title IX Dating Violence

Dating violence as defined in the Title IX Dating Violence definition above that did not reportedly occur in a program or activity of the University in the United States.

7. Non-Title IX Stalking

Stalking as defined in the Title IX Stalking definition above that did not reportedly occur in a program or activity of the University in the United States, or that otherwise fits within

the definition of stalking but does not fall within the Title IX Stalking definition because the reported conduct is not directed at the alleged victim on the basis of sex.

8. Retaliation

Retaliation means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations or this policy, or because the individual has made a report

or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing regarding Prohibited Conduct (including both Title IX Sexual Harassment and Non-Title IX Misconduct). Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations, constitutes retaliation, as does any adverse action taken against a person for making a good faith report of Prohibited Conduct or participating in any proceeding under this Policy.

Retaliation may include intimidation, threats, coercion, harassment, or adverse employment or educational actions that would discourage a Reasonable Person from engaging in activity protected under this 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 process under this Policy does not constitute prohibited retaliation, provided, however, that a determination regarding responsibility is not alone sufficient to establish that any party made a materially false statement in bad faith.

Further, under Texas Education Code §51.254, the University will not discipline or otherwise discriminate against an employee because they have, in good faith, made a report of Prohibited Conduct to the Title IX Coordinator as provided below, or because they have cooperated with an investigation, a resolution process relating to such a report.

Concerns or questions about retaliation should be immediately reported to the University's Title IX Coordinator.

9. Complicity

Any act that knowingly aids, facilitates, promotes, or encourages the commission of Prohibited Conduct by another person.

10. Prohibited Romantic and/or Sexual Conduct with Students or Supervisees

Consensual romantic and/or sexual relationships are prohibited between a student (not one's spouse) and any member of faculty or administrative staff who teaches, supervises, evaluates, or otherwise is in a position to

exercise direct power or authority over the student. Efforts by members of the faculty or administrative staff to initiate these relationships is prohibited. In cases in doubt, advice and counsel should be sought from the Associate Vice President for Human Resources and Compliance, appropriate Cabinet member, and/or supervisor.

Consensual romantic and/or sexual relationships between a student (not one's spouse) and any member of the faculty or administrative staff who is not in a position to exercise direct power of authority over that student (e.g., when the student is in a different school or department) are in general inappropriate. Any member of the faculty or administrative staff who engages in such a relationship must accept responsibility for assuring that it does not result in a conflict of interest or the perception thereof or raise other issues of professional ethics. In cases in doubt, advice, and counsel should be sought from the Associate Vice President for Human Resources and Compliance, appropriate Cabinet member, and/or supervisor.

8. Consent and Incapacitation

The following definitions clarify key terminology as used throughout the policy and apply to both Title IX Sexual Harassment and Non-Title IX Sexual Misconduct.

Consent: Consent is the voluntary, informed, and freely given agreement, through words and/or actions, to participate in mutually agreed-upon acts. Consensual activity happens when each partner willingly and affirmatively chooses to participate.

In evaluating whether consent has been freely sought and given, the University will consider the presence of any force, threat of force, threats, or coercion; whether the complainant had the capacity to give consent; and, whether the communication (through words and/or actions) between the parties would be interpreted by a reasonable person (under similar circumstances and with similar identities) as a willingness to engage in a particular act.

Coercion is the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to engage in sexual contact. When a person makes clear that they do not wish to participate in a particular activity or communicates by words or actions a decision to stop or a decision

not to go beyond a certain interaction, continued pressure can be coercive. In evaluating whether coercion was used, the University will consider: (i) the frequency of the application of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the duration of the pressure.

Consent cannot be obtained through physical force or where there is a reasonable belief of the threat of physical force, when one person overcomes the physical limitations of another person.

Important points regarding consent include:

- Consent to one act does not constitute consent to another act.
- Consent on a prior occasion does not constitute consent on a subsequent occasion.
- Consent to an act with one person does not constitute consent to an act with any other person.
- The existence of a prior or current relationship does not, in itself, constitute consent; even in the context of a relationship, there must be mutual consent.

- Consent can be withdrawn or modified at any time, and the act must cease immediately once consent is withdrawn.
- Consent cannot be inferred from silence, passivity, or lack of resistance.

Under Texas law, individuals younger than 17 years of age are legally incapable of giving consent to sexual penetration or contact by an adult (someone 18 years of age or older) who is three or more years older than the individual.

Incapacitation: Incapacitation is the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, either voluntarily or involuntarily, or the individual is unconscious, asleep, or otherwise unaware that the activity is occurring. In addition, an individual is incapacitated if they demonstrate that they are unaware at the time of the incident of where they are, how they got there, or why or how they became engaged in an act.

The use of alcohol or other drugs can lower inhibitions and create an atmosphere of confusion about whether consent is effectively sought and freely given. When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence or impaired by use of the drug. Alcohol and other drugs impact each individual differently and determining whether an individual is incapacitated requires an individualized assessment.

The University does not expect community members to be medical experts in assessing incapacitation. Individuals should look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation. A person's level of intoxication is not always demonstrated by objective signs; however, some signs of intoxication may include clumsiness, difficulty walking, poor judgment, difficulty concentrating, slurred speech, vomiting, combativeness, or emotional volatility. A person who is incapacitated may not be able to understand some or all of the following questions: "Do you know where you are?" "Do you know how you got here?" "Do you know what is happening?" "Do you know whom you are with?"

An individual's level of intoxication may change over a period of time based on a variety of subjective factors, including the amount of substance intake, speed of intake, body mass, and metabolism. Because the impact of alcohol and other drugs varies from person to person, the amount of alcohol and/or drugs a person consumes may not be sufficient, without other evidence, to prove that they were incapacitated under this Policy.

Another effect of alcohol consumption can be memory impairment or forgetting entire or partial events (sometimes referred to as "black-out" or "brown-out"). A person may experience this symptom while appearing to be functioning "normally," including communicating through actions or words that seem to express an interest in engaging in sexual conduct. Whether sexual conduct with a person who is "blacked-out" constitutes Prohibited Conduct depends on the presence or absence of the observable factors indicating that a person is also incapacitated, as described above. Total or partial loss of memory alone, may not be sufficient, without other evidence, to prove that a person was incapacitated under this policy.

In evaluating consent in cases of reported incapacitation, the University asks two questions: (1) Did the respondent know that the complainant was incapacitated? and if not, (2) Should a sober, reasonable person in a similar set of circumstances as the respondent have known that the complainant was incapacitated? If the answer to either of these questions is "yes," the complainant could not consent; and the conduct is likely a violation of this policy.

A respondent's voluntary intoxication is never an excuse for or a defense to Prohibited Conduct, and it does not diminish the responsibility to determine that the other person has given consent and has the capacity to do so.

9. Confidentiality, Qualified Confidentiality, Privacy, and Reporting Responsibilities

Issues of privacy and confidentiality play important roles in this policy and may affect individuals differently. While they are closely related, the concepts of privacy and confidentiality are distinct terms that are defined below.

A. Confidentiality

Confidentiality refers to the protections provided to information disclosed in legally-protected or privileged relationships under Texas state law, including licensed professional mental health counselors, licensed medical professionals, and ordained clergy. These confidential resources can engage in confidential communications under Texas law when the information is disclosed within the scope of the provision of professional services. When an individual shares information with a confidential resource (on campus or in the community) as a confidential communication in the course of a protected relationship, the confidential resource cannot disclose the information (including information about whether an individual has received services) to any third party without the individual's written permission or unless required by ethical or legal obligations that compel the professional to reveal such information. For example, information may be disclosed when the individual gives written consent for its disclosure, there is an imminent concern that the individual will likely cause serious physical harm to self or others, or the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18. A person's medical and counseling records are privileged and confidential documents.

In accordance with May 2020 Title IX regulations, the University will not access, consider, disclose, or otherwise use a party's privileged records or require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Confidential resources submit non-personally-identifying information about Clery-reportable crimes to the McMurry Campus Security for purposes of anonymous statistical reporting under the Clery Act. Additionally, as required by Texas Education Code §51.252, Confidential Resources will report non-personally-identifiable information about incidents of sexual harassment, sexual assault, dating violence, and stalking to the Title IX Coordinator for purposes of statistical reporting.

Under Texas law, the identity of the following individuals is deemed confidential:

- (1) alleged victims of sexual harassment, sexual assault, dating violence, or stalking reported to a university;
- (2) a person who reports such conduct to a university, who sought guidance from the institution concerning such an incident, or who participated in the institution's investigation of such an incident; and
- (3) a person who is alleged in such a report to have committed or assisted in the commission of sexual harassment, sexual assault, dating violence, or stalking if, after completing an investigation, the institution determines the report to be unsubstantiated or without merit.

This means that unless waived in writing by the person, their identity may be disclosed only to:

- (1) the Title IX Coordinator as necessary to conduct an investigation of the report;
- (2) a law enforcement officer as necessary to conduct a criminal investigation of such report; or

- (3) a health care provider in an emergency situation, as determined to be necessary by the university.

As noted above, information regarding an incident of sexual harassment, sexual assault, dating violence, or stalking disclosed to a health care provider or other medical provider employed by a university is confidential and may be shared by the provider only with the alleged victim's consent except, as also noted above, that the provider must provide aggregate data or other non-identifying information regarding those incidents to the university's Title IX Coordinator.

B. Qualified Confidentiality and Privacy

May 2020 Title IX regulations contemplate that certain information will generally be treated confidentially, except as qualified by statements in those regulations. For example, the regulations provide that McMurry must maintain as confidential any supportive measures provided to a complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the supportive measures. The regulations also provide that McMurry must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy ("FERPA") statute referenced below, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of the Title IX regulations, including the conduct of any investigation, hearing, or judicial proceeding arising under those regulations.

This means that discretion will be exercised by the University in the course of any investigation or other processes under this policy. Information related to a report of Prohibited Conduct will be shared with a limited circle of University employees who need to know in order to assist in the assessment, investigation, and resolution of the report and related issues. University employees receive training in how to safeguard private information. The University will make reasonable efforts to investigate and address reports of Prohibited Conduct under this policy, and information may be disclosed to participants in an investigation as necessary to facilitate the thoroughness and integrity of the investigation

The privacy of student education records is governed by the Family Educational Rights and Privacy Act (FERPA). The privacy of an individual's medical and related records generally is governed by the Health Insurance Portability and Accountability Act (HIPAA) and Title 2, Chapter 81 and Title 4, Chapter 241, Subchapter G, of the Texas Health & Safety Code, and Chapter 144 of the Texas Civil Practice and Remedies Code, excepting health records protected by FERPA. Access to an employee's personnel records in Texas is governed by Chapter 103 of the Texas Labor Code.

C. Reporting Responsibilities

It is important to understand the different responsibilities of McMurry employees under federal and state law and University policy. Every employee is designated as either a Confidential Resource or a Responsible Employee.

Confidential Resources: The University has designated limited categories of employees as Confidential Resources with whom students may speak confidentially concerning Prohibited Conduct. A Confidential Resource is any employee who is a licensed medical, clinical, or mental-health professional (e.g., physicians, nurses, physician's assistants, psychologists, psychiatrists, professional counselors, and social workers, and those performing services under their supervision), when acting in that professional role in the provision of services to a patient; and any employee providing administrative, operational, and/or related support for such health care providers in their performance of such services. The McMurry University Chaplain is also a Confidential Resource when acting within a ministerial or pastoral role in the provision of services to a student, faculty, or staff member.

Unless given permission to disclose more information by the complainant, Confidential Resources will only disclose the type of incident and not personally identifiable information such as the individual's name or other identifying details to the Title IX Coordinator. When individuals who otherwise may be Confidential Resources receive

information outside of the provision of services to a patient or McMurry University Chaplain ministerial relationship, the Confidential Resource is required to share that information with the Title IX Coordinator.

Responsible Employees: Except for Confidential Resources, all University Employees are designated Responsible Employees and thereby mandatory reporters of potential Title IX violations. Responsible Employees include all staff (hourly and salary), faculty, instructors, teaching assistants, and student workers who have supervisory responsibility or responsibility for the welfare of other students and learn of potential violations of this policy in the scope of their employment. Student workers who are Responsible Employees include, but are not limited to, Resident Assistants, Peer Leaders, Orientation Leaders, Student Tutors, and Student Government Officers. Responsible Employees **must report immediately** any information about suspected sexual or gender-based harassment, sexual assault, sexual exploitation, stalking, intimate partner violence, or retaliation for reporting regardless of when (both prior to or during their time at McMurry) or where (both on and off campus) the alleged misconduct occurred. Responsible employees must report retaliation when they are aware of acts consistent with the policy definition of retaliation, and they have reason to believe it is occurring because of a party's participation in a Title IX process, or in order to prevent either making a report to Title IX or participation in a Title IX process. Reports must include any known details such as identities of the parties and the date, time, and location of the incident.

Texas law requires any employee of a college or university in Texas to report to the Title IX Coordinator any information regarding an alleged incident of sexual harassment, sexual assault, dating violence, or stalking, committed by or against a person enrolled at or employed by the institution at the time of the incident. *The law requires colleges to terminate employment for employees who fail to report such matters and imposes criminal penalties of up to a year in jail.*

The obligation to report applies whenever an employee receives, in the course and scope of employment, information about an alleged incident which reasonably constitutes sexual harassment, sexual assault, dating violence, or stalking committed by or against a person who was a student or employee at the time of the incident. The report must include all information known to the employee which would be relevant to an investigation or redress of the incident, including whether the alleged victim has expressed a desire for confidentiality. A party's desire for confidentiality does not relieve the employee's obligation to report.

The law encourages but does not require student employees to report. McMurry policy, however, requires student employees to report such instances.

Employees do not need to, and furthermore should not, investigate matters or make unnecessary judgments about the information they receive in order to determine whether the reported information meets the definition for misconduct. All instances of alleged misconduct that could reasonably constitute sexual harassment, sexual assault, dating violence, or stalking must be reported to the Title IX Coordinator.

The Title IX Coordinator will share all reports alleging Clery-reportable events with the McMurry Campus Security to promote a coordinated institutional response. Responsible Employees may provide support and assistance to a complainant, witness, or respondent; but they cannot promise confidentiality or withhold information about Prohibited Conduct.

Responsible Employees are not required to report information disclosed at public awareness events (e.g., "Take Back the Night," candlelight vigils, protests, "survivor speak-outs,") or other public forums in which students may disclose Prohibited Conduct. The University may however provide information about Title IX rights and available University and community resources and support at public awareness events.

A complainant may choose not to make a complaint or report in their own case, even if the complainant would otherwise have reporting obligations by virtue of being a faculty member, staff member, or student worker.

Students: With the exception of student workers who are designated as Responsible Employees, all other students are *encouraged to report* any suspected violation of this policy.

D. Clery Act Reporting

Pursuant to the Clery Act, the University includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. The Clery Act also requires the University to issue timely warnings to the University community about certain crimes that have been reported and may continue to pose a serious or continuing threat to campus safety.

Consistent with the Clery Act, the University withholds the names and other personally- identifying information of complainants when issuing timely warnings to the University community.

E. DFPS Reporting

Texas law requires that any person suspecting a child – 17 years of age or younger, or a person 65 years of age or older, or an adult with disabilities is being abused, neglected or exploited must report immediately all known information to the Department of Family and Protective Services (DFPS).

10. Resources and Reporting Options

All involved parties have many options, including seeking counseling or assistance from a Confidential Resource, making a report under this policy, and/or making a report to law enforcement. The University recognizes that deciding among these options can be difficult and is an intensely personal decision. Individuals are encouraged to seek assistance and to explore all potential reporting and support options.

A. Emergency Resources and Law Enforcement

Emergency medical assistance and campus safety/law enforcement assistance are available both on and off campus. Individuals are encouraged to contact law enforcement and seek medical treatment as soon as possible following an incident that may pose a threat to safety or physical well-being or following a potential criminal offense. Texas Education Code § 51.282 requires that McMurry inform you that it is very important for victims of sexual harassment, sexual assault, dating violence, or stalking to go to a hospital for help with treatment and preservation of evidence, if applicable, as soon as practicable after an incident.

To contact law enforcement: call the **McMurry Campus Safety & Security** at 325-793-4666 or, if off campus, **Abilene Police Department** at 325-673-8331. In an emergency, call 911.

McMurry University Campus Safety & Security (on campus), 24 hours a day
2249 Sentinel Drive
President Hall, North Wing

Abilene Police Department (off campus)
4565 South First Street
Abilene, TX 79604-0174

To access on-campus medical treatment, contact:

McMurry University Health Services
Brenda Johnson, ADN, RN
Director of Health Services & University Nurse
President Hall South, Room 102
325-793-4857

To access medical treatment (including Sexual Assault Forensic Exams) at local hospitals, contact:

Hendrick Medical Center
1900 Pine St.
Abilene, Texas 79601
325-670-2000 (Main Number)
325-670-2151 (Emergency Number)

Hendrick Medical Plaza
5302 Buffalo Gap Road, Abilene
325-307-6351 (Emergency Care Center – South)

Hendrick Medical Center South
6250 US-83
Abilene, TX 79606
325-428-1000 (Main Number)
325-428-1270 (Emergency Number)

To access crisis counseling and other community resources, contact:

Regional Victims Crisis Center
Abilene, TX 79604
<http://regionalvictimcrisiscenter.org/contactus.html>
325-677-7895 (8 am to 5 pm, then 24-hour crisis)

Oceans Behavioral Hospital of Abilene
4225 Woods Place
Abilene, TX 79601
<https://oceanshealthcare.com/abilene>
325-691-0030

B. Campus Confidential Resources

Students can access confidential resources on campus through:

- 1. McMurry University Counseling Center**
President Hall South, Room 105
Office: 325-793-4882 (Schedule an appointment or speak with counselor)
<https://services.mcm.edu/counseling/index.html>

Hours of Operation: Monday - Friday: 8am-5pm. Closed daily from 12pm - 1pm for lunch, appointments can be made with a counselor over the lunch hour if needed and scheduled ahead of time. The Counseling Care Center is closed Friday – Sunday and all University Holidays.

In case of a crisis, an individual may come by the Counseling Center during regular office hours. Students are advised to contact other available mental health resources when the Counseling Center is closed. In Abilene: If a student is having a psychological crisis and needs assistance, call the following numbers: 911 or a local hospital. See the University Counseling Center website for other resources. <https://services.mcm.edu/counseling/index.html>

2. McMurry University Health Services

Brenda Johnson, ADN, RN
Director of Health Services & University Nurse
President Hall South, Room 102
Phone: 325-793-4857
<https://services.mcm.edu/health/>

Hours of Operation: Monday – Friday: 8am – 5:00pm. Closed daily from 12pm - 1pm for lunch. The University Clinic is closed Friday – Sunday and all University Holidays.

3. University Chaplain

Rev. Marty CashBurless
University Chaplain and Director of Religious & Spiritual Life
Radford Hall, 2nd Floor
Abilene, Texas 79697
325-793-4775

Rev. Dr. Russell Miller
Assistant Chaplain
Office of Religious & Spiritual Life
President Hall
325-793-4992
<https://religious-life.mcm.edu/index.html>

C. Reporting Options

The University encourages all individuals to report Prohibited Conduct or a potential violation of this policy to the Title IX Coordinator, the McMurry University Campus Security, and/or to local law enforcement. A complainant has the right to report, or decline to report, potential criminal conduct to law enforcement, and/or to be assisted by the University in reporting potential criminal conduct to law enforcement at any time. Under limited circumstances deemed by the University to pose a threat to the health or safety of any University community member, the University may independently notify law enforcement.

An individual may make a report to the University, to law enforcement, to neither, or to both. Campus investigations of Prohibited Conduct and law enforcement investigations operate independently of one another, although the University will coordinate as appropriate. Anyone can make a report as follows:

- Make a report to the Title IX Coordinator in person, by telephone, by email, or by the online reporting form located on the “University Related Reporting” page on McMurry’s website at <https://hr.mcm.edu/title-IX/mcmurry/index.html>
- If on campus, contact the McMurry University Campus Security for assistance in filing a criminal complaint and preserving physical evidence at 325-793-4666.
- If off campus, contact local law enforcement to file a criminal complaint by calling 911.

An individual may pursue some or all of these steps at the same time (e.g., one may simultaneously pursue a Title IX report and a criminal complaint). When initiating any of the above options, an individual does not need to know whether they wish to request any particular course of action nor how to label what happened. As part of a report to the Title IX Coordinator, an individual can also request interim measures and support.

1. Anonymous Reporting

Anyone can make an anonymous report by submitting information by calling Campus Conduct Hotline 866-943-5787. Based on the nature of the information submitted, the University's ability to respond to an anonymous report may be limited.

2. Requests for Anonymity

Once a report has been shared with the Title IX Coordinator, a complainant may also directly request that their identity remain private (request for anonymity), that no investigation occur, or that no disciplinary action be taken. The University will carefully balance this request with the University's commitment to provide a non-discriminatory environment, and the respondent's right to have specific notice of the allegation(s) if the University were to take action that affects the respondent. In such circumstances, the Title IX Coordinator may arrange for preliminary fact-finding by an investigator to gain a better understanding of the context of the complaint or take other appropriate steps, including consulting with the University's threat assessment team. See Balancing Complainant Autonomy with University Responsibility to Investigate.

3. Amnesty

The University wishes to encourage good faith reports of conduct prohibited under this policy. Therefore, the University will not pursue disciplinary action against a student enrolled at the University who makes a good faith report to the University as a complainant or a witness to an incident of Prohibited Conduct for a violation by the student of the University's Student Handbook. This amnesty applies only to conduct occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the University's resolution process. This includes amnesty for disclosure of personal consumption of alcohol or other drugs (underage or illegal) which would otherwise be a violation of the Code of Student Conduct.

The University may investigate to determine whether a report of Prohibited Conduct was made in good faith. A student will not receive amnesty for reporting an incident involving their own commission or assistance in the commission of Prohibited Conduct. A student who makes a report but is later found responsible for Prohibited Conduct at or near the time of the incident, may not be entitled to a determination that the report was made in good faith. Granting of amnesty is final and may not be revoked. Even when amnesty is extended, the University may initiate an assessment or educational discussion or pursue other non-disciplinary options regarding alcohol or other drug use.

4. Timeframe for Reporting

Complainants and other reporting individuals are encouraged to report any violation of this policy as soon as possible in order to maximize the University's ability to respond promptly and effectively. There is no time limit for reporting. Reports under this policy may be made at any time without regard to how much time has elapsed since the incident(s) in question.

If the respondent is no longer a student at the time of a report, the University may not be able to take disciplinary action against the respondent. The University's ability to take action would also be limited if a report involves alleged conduct by a former employee. However, in such circumstances, the University may still provide support for the complainant and take steps to restore or preserve the complainant's equal access to University

education programs or activities. The University may also assist the complainant in identifying and contacting law enforcement and other external enforcement agencies.

D. Other Community Resources

Any individual may also access resources located in the local community. These organizations can provide crisis intervention services, counseling, medical attention, and assistance in dealing with the criminal justice system. If accessing these resources, individuals are encouraged to clarify whether the resources are confidential.

11. Interim and/or Supportive Measures

Upon receipt of a report of Prohibited Conduct, the University will consult initially with the complainant and provide reasonable and appropriate interim and/or supportive measures designed to preserve the parties' educational experiences; protect the parties during an investigation; address safety concerns for the broader University community; maintain the integrity of the investigative and/or resolution process; and/or deter retaliation. At the appropriate time, the University will also consult with the Respondent regarding interim and/or supportive measures. Interim and/or supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Interim measures are services provided to a party while an investigation and resolution process is pending, while supportive measures may be provided at any time, regardless of whether an investigation and resolution process has been initiated or completed.

Interim and/or supportive measures may include:

- access to counseling;
- access to medical services;
- academic accommodations, such as extensions of deadlines or other course-related adjustments, course schedule changes, late drops, and the ability to transfer course sections (this would include the University's allowing either party to drop a course in which both are enrolled in the same class section without academic penalty);
- modifications of work schedules; change in work locations; changing working arrangements; or providing other employment accommodations as appropriate;
- mutual restrictions on contact between the parties (i.e., "no contact directives");
- residential accommodations, including but not limited to arranging for new housing, or providing temporary housing options, as appropriate;
- leaves of absence;
- increased security and monitoring of certain areas of the campus;
- changing transportation arrangements;

- Assisting the individual in accessing support services, including, as available, victim advocacy, academic support, counseling, disability, health or mental health services visa and immigration assistance, student financial aid services, and legal assistance both on and off campus, as applicable;
- Assistance in obtaining a sexual assault forensic examination;
- Assistance in arranging rescheduling of exams and assignments and extensions of deadlines;
- Academic supports;
- Assistance in requesting long-term academic accommodations through the Disability Services Coordinator, if the party qualifies as an individual with a disability;
- Assistance navigating off-campus housing concerns;
- Escort and other safety planning steps;
- Referral to resources that can assist in obtaining a protective order under Texas law;
- Changes to another party's schedule, housing, academic arrangements and/or participate in University education programs or activities that do not unreasonably burden that party; and/or
- Any other measure that can be used to achieve the goals of this policy.

The availability of interim and supportive measures will be determined by factors such as the specific circumstances of each report, the party's wishes regarding supportive measures, and an individualized assessment of the circumstances of each case. Making every effort to avoid depriving all parties of their education, the University will consider a number of factors in determining which measures to take, including the needs of the student or employee seeking interim or supportive measures; whether the complainant and the respondent share the same residence hall, academic course(s), or job location(s); and whether judicial measures have been imposed (e.g., protective orders). The University will work in good faith to implement the requirements of judicially issued protective orders and similar orders, to the extent that doing so is within its authority.

The University will provide reasonable interim or supportive measures to third parties as appropriate and available, taking into account the role of the third party and the nature of any contractual relationship with the University.

Requests for interim or supportive measures may be made by either party to the Title IX Coordinator. The Title IX Coordinator is responsible for ensuring the implementation of interim or supportive measures and coordinating the University's response with the appropriate offices on campus. The Title IX Coordinator has the discretion to impose and/or modify any interim or supportive measure based on all available information and is available to meet with a complainant or respondent to address any concerns about the provision of interim or supportive measures. The University will maintain as confidential any interim or supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures, and will promptly address any violation of interim or supportive measures.

All individuals are encouraged to report to the Title IX Coordinator any concerns about the failure of another to abide by any restrictions imposed through an interim or supportive measure. In the event of an immediate health or safety concern, individuals should contact 911 or x4666 (on campus) immediately. The University will take immediate action to enforce a previously implemented measure, which may include additional interim

or supportive measures and/or disciplinary penalties under this SIM policy or other University policies.

In evaluating whether a party has violated the conditions of an interim or supportive measure, the Title IX Coordinator has the authority to conduct expedited fact-gathering (with appropriate notice and the opportunity to be heard), to impose separate disciplinary action for the violation based on the facts as gathered, to incorporate the failure to comply with the interim measure into the underlying investigation and charges of Prohibited Conduct, and/or refer the matter to the Dean of Students & Campus Life.

12. Overview of Resolution Options

The University is committed to providing a prompt, thorough, equitable, and impartial resolution of all reported violations of this policy. The University uses two processes to resolve reports of Prohibited Conduct under this policy when a formal complaint has been filed by a complainant or signed by the Title IX Coordinator, as described below:

- (1) Disciplinary Resolution, which involves an investigation and adjudication; and
- (2) Adaptable Resolution, which includes informal or restorative options for resolving reports.

Also, in cases that may potentially involve Non-Title IX Misconduct but that do not involve Title IX Sexual Harassment as defined above, and in which the Title IX Coordinator decides not to initiate an investigation and adjudication under this SIM policy, the Title IX Coordinator may itself or in collaboration with or referral to other University offices, undertake efforts such as educational conversations with individuals, educational programs for departments or groups, or other efforts designed to improve the campus environment and/or address concerns about behavior that may implicate this policy, but that is not appropriate for investigation and adjudication. An example of such a case would include a situation where a complainant does not wish to participate in a formal investigation and resolution process and the University can respect that wish due to the nature and level of the reported conduct, but where some action is nonetheless deemed appropriate by the Title IX Coordinator.

The processes under this policy are separate and distinct from Texas' criminal process. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. Neither a decision by law enforcement regarding prosecution nor the outcome of any criminal proceeding will be considered determinative of whether a violation of this policy has occurred.

13. Initial Steps and Determination of Appropriate Procedures

A. Initial Contact with Complainant by Title IX Coordinator

After receiving a report of Prohibited Conduct, the Title IX Coordinator will:

- (1) promptly contact or attempt to contact the complainant to discuss the availability of supportive measures (unless deemed unnecessary because contact has already been made with the complainant regarding the conduct alleged in the report);
- (2) inform the complainant of the availability of supportive measures with or without the filing of a formal complaint;
- (3) consider the complainant's wishes with respect to supportive measures; and

(4) explain to the complainant the process for filing a formal complaint.

B. Initial Assessment

As part of or in addition to the initial contact with the complainant, the Title IX Coordinator will also gather information about the reported conduct and any immediate health or safety concerns raised by the report or the complainant. The Title IX Coordinator will assess the complainant's safety and well-being, offer the University's immediate support and assistance, and assess the nature and circumstances of the report to determine whether the reported conduct raises a potential policy violation, and whether the reported conduct is within the scope of this policy. The Title IX Coordinator may consult with the University's interim measures assessment team, threat assessment group, or other University administrators as part of the initial assessment.

As part of the initial assessment, the Title IX Coordinator will:

- assess the nature and circumstances of the report, including whether it provides the names and/or any other information that identifies the complainant, the respondent, any witness, and/or any other individual with knowledge of the reported incident;
- address immediate physical safety and emotional well-being;
- notify the complainant of their right to contact (or decline to contact) law enforcement or seek a civil protection order;
- notify the complainant of the right to seek medical treatment;
- notify the complainant of the importance of preservation of evidence and of visiting a hospital as necessary for help with doing so;
- communicate necessary details of the report to the McMurry Campus Security to enter the report into the University's daily crime log if required by the Clery Act; the McMurry University Director of Security will assess the reported conduct and discern the need for a timely warning under the Clery Act;
- provide the complainant with written information about on- and off-campus resources; notify the complainant of the range of interim measures available, including the right to reasonable interim or supportive measures regardless of whether they choose to file a formal complaint or participate in a University or law enforcement investigation;
- provide the complainant with an explanation of their procedural options;
- discuss the complainant's expressed preference for manner of resolution and any barriers to proceeding (e.g., confidentiality concerns);
- notify the complainant of the right to be accompanied at any meeting by an advisor of choice;
- assess for any alleged pattern of conduct by the respondent;
- explain the University's policy prohibiting retaliation, that the University will take prompt action when retaliation is reported, and how to report acts of retaliation; and
- determine age of the complainant; and if the complainant is a minor, or was a minor at the time of the alleged Prohibited Conduct, make the appropriate notifications under the Sexual Abuse and Child Molestation Prevention (Employee Handbook - 922).

In cases in which the Title IX Coordinator initiates an investigation or takes any other action that impacts a respondent, the Title IX Coordinator will also ensure that the respondent is notified and receives written information on available resources and options, consistent with the list outlined above, as applicable.

At the conclusion of the initial assessment, the University will proceed with one of the following options:

- (1) Proceed with an investigation under the Disciplinary Resolution process. This will occur when a complainant requests an investigation and the Title IX Coordinator determines it is appropriate; when the Title IX Coordinator determines that an investigation must be pursued even when a complainant requests that no investigation be pursued; or when Adaptable Resolution is not appropriate or available.
- (2) Proceed with Adaptable Resolution. This will always require the consent of the complainant. The consent of the respondent is also required when the form of resolution involves the respondent.
- (3) If outside the scope of this policy, refer the matter to another appropriate office or department for resolution under the relevant policy.
- (4) If the complainant requests that the University not pursue a resolution process and the University determines that it can respect that request, the University will close the report. This option could include notifying the respondent of the

alleged misconduct. The level of detail shared with the respondent will be at the discretion of the Title IX Coordinator. The University may re-open the matter if the complainant requests resolution or if the University subsequently determines there is a need to further investigate the alleged misconduct.

C. Formal Complaints, Dismissals and Appeals of Dismissals

A formal complaint for purposes of this SIM policy is a document filed by a complainant or signed by the Title IX Coordinator alleging Prohibited Conduct committed by a respondent and requesting that the University investigate the allegation. When a complainant submits a formal complaint, the Title IX Coordinator will first promptly determine whether:

- (1) the conduct alleged would, if proved, constitute Title IX Sexual Harassment (i.e., *Quid Pro Quo* Sexual Harassment, Severe, Pervasive and Objectively Offensive Sexual Harassment, Sexual Assault, or sex-based Domestic Violence, Dating Violence or Stalking) as defined in the SIM Policy;
- (2) the conduct allegedly occurred in the University's education program or activity;
- (3) the conduct allegedly occurred in the United States; and
- (4) the complainant is participating in or attempting to participate in the University's education program or activity at the time the complaint is filed.

If the formal complaint satisfies all 4 of these elements, it will be investigated and resolved as a Title IX Sexual Harassment matter through the procedures outlined below.

If it appears based upon initial review or upon information gathered during an investigation that a formal complaint does not satisfy and/or no longer satisfies all 4 of these elements, the University will, as required by the May 2020 Title IX regulations, dismiss the formal complaint for purposes of the Title IX Sexual Harassment process. The Title IX Coordinator may upon such dismissal transfer the matter for handling under the Non-

Title IX Misconduct process outlined below or other University procedures, as deemed appropriate by the University.

Even if the allegations of a formal complaint fall within the definition of Title IX Sexual Harassment, the Title IX Coordinator may (but is not required to) dismiss a formal complaint or any allegations therein if at any time during the investigation or resolution process:

- A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- The respondent is no longer enrolled or employed by the University (unless the University is required by Texas law to finalize an investigation involving a student respondent who was enrolled at the University at the time the investigation was initiated); or
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

If a formal complaint is dismissed by the University under the circumstances described above, the University will simultaneously provide to the parties written notice (by electronic or other means) of the dismissal and the reasons for the dismissal, and notice of the parties' opportunity to appeal such dismissal through the appeal procedures outlined below.

D. Formal Complaints Signed by Title IX Coordinator

In cases where it appears based on an initial report that the 4 elements stated above would be satisfied, but the complainant does not wish to file a formal complaint, the Title IX Coordinator may, in their discretion (*see* "Balancing Complainant Autonomy With University Decision to Investigate" immediately below), decide to sign a complaint of Title IX Sexual Harassment and initiate an investigation and resolution process under the Title IX Sexual Harassment formal resolution process outlined below. If this occurs, the Title IX Coordinator will not be a complainant or otherwise a party to the matter.

Further, if a formal complaint is dismissed as described above because it does not fit within the definition of Title IX Sexual Harassment, but the Title IX Coordinator determines that the allegations of the complaint may constitute Non-Title IX Misconduct, the Title IX Coordinator may (upon the resolution of, and to the extent consistent with the result of, any appeal of such dismissal), address the alleged Non- Title IX Misconduct through the resolution procedures provided below.

E. Balancing Complainant Autonomy with University Decision to Respond

In order to protect the safety of the campus community, the Title IX Coordinator may decide to proceed with an investigation of Prohibited Conduct (that is, either Title IX Sexual Harassment or Non-Title IX Misconduct) even if a complainant specifically requests that the matter not be pursued. The Title IX Coordinator may also initiate an investigation of potential violations of this policy even absent a formal complaint or identified complainant or respondent and even if a report has been withdrawn. If a complainant requests that the University not investigate the alleged incident, the University may investigate the alleged incident in a manner that complies with the confidentiality requirements described below. In determining whether to investigate the alleged incident(s), the University will consider factors such as, for example:

- (1) the seriousness of the alleged incident;
- (2) whether the institution has received other reports of Prohibited Conduct committed by the respondent or respondents;

- (3) whether the alleged incident poses a risk of harm to others; and
- (4) any other factors the University determines are relevant.

A complainant may request that their name or other personally identifiable information not be shared with a respondent, that no investigation be pursued, or that no disciplinary action be taken. In these instances, before taking any further investigative steps, a member of the Title IX Coordinator will discuss any concerns with the complainant and seek to address and remedy barriers to reporting and/or participation based upon concerns about retaliation or other lack of clarity in understanding procedural options and potential outcomes.

The Title IX Coordinator will consider what steps may be possible or appropriate when a respondent is unknown or the complainant requests anonymity, and what other measures or remedies might be considered to address any effects of the reported behavior on the campus community. The Title IX Coordinator will make a determination regarding the appropriate manner of resolution under the policy. The University will seek resolution consistent with the complainant's request, if it is possible to do so, based upon the facts and circumstances, while also promoting the health and safety of the complainant and the University community.

Where the Title IX Coordinator determines that a complainant's request(s) can be honored, the University may nevertheless take other appropriate steps to eliminate the reported conduct, prevent its recurrence, and remedy its effects on the complainant and the University community, and/or take steps designed to restore or preserve the complainant's equal access to the University's education program or activity, as practicable under the circumstances. Such steps may include offering appropriate supportive measures to the complainant, providing targeted training and prevention programs, and/or providing or imposing other remedies. The Title IX Coordinator may also request that a report be re-opened and pursued under this policy if any new or additional information becomes available, and/or if the complainant decides that they would like Disciplinary Resolution to occur.

In those instances when the Title IX Coordinator determines that the University will proceed with an investigation despite the complainant's request that it not occur, the Title IX Coordinator will notify the complainant of the University's decision whether to investigate the matter. The University is required by the May 2020 Title IX regulations to send certain notices to the complainant whether they wish to receive them or not, but the complainant will not be required to participate in the investigation or in any of the actions taken by the University if they choose not to do so.

The University's ability to investigate and respond fully to a report may be limited if the complainant requests anonymity or declines to participate in an investigation. The University will, however, pursue other steps to limit the effects of the potential Prohibited Conduct and prevent its recurrence. In all cases, the final decision on whether, how, and to what extent the University will conduct an investigation and whether other supportive or other measures will be taken in connection with a report of Prohibited Conduct will be made in a manner consistent with this policy.

F. Student/Employee Cases

If the respondent is both a student and an employee, the Title IX Coordinator will determine which procedures outlined below will apply based upon the facts and circumstances, such as whether the respondent's status as a student or an employee predominates in the context of the Prohibited Conduct. If a student-employee/employee-student is found to have engaged in Prohibited Conduct, the student-employee/employee-student may be subject to sanctions both in connection with their employment, and in connection with their student status, as appropriate under these and other applicable procedures.

G.Consolidation of Investigation

The Title IX Coordinator has the discretion to consolidate matters involving allegations of Prohibited Conduct against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of such Prohibited Conduct arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this section to the singular “party,” “complainant,” or “respondent” include the plural, as applicable.

As noted in Coordination with Other Policies, investigations initiated under this SIM policy may also include investigation of other forms of conduct that would be a potential violation of other University policies, and those forms of conduct may be resolved under this policy, instead of the procedures ordinarily used to address potential violations of such other University policies.

H.Safeguarding the Privacy of Complainants and Respondents

The University will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence, but all individuals involved in proceedings under this policy are encouraged to exercise discretion in sharing information about such allegations in order to safeguard the integrity of the process and to avoid potential retaliation-related concerns. More information about how the University will handle information about complainants and respondents is provided in the Confidentiality, Qualified Confidentiality, Privacy, and Related Reporting Responsibilities section of this policy above.

I. Advisors

Throughout any investigation or resolution, each party has the right to consult with an advisor of their choosing. The advisor may be any person, including an attorney. The parties may be accompanied by their respective advisor at any meeting or proceeding related to the investigation or resolution of a report under this policy. While the advisor may provide support and advice to the party at any meeting and/or proceeding, the University has established restrictions regarding the extent to which the advisor may participate in the proceedings. An advisor may not speak on behalf of the party or otherwise participate in, or in any manner delay, disrupt, or interfere with meetings and/or proceedings, except as specifically permitted by the hearing procedures outlined below. Generally, the Title IX Coordinator and investigator will communicate directly with the complainant or respondent, and any communications with an advisor may only occur after a FERPA waiver has been executed. An advisor should plan to make themselves reasonably available, in order to not unduly delay the scheduling of meetings or proceedings.

14. Emergency Removal and Administrative Leave

A.Emergency Removal

Where there is an immediate threat to the physical health or safety of any student or other individual arising from the alleged Prohibited Conduct, the University can remove a student or employee respondent from its education program or activity (which may include removing an employee respondent from their employment at the University) and issue any necessary related no-trespass and no-contact orders. The Title IX Coordinator will make the decision to remove a respondent from its education program or activity based on an individualized assessment and risk analysis. The Title IX Coordinator may consult with other University personnel, departments, or teams to assist in the individualized assessment and risk analysis.

If the University makes such a decision, the respondent will be provided with notice and an opportunity to challenge the decision immediately following the removal.

B. Employee Administrative Leave

The University always maintains the discretion to place an employee respondent on paid or unpaid administrative leave during the pendency of an investigation and resolution process.

15. Adaptable Resolution

Adaptable resolution is a voluntary and remedies-based resolution option. Adaptable resolution may be pursued instead of disciplinary resolution at the request and agreement of both parties and as deemed appropriate by the University. Parties engaged in disciplinary resolution may also request to end disciplinary resolution and begin adaptable resolution at any time prior to reaching a determination regarding responsibility. Adaptable resolution may include, but is not limited to, one or more of the following approaches: Restorative Justice Conference, Restorative Justice Circle, Shuttle Negotiation, and Mediation.

Participation in adaptable resolution is voluntary and either party can request to end adaptable resolution at any time. The University will not compel a party to engage in mediation, or to participate in any particular form of adaptable resolution.

Adaptable resolution does not include an investigation or adjudication by the University under the disciplinary resolution process outlined in this policy, but may involve the respondent's agreement to appropriate remedies or sanctions, including supported direct conversation or interaction with the complainant, education, training, and/or other remedies agreed to by the parties.

The Title IX Coordinator will maintain records of all reports and conduct referred for adaptable resolution, which will typically be completed within 90 calendar days of the agreement to begin adaptable resolution. While the University will seek to honor confidentiality of the parties' communications with the facilitator during the adaptable resolution process to the extent necessary to facilitate the resolution, the University may be required to produce records created during this process in response to a judicial subpoena or a FERPA educational record request. However, if the respondent is found responsible for any violations of this policy in the future, information regarding the prior report processed through adaptable resolution may be used in the sanctioning phase for the subsequent report, provided that the respondent is granted the opportunity to address the prior report as well. If adaptable resolution is stopped prior to completion, statements made by a party in adaptable resolution may not be used in a disciplinary resolution process related to that matter.

If a party requests the initiation of an adaptable resolution process and the Title IX Coordinator agrees that the matter is appropriate for adaptable resolution, the Title IX Coordinator will provide to each party a written notice that discloses:

- the allegations;
- the requirements of the adaptable resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations;
- the parties' right to withdraw from adaptable resolution and resume or initiate disciplinary resolution with respect to the formal complaint; and
- information about maintenance of records or how records could be shared.

All parties and the Title IX Coordinator must agree to adaptable resolution for this option to be used. The Title IX Coordinator will assess the request for adaptable resolution in light of factors such as, but not limited to, the severity of the alleged violation and the potential risks to campus community members posed by the reported misconduct. The University will only proceed with an adaptable resolution process if both parties provide their

voluntary and written consent.

The matter will be deemed resolved if and when the parties expressly agree in writing to an outcome that is acceptable to them and which is approved by the Title IX Coordinator (in consultation with other appropriate University administrators as deemed necessary). A party may withdraw from the adaptable resolution process at any time prior to their execution of a written adaptable resolution agreement. Upon entering a resolution agreement, neither party may initiate a disciplinary resolution process regarding the same factual allegations, and the parties agree to comply with the terms of the resolution agreement. Failure to comply with a resolution agreement, once signed and approved, may result in disciplinary consequences, which may include the University placing an appropriate hold on the student's account until the terms of the agreement are met.

The University will not offer or facilitate an adaptable resolution process to resolve allegations that an employee engaged in Prohibited Conduct against a student.

16. Timeframe for Investigation and Resolution

The University will seek to complete the fact-gathering portion of the investigation in approximately 90 calendar days following the issuance of the notice of the investigation. In some instances, the notice of investigation may be issued the same date as the date of the report of the incident; in other instances, based on information gathered in the initial assessment, the notice of investigation may be issued at a later date. This policy designates reasonably prompt timeframes for the major stages of the investigation and resolution process (typically set forth in business days), but the University may extend any timeframe in this policy for good cause. An extension may be required for good cause to ensure, for example, the integrity and thoroughness of the investigation; to comply with a request by law enforcement; on account of the unavailability of the parties or witnesses; or for other legitimate reasons, such as intervening breaks in the University calendar, University finals periods, the complexity of the investigation, the volume of information or length of the written record, and/or the severity and extent of the alleged misconduct. While requests for delays by the parties may be considered, the University cannot unduly or unreasonably delay the prompt resolution of a report under this policy.

Reasonable requests for delays by the parties will serve to extend the 90-calendar-day time period for investigation of the report. The Title IX Coordinator, in consultation with the investigator, has the authority to determine whether an extension is required or warranted by the circumstances. The University will notify the parties in writing of any extension of the timeframes for good cause and the reason for the extension.

Although cooperation with law enforcement may require the University to suspend the fact-finding portion of a Title IX investigation temporarily, the University will promptly resume its Title IX investigation as soon as it is notified by the law enforcement agency that the agency has completed the evidence-gathering process. The University will not, however, wait for the conclusion of a criminal proceeding to begin its own investigation and, if needed, will take immediate steps to provide appropriate supportive measures.

Investigations will proceed according to the timeframes in this policy to the extent possible during the summer and at other times when classes at the University are not in session. The Title IX Coordinator will work with the parties to balance the need for promptness and the preference for in-person meetings regarding the investigation. Meetings and interviews may be conducted by the use of remote video conferencing technology as deemed appropriate by the Title IX Coordinator and/or the investigator.

Timeframes for all phases of the disciplinary process, including the investigation, any related disciplinary proceedings, and any related review of the finding, apply equally to both the complainant and the respondent.

17. Expectations Regarding Participation in Investigations and Formal Resolutions

All University community members are expected to provide truthful information in any report or proceeding under this policy. Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of Prohibited Conduct is prohibited and subject to disciplinary sanctions. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated or no policy violation is found to have occurred.

McMurry University expects all members of the University community to cooperate fully with the investigation and resolution procedures. It is understood that there may be circumstances in which a complainant or respondent wishes to limit their participation, and the University will respect the choice of the complainant or respondent as to how to engage in proceedings under this policy. The University may, however, move forward with an investigation and disciplinary action without the participation of a party or parties. If a complainant or respondent chooses not to answer any or all questions, or otherwise participate in an investigation for any reason, the University will evaluate whether to continue the disciplinary process. The University will not draw any adverse inference from a complainant's or respondent's decision not to participate in the investigation or any form of resolution under this policy; however, the complainant or respondent should be aware that declining to participate in the investigation may impact the timing and outcome of the case.

The University also recognizes that witnesses may be reluctant to participate in the process, but they are strongly encouraged to participate as requested by the University.

The University will not retaliate against an individual because they refuse to participate in an investigation or hearing under this policy.

18. Administrative Holds and Continuation of Disciplinary Resolution

The University will place an administrative hold on a respondent's transcript pending the completion of the Disciplinary Resolution process. Further, even in the absence of a disciplinary process, the University may place an administrative hold on a respondent's University transcript at any time or defer or withhold the award of a respondent's degree. If a respondent withdraws while the investigation is pending, Texas law requires that the University proceed with the investigation and resolution process.

19. Disciplinary Resolution When the Respondent is a Student

During the disciplinary resolution process, both parties have equal rights, including the opportunity to receive a written notice of investigation; to participate in the investigation; to review and present information and evidence; to be accompanied by an advisor of their choice to any meeting; to timely and equal access to information as provided below; to timely notice of meetings at which their presence will be requested or required; to simultaneous written notice of the determination, rationale, and, as appropriate, any sanction; and to an appeal of the finding.

Determinations regarding responsibility by hearing officers, as described below, will be made by a preponderance of the evidence. A preponderance of the evidence means that based on all relevant evidence and reasonable inferences from the evidence, the greater weight of information indicates that it was more likely than not the alleged policy violation occurred.

To the extent required by applicable law, the University's application of the procedures outlined below will be designed to ensure equal access for individuals with disabilities.

The following procedures will apply to Title IX Sexual Harassment matters and Non-Title IX Misconduct matters when the respondent is a student. The hearing procedure is different for Title IX Sexual Harassment

matters and Non-Title IX Misconduct matters. If the formal complaint included allegations of Prohibited Conduct pertaining to Title IX Sexual Harassment and Non-Title IX Misconduct, the Title IX Sexual Harassment hearing procedures will be utilized.

A. Notice

If the University initiates an investigation under the SIM policy, it will provide to the parties a written notice (by electronic or other means) that includes:

- Information about the University’s resolution processes;
- A statement of the allegations of behavior potentially constituting Prohibited Conduct, including sufficient details known at the time and with sufficient time to prepare a response before any initial post-intake interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Prohibited Conduct, and the date and location of the alleged incident, if known;
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- Information regarding the University’s presumption of good faith reporting and a summary of false complaint-related information outlined in this policy;
- Notification that parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
- Notification that the parties will have the opportunity to inspect and review evidence during the investigation and resolution process, as provided in procedures detailed below;
- The name of the investigator and how to challenge participation by the investigator on the basis of a conflict of interest or bias;
- The importance of preserving any potentially relevant evidence in any format;
- The prohibition against retaliation; and
- A link to a copy of this policy.

If in the course of an investigation the University decides to investigate allegations about any party that are not included in the notice described above, it will provide notice of the additional allegations to the parties whose identities are known.

B. Investigations

1. Investigators

In cases that will be investigated, the Title IX Coordinator will appoint one or more investigators (referred to in this policy as “the investigator”) to conduct a prompt, thorough, fair, and impartial investigation. The investigator may be a University employee and/or an experienced external investigator. Any investigator used by the University will receive annual training on the issues related to sexual and gender- based harassment, sexual assault, dating violence, domestic violence, and stalking, and on how to conduct an investigation that is fair and

impartial, provides parties with notice and a meaningful opportunity to be heard, and protects the safety of complainants while promoting accountability. In selecting the investigator for a particular matter, the Title IX Coordinator will take care to select an individual who does not have a conflict of interest or bias against complainants or respondents generally or an individual complainant or respondent. The Title IX Coordinator will notify the parties of the identity of the investigator and parties may, within three business days of such notice, object to the service of the investigator by providing a written statement (which may be transmitted electronically) as to why the party believes that the investigator has a conflict of interest or bias. Objections after this three-day period must be based on newly acquired information. The Title IX Coordinator will make decisions regarding such objections and the appointment of an alternate investigator, as necessary.

2. Conduct of Investigations and Relevant Evidence

During an investigation, the investigator will seek to meet separately with the complainant, respondent, and relevant witnesses. Witnesses are individuals who may have information relevant to the incident, including individuals who may have observed the acts in question, may be able to provide contextual information, or may have other information related to the incident, the disclosure, or related matters. As noted above, this policy prohibits attempts to commit Prohibited Conduct. In assessing whether an individual attempted to commit Prohibited Conduct, the investigator will consider elements such as circumstances and context of the encounter, statements made by the parties and the actions of the parties.

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the University and not on the parties. Parties will have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Parties are not restricted in their ability to discuss the allegations under investigation or to gather and present

relevant evidence. Parties whose participation is invited or expected will receive written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

Witnesses may not participate solely to speak about an individual's character. Where witnesses are interviewed as part of the investigation, the name of the witness and a summary of relevant information gathered in the interviews will be shared with the parties in the investigative report described below. The investigator will also gather other relevant information or evidence, including documents, photographs, and communications between the parties, and other information, including electronic records, as appropriate.

All interviews may be audio recorded at the investigator's discretion.

While the investigator, not the parties, is responsible for gathering relevant evidence to the extent reasonably possible, both the complainant and the respondent are encouraged to submit any information they believe may be relevant, and both the complainant and respondent will be asked to identify witnesses and provide other relevant information, such as documents, communications, photographs, and other evidence. Both parties are encouraged to provide all relevant information as promptly as possible to facilitate prompt resolution. In the event that a party declines to provide material information, the University's ability to gather and consider all facts may be impacted.

The investigator may also consider information publicly available from social media or other online sources that comes to the attention of the investigator. The Title IX Coordinator does not actively monitor social media or online sources, however, and as with all potentially relevant information, the complainant, respondent, or witness should bring online information to the attention of the investigator.

Similarly, the parties should bring any new or evolving evidence, such as harassing or retaliatory conduct, to

the attention of the investigator. The investigator may consider such information in the investigation and will also share any information about alleged retaliation or violation of the terms of a supportive measure with the Title IX Coordinator for further action.

The investigator may visit relevant sites or locations and record observations through written, photographic, or other means. In some cases, the investigator may consult medical, forensic, technological, or other experts when expertise on a topic is needed in order to achieve a fuller understanding of the issues under investigation.

If there is a concurrent criminal investigation, the University may contact the law enforcement agency that is conducting any investigation to inform that agency that a University investigation is also in progress, to attempt to ascertain the status of the criminal investigation, and to determine the extent to which any evidence collected by law enforcement may be available to the University in its investigation.

In general, a person's medical and counseling records are confidential and are not accessible to the investigator unless the person voluntarily chooses to share those records with the investigator. The investigator will not access, consider, disclose or otherwise use a party's privileged records without the party's voluntary, written consent to do so, and such information will not be deemed relevant to an investigation or adjudication absent the voluntary, written consent of the party. In those instances,

the relevant information from the records must be shared with the other party; it should be noted, however, that irrelevant information may be redacted by the investigator from such records, as appropriate.

The investigator will review all information identified or provided by the parties and will determine the appropriateness, relevance, and probative value of the information developed or received during the investigation. In general, the investigator will not consider as relevant statements of personal opinion or statements as to any party's general reputation for any character trait.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, 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.

The investigator will provide periodic updates to the parties about the status of the investigation.

C. Review of Directly Related Information and Parties' Written Response

In conjunction with the provision of a preliminary investigative report prepared by the investigator, the investigator or designee will provide each party with an equal opportunity to review any evidence obtained as part of the investigation that is directly related to the allegations raised, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and/or which the investigator does not deem relevant, and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Such evidence will include any statements made by the parties and witnesses, written or electronic communications, social media posts, videos, photographs and any other relevant documentary evidence gathered by the investigator, redacted as necessary to comply with any applicable federal or state law regarding confidentiality. Such evidence will not include privileged records or information that may have been gathered or received during the investigation, without written consent from the party holding the privilege (provided however that appropriately redacted otherwise-privileged records may be shared with consent).

The University will provide to each party and the party's advisor, if any, the evidence subject to review in an electronic format. Parties and advisors are not permitted to download, print or copy such evidence subject to

inspection and review, and are not permitted to re-disclose such evidence without the University's permission. Violations of these prohibitions may subject parties to College discipline under applicable conduct codes.

The complainant and the respondent will have an opportunity to concurrently review such information and may, within 10 calendar days, submit a written response to the investigator. The parties' written responses will be considered by the investigator prior to completion of the investigative report, and some or all of the responses may be attached or otherwise incorporated into the investigative report. In the event that new, relevant information is provided or identified at this stage, the information will be incorporated into the investigative report as deemed appropriate by the investigator.

D. Final Investigative Report

When deemed appropriate by the investigator, the investigator will prepare a final investigative report, which will fairly summarize relevant evidence and include as exhibits evidentiary materials as deemed appropriate by the investigator. The parties may provide a written response to the investigative report within ten calendar days of the issuance of the final investigative report.

The investigative report and the parties' written responses, if any, will be provided to the hearing officer in advance of the hearing.

E. Title IX Sexual Harassment Hearings

1. Scheduling of Hearings

Hearings will be scheduled no earlier than ten days after the issuance of the final investigative report.

2. Hearing Officers

Hearings will be presided over by a hearing officer, who will make the decision by a preponderance of the evidence as to whether or not the respondent violated the policy provisions at issue. The Title IX Coordinator may assign a single hearing officer or a panel of hearing officers (at most three) for a hearing. The hearing officer has broad authority to determine the process, timing and conduct of a hearing. For example, the hearing officer will determine the order of presentation, timing and overall duration of the hearing, what information and evidence will be heard, what information and questions are relevant to the determination of the matter, and what cross-examination questions will or will not be permitted.

Hearing officers will be appointed by the Title IX Coordinator. In selecting a hearing officer for a particular matter, the Title IX Coordinator will take care to select an individual who does not have a conflict of interest or bias against complainants or respondents generally or an individual complainant or respondent. The University will notify the parties of the identity of the hearing officer in advance of the hearing, and parties may, within 3 business days of such notice, object to the service of the hearing officer by providing a written statement (which may be transmitted electronically) as to why the party believes that the hearing officer has a conflict of interest or bias. The Title IX Coordinator or designee will make decisions regarding such objections and the appointment of an alternate hearing officer, as necessary. Parties and their advisors are prohibited from contacting the hearing officer for any reason prior to the full conclusion of the resolution process. In addition, parties and their advisors are prohibited from contacting the hearing officer about the resolution process after its completion.

3. Advisors

Each party may have an advisor of their choice present at a hearing for the limited purpose of conducting cross-examination on behalf of that party. Advisors may be, but are not required to be, attorneys. If a party does not

have an advisor of their choice present at a hearing, the University will without fee or charge to the party provide an advisor of the University's choice, again for the limited purpose of conducting cross-examination on behalf of that party. No later than ten calendar days before the hearing, parties should inform the Title IX Coordinator of the identity of any advisor whom they have chosen to accompany them to the hearing or that they will not be bringing an advisor, so that the University will know whether or not it needs to arrange for the presence of a University-provided advisor.

At a time and manner deemed appropriate by the hearing officer, the advisor for each party will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Except for that limited role, advisors may not participate actively in the hearing and may not speak or otherwise communicate on the part of the party that the advisor is advising. However, the advisor may consult privately in a non-disruptive manner with their advisee during and/or at a recess in the hearing. Scheduling accommodations generally will not be made for advisors if they unduly delay the process. The University reserves the right to take appropriate action regarding any advisor who disrupts the process, or who does not abide by the restrictions on their participation as determined in the sole discretion of the hearing officer, which may include exclusion of the advisor from the hearing and the appointment of an alternate University-provided advisor.

4. Requests for Appearance of Witnesses

If a party wishes to have an individual appear at the hearing as a witness, they must provide notice of the identity of the proposed witness to the Title IX Coordinator or designee at least ten calendar days before the date of the hearing. The hearing officer may also provide names to the Title IX Coordinator or designee of witnesses they would like to have at the hearing. Witnesses present at the hearing are restricted to individuals already interviewed in the fact-gathering process. The Title IX Coordinator or designee, in consultation with the hearing officer as necessary, will determine whether the witness is likely to have information that is relevant to the hearing, and if it is determined that the witness is likely to have relevant information, the Title IX Coordinator or designee will inform the witness that their presence at the hearing is required (to the extent that the University has jurisdiction to require the presence of the witness) or requested. As noted above, however, the University will not retaliate against University students or employees for refusing to participate in a hearing.

5. Conduct of Hearings and Relevance

At or before the hearing, the hearing officer will receive a copy of the investigative report, any attachments thereto, and copies of the parties' written responses to the investigative report, if any, which will be part of the information of record to be considered by the hearing officer.

Subject to the discretion of the hearing officer, hearings will ordinarily begin with introductory remarks by the hearing officer, followed by opening statements from any party who wishes to provide one, followed by the hearing officer's asking relevant initial

questions of the parties as deemed appropriate by the hearing officer. During this portion of the hearing, advisors may confer privately and in a non-disruptive manner with their advisee, but they are not allowed to make opening statements or otherwise address the hearing officer or anyone else present at the hearing.

After the hearing officer has asked their initial questions of the parties, the hearing officer will permit each party's advisor to ask the other party all relevant questions and follow-up questions, including those challenging credibility. Subject to the discretion of

the hearing officer, questioning of witnesses will generally follow a similar process, whereby the hearing officer will pose relevant initial questions to each witness, then the parties' advisors will be permitted to ask relevant questions of witnesses. Cross-examination by advisors will be conducted directly, orally, and in real time by

the party's advisor of choice and never by a party personally.

Only relevant cross-examination questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination question, the hearing officer will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Neither advisors nor parties are permitted to object to hearing officer decisions regarding relevance during a hearing.

Regarding the evidence subject to inspection and review that was provided to the parties and their advisors as described above, a copy of such evidence will be made available at the hearing, and each party and/or their advisor (as applicable) will have an equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, 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.

Information protected under a legally recognized privilege (such as, for example, privileged communications between a party and their physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a treatment capacity, or privileged communications between a party and their attorney), will not be admitted unless the person holding the privilege has waived the privilege.

At the request of either party, the University will provide for the hearing to occur with the parties located in separate rooms with technology enabling the hearing officer and parties to simultaneously see and hear the party or the witness answering questions. Live hearings may be conducted with all parties physically present in the same geographic location or, at the University's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

If a party or witness does not submit to cross-examination at the live hearing, the hearing officer will not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the hearing officer will not draw an inference about the determination regarding responsibility based solely on

a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions. At the discretion of the hearing officer, parties (but not their advisors) will usually be given an opportunity to make a closing statement at the conclusion of the hearing.

6. Record of Hearings

The University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for review.

F. Non-Title IX Misconduct Hearings

1. Scheduling of Hearings

Hearings will be scheduled no earlier than ten days after the issuance of the final investigative report.

2. Hearing Officers

Hearings will be presided over by a hearing officer, who will make the decision by a preponderance of the

evidence as to whether or not the respondent violated the policy provisions at issue. The Title IX Coordinator may assign a single hearing officer or a panel of hearing officers (at most three) for a hearing. The hearing officer has broad authority to determine the process, timing and conduct of a hearing. For example, the hearing officer will determine the order of presentation, timing and overall duration of the hearing, what information and evidence will be heard, what information and questions are relevant to the determination of the matter, and what cross-examination questions will or will not be permitted.

Hearing officers will be appointed by the Title IX Coordinator. In selecting a hearing officer for a particular matter, the Title IX Coordinator will take care to select an individual who does not have a conflict of interest or bias against complainants or respondents generally or an individual complainant or respondent. The University will notify the parties of the identity of the hearing officer in advance of the hearing, and parties may, within 3 business days of such notice, object to the service of the hearing officer by providing a written statement (which may be transmitted electronically) as to why the party believes that the hearing officer has a conflict of interest or bias. The Title IX Coordinator or designee will make decisions regarding such objections and the appointment of an alternate hearing officer, as necessary. Parties and their advisors are prohibited from contacting the hearing officer for any reason prior to the full conclusion of the resolution process. In addition, parties and their advisors are prohibited from contacting the hearing officer about the resolution process after its completion.

3. Advisors

Throughout any investigation or resolution, each party has the right to consult with an advisor of their choosing. The advisor may be any person, including an attorney. The parties may be accompanied by their respective advisor at the non-Title IX misconduct hearing. While the advisor may provide support and advice to the party at any meeting and/or proceeding, the University has established restrictions regarding the extent to which the advisor may participate in the proceedings. An advisor may not speak on behalf of the party or otherwise participate in, or in any manner delay, disrupt, or interfere with proceedings. An advisor should plan to make themselves reasonably available. Scheduling accommodations generally will not be made for advisors if they unduly delay the process. Parties should inform the Title IX Coordinator of the identity of the advisor, if any, they have chosen to accompany them to the hearing no later than five calendar days before the hearing.

The University reserves the right to take appropriate action regarding any advisor who disrupts the process, or who does not abide by the restrictions on their participation as determined in the sole discretion of the hearing officer.

4. Conduct of Hearings and Relevance

At or before the hearing, the hearing officer will receive a copy of the investigative report, any attachments thereto, and copies of the parties' written responses to the investigative report, if any, which will be part of the information of record to be considered by the hearing officer.

The hearing is an opportunity for the parties to address the hearing officer in person. The parties may address any information in the investigative report, evidence collected, and/or supplemental statements submitted in response to the report. Each party has the opportunity to be heard and to respond to any questions of the hearing officer. The parties may not directly question one another, although they may proffer questions for the hearing officer, who may choose, in their discretion, to pose appropriate and relevant questions.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, 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.

Information protected under a legally recognized privilege (such as, for example, privileged communications between a party and their physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a treatment capacity, or privileged communications between a party and their attorney), will not be admitted unless the person holding the privilege has waived the privilege.

The hearing officer has the discretion to determine the specific hearing format. Both the complainant and the respondent have a right to be present at the hearing, but neither party is required to participate in the hearing in order for the hearing to proceed. Either party may request alternative methods for participating in the hearing that do not require physical proximity to the other party, including participating through electronic means. The University has the discretion as well to choose whether the hearing occurs with all parties physically present in the same geographic location or, whether any or all parties or witnesses may appear at the live hearing virtually.

Although as a general rule the University will expect that the complainant will participate in the hearing, the hearing officer may proceed without the complainant after considering the complainant's stated reason for not participating, the seriousness of the alleged harassment, the age of the complainant, whether there have been multiple complaints or reports of harassment against the respondent, and the sufficiency of the information the respondent has received about the complainant and the reported misconduct.

Subject to the discretion of the hearing officer, hearings will ordinarily begin with introductory remarks by the hearing officer, followed by opening statements from any party who wishes to provide one, followed by the hearing officer's asking relevant initial questions of the parties as deemed appropriate by the hearing officer. During this portion of the hearing, advisors may confer privately and in a non-disruptive manner with their advisee, but they are not allowed to make opening statements or otherwise address the hearing officer or anyone else present at the hearing.

Regarding the evidence subject to inspection and review that was provided to the parties and their advisors as described above, a copy of such evidence will be made available at the hearing, and each party and/or their advisor (as applicable) will have an equal opportunity to refer to such evidence during the hearing.

There is no requirement for parties and/or witnesses to be available for questioning in the non-Title IX misconduct hearing.

At the discretion of the hearing officer, parties (but not their advisors) will usually be given an opportunity to make a closing statement at the conclusion of the hearing.

5. Record of Hearings

The University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for review.

G. Determinations Regarding Responsibility

Within ten business days after the hearing process, the hearing officer will prepare and issue a written determination regarding responsibility and any sanctions. In determining responsibility, the hearing officer will apply the preponderance of the evidence standard. The written determination will include:

- Identification of the Prohibited Conduct section(s) of this policy, and of any other University policy sections considered in the investigation, alleged to have been violated;
- A description of the procedural steps taken from the receipt of the complaint through the determination, including but not limited to, as applicable, any notifications to the parties, interviews

with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

- Findings of fact supporting the determination;
- Conclusions regarding the application of the University's definitions of Prohibited Conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility; and
- Identification of the University's procedures and permissible bases for the complainant and respondent to appeal (as outlined below).

The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely.

If sanctions are deemed appropriate, they will be assigned in accordance with the Sanctions section below. The parties will receive notice simultaneously of the written determination and, as appropriate, any sanctions as determined through the procedures outlined below.

20. Imposition of Sanctions

A. Imposition of Sanctions

If the hearing officer under either hearing process finds that the respondent engaged in behavior that violates this SIM policy (or other University policies under investigation, as applicable), the hearing officer will subsequently determine an appropriate sanction or sanctions, and other actions as appropriate. The hearing officer will issue a written determination that will include a statement and rationale regarding responsibility as described in more detail above, a statement of and rationale for any sanction(s) the University is imposing on the respondent, and whether remedies designed to restore or preserve equal access to the educational program or activity of the University will be provided by the University to the complainant.

Sanctions may include any of the sanctions that are listed below or set forth for violations of the University's Student Handbook.

This policy prohibits a broad range of conduct, all of which is serious in nature. In keeping with the University's commitment to foster an environment that is safe, inclusive, and free from discrimination and harassment, the hearing officer has great latitude in the imposition of sanctions tailored to the facts and circumstances of each report, the impact of the conduct on the complainant and surrounding community, and accountability for the respondent. The imposition of sanctions is designed to eliminate Prohibited Conduct, prevent its recurrence, remedy its effects and restore or preserve the complainant's equal access to University education programs or activities, while supporting the University's educational mission. Sanctions may include educational, restorative, rehabilitative, and punitive components. Some conduct, however, is so egregious in nature, harmful to the individuals involved, and/or so deleterious to the educational process that it requires severe sanctions, including suspension or expulsion. In determining the appropriate sanction, the hearing officer may consider factors including but not limited to the following:

- the nature and violence of the conduct at issue;
- the impact of the conduct on the complainant;

- the impact or implications of the conduct on the community or the University;
- prior misconduct by the respondent, including the respondent's relevant prior discipline or criminal history (if available);
- maintenance of a safe and respectful environment conducive to learning;
- protection of the University community; and
- any other mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate resolution in each case.

Sanctions may be imposed individually or in combination. For violations of this policy, the following sanctions, listed in ascending order of severity, may be imposed:

Warning: A formal admonition, which appears in an individual's disciplinary record at the University.

Disciplinary Probation: A more serious admonition may be assigned for a definite period of time. Findings of misconduct that resulted in disciplinary probation may be considered in determining subsequent sanctions, even if the probation period has ended. Any future violation may be grounds for more severe sanctions, including suspension, suspension with conditions, or, in especially serious cases, expulsion from the University.

Restitution: Requirement to reimburse or otherwise compensate another and/or the University for damage or loss of property resulting from a student's misconduct. Common assessment or group billing may be made to students in a residence hall for damages occurring in common areas shared by groups of residents (determinations about whether and to what extent that will occur are made by the University's residence life administrators, not through the procedures provided in the Student Handbook).

Residential or Other Facilities Restrictions or Removal: Restriction or removal from residence halls or other campus facilities as designated in the written notification.

Withholding of Degree: In cases involving seniors or graduate students in their final semester, the University may withhold a student's McMurry degree for a specified period of time. This penalty is imposed instead of suspension at the end of senior year or final year of graduate study when all other degree requirements have been met. Degrees may also be withheld indefinitely when all other degree requirements have been met. The sanction of withholding a degree may also occur if an expulsion-level offense occurs after all other degree requirements have been met but before the degree is conferred.

Suspension: Student status at the University may be terminated for a specified period of time.

Suspension with Conditions: Student status at the University may be terminated for at least the period of time specified by the suspension, with the suspension to continue until certain conditions, stipulated by the officer or panel applying this penalty, have been fulfilled. These conditions may include, but are not limited to, restitution of damages and formal apology.

Expulsion: This is permanent termination of student status at the University, without any opportunity for readmission. Relevant information remains in the student's disciplinary record at the University and may be disclosed by the University when the student consents in writing or as otherwise required or permitted by law.

The following outcomes may accompany the preceding sanctions, as appropriate:

Community Service: Community service up to 10 hours per week may be added to disciplinary probation for a portion or duration of the probationary period or following a warning.

Restriction of Access to Space, Resources, and Activities: When appropriate, restrictions may be placed on access to space and/or resources or on participation in activities so as to limit opportunities for contact between the parties.

Educational Programs: In addition to any of the sanctions listed above, a student may be required to participate in educational programs.

No Contact Directives: No contact directives may be imposed as an administrative matter (but not necessarily a sanction) when the University determines that doing so is in the best interests of an affected individual or individuals, and/or the best interests of the University.

The fact that these additional outcomes are listed here as examples does not limit the University's ability to issue interim or administrative measures such as restriction of access to space, resources and activities, and/or no contact directives at its discretion even where no policy violation has been investigated or charged, and/or where no policy violation has been found.

B. Other Information About Sanctions

Sanctions will be suspended during the period of any appeal, in a manner that preserves both the respondent's rights and the University's ability to carry out the sanctions as determined by the hearing officer. In cases adjudicated prior to the last day of classes, if the final sanction is separation from the University (i.e., suspension, suspension with conditions, or expulsion), the granting of credit for the semester and/or the awarding of a degree will be at the discretion of the hearing officer.

A student who is suspended or expelled for a violation of this policy will have the notation "Ineligible to Reenroll" placed on his or her academic transcript. On request by the student, the University may remove the notation from the academic transcript if (1) the student is eligible to reenroll, or (2) the University determines that good cause exists to remove the notation. Such requests should be directed to the Title IX Coordinator in writing. The removal of the notation from the academic transcript shall not require the University to make any modification to the student's disciplinary records at the University.

C. Additional Remedies

Regardless of the outcome, the hearing officer may recommend additional remedies for the complainant to address the effects of the conduct on the complainant, restore or preserve the complainant's equal access to University programs and activities, and restore to the complainant, to the extent possible, benefits and opportunities lost as a result of the alleged Prohibited Conduct. The hearing officer may also identify remedies to address the effects of the conduct on the University community.

The Title IX Coordinator will review the remedies recommended by the hearing officer and will consider the appropriateness of continuing supportive measures on an ongoing basis. Extended supportive or other measures may be included in the sanctions.

D. Administrative Measures

Regardless of whether a policy violation is found to have occurred in a particular case, the University may implement non-punitive, non-disciplinary administrative measure such as, for example, no contact directives and/or reasonable restrictions from certain University premises, at any time after a matter is reported, if the

University determines that doing so is in the best interests of a party, both parties and/or the University.

21. Disciplinary Resolution When the Respondent is an Employee

When the Title IX Coordinator receives a report that a member of the faculty or staff violated this policy, the Title IX Coordinator will work with the Vice President for Academic Affairs and Dean of the Faculty and/or Human Resources to investigate in

a manner consistent with the SIM policy, McMurry personnel policies, and all applicable law. The resolution process will follow the procedures for student respondent cases outlined above based on the type of Prohibited Conduct (Title IX Sexual Harassment or Non-Title IX Misconduct). The Title IX Coordinator will have the authority to exercise oversight of the resolution process.

For staff members of the institution, the sanction will be determined by the Associate Vice President for Human Resources and Compliance in consultation with appropriate Cabinet member(s) or designee. For faculty members, the sanction will be determined under the process outlined by the disciplinary policy for that faculty member, or if none exists, the Vice President for Academic Affairs and Dean of the Faculty or designee. The Sanction may include (in accordance with the employment policies governing the employee in question) counseling or training, written warning, financial penalty, unpaid leave of absence, suspension, demotion, reassignment of duties, referral to other staff or faculty procedure (for the determination of sanction only), or termination.

Sanctions will be determined based on the seriousness of the misconduct and on the individual's prior disciplinary history, if any. Sanctions will be communicated to the parties, as appropriate, in writing by the hearing officer and the Vice President for Academic Affairs and Dean of the Faculty, Vice President for Human Resources and Compliance, or designee, through the joint written determination preparation process described above. The notification will include the parties' rights of appeal within the bounds of this process. In all cases involving sex discrimination or sexual misconduct, the file will be archived by the Title IX Coordinator as provided below.

22. Appeals

Either party to a matter covered by this SIM policy may file an appeal from: 1) a determination regarding responsibility; and/or 2) the Title IX Coordinator's dismissal of a formal complaint or any allegations therein from the Title IX Sexual Harassment process, on the following grounds:

- a. Procedural irregularity that affected the outcome of the matter;
- b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- c. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; and/or
- d. The decision of the decision-maker was arbitrary or capricious. An appeal must be

submitted in writing to the Title IX Coordinator.

Appeals must be filed no later than seven calendar days after the date on which the University transmitted the hearing officer's written determination to the parties or the Title IX Coordinator's decision to dismiss the matter for purposes of Title IX. The Title IX Coordinator may extend this deadline if warranted by the circumstances.

The appellate officer(s) will be appointed by the Title IX Coordinator or designee. The appellate officer may be an individual or may consist of a panel of up to three members.

In selecting an appellate officer for a particular matter, the Title IX Coordinator or designee will take care to select individual who does not have a conflict of interest or bias against complainants or respondents generally or an individual complainant or respondent. The Title IX Coordinator or designee will notify the parties of the identity of the appellate officer and parties may, within three calendar days of such notice, object to the service of the appellate officer by providing a written statement (which may be transmitted electronically) as to why the party believes that the appellate officer has a conflict of interest or bias. The Title IX Coordinator or designee will make decisions regarding such objections and the appointment of an alternate appellate officer, as necessary. The appellate officer will not be the same person as the hearing officer, the investigator, the Title IX Coordinator, or a person who made a decision to dismiss a formal complaint.

The University will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. The other party may then have a period of five business days to submit a statement in support of the written determination and/or in opposition to the appeal. Any such statement will be shared with the party who filed the appeal and their advisor.

The appellate officer will issue a written decision describing the result of the appeal and the rationale for the result, and the University will provide the written decision simultaneously to both parties. The appellate officer's decision on any appeal is the final step in the adjudication process, except as provided in such decision.

The appellate officer may deny the appeal, or if one or more of the appeal grounds have been met, may:

- return the case to the original hearing officer for reconsideration; or
- appoint an Alternate hearing officer to review the case.

It is the responsibility of the appellate officer to determine which if any aspects of the case merit a new review, and to direct the Title IX Coordinator accordingly.

Absent extenuating circumstances, the appellate officer will notify the complainant and respondent of the appeal decision simultaneously in writing within 20 business days of the appeal receipt deadline, and will notify the Title IX Coordinator in writing of any instructions for further action. This deadline may be extended if warranted by the circumstances. If this deadline is extended, the parties will be notified in writing at the time the extension is determined.

The decision made by the appellate officer to grant or deny the appeal is final. If an appeal is granted, the subsequent determination and/or sanction is/are final.

23. Violations of Law

Conduct that violates this policy also may violate the laws of the local jurisdiction in which the incident occurred and subject a respondent to criminal prosecution by the presiding authority. More information about violations of Texas criminal law can be found in the University's Annual Fire Safety and Security Report. Conduct that violates this policy also may subject a respondent to civil liability.

Students and employees studying, working, or engaging in other activities at locations outside of Texas are

governed by the applicable laws regarding sexual assault and other criminal offenses implicated by this policy. Where the University has jurisdiction to investigate and address reported conduct that would constitute conduct prohibited by this policy, the definitions and standards in this policy will apply for purposes of University discipline, regardless of the definitions of various crimes used in the laws of the locality where the conduct reportedly occurred.

24. Prevention and Awareness Programs

The University is committed to the prevention of Prohibited Conduct through regular and ongoing education and awareness programs. Incoming students and new employees receive primary prevention and awareness programming and returning students and current employees receive ongoing training and related programs. The University provides coordinated programming and training through multiple areas.

25. Annual Review

This policy is maintained by the Title IX Coordinator. The University will review this policy on at least an annual basis. The review will capture evolving legal requirements, evaluate the supports and resources available to the parties, and assess the effectiveness of the resolution processes (including the fairness of the process, the time needed to complete the process, and the sanctions and remedies imposed). The review may incorporate feedback from parties and an aggregate view of reports, resolution, and climate.

TITLE IX (EQUAL RIGHTS IN EDUCATION)

Title IX is the comprehensive legislation passed in 1972 which is related to equal rights between all persons in education. It applies to all institutions or organizations which receive any federal funds for education purposes.

The intent of Title IX is to eliminate sex discrimination in admission policies, the treatment of students, and employment practices. Title IX also prohibits sexual harassment, which includes sexual assault and sexual violence. Institutions are required to establish a grievance procedure and appoint a Title IX Coordinator who will deal with inequalities and maintain equal opportunity policies. Any student who has a complaint or grievance related to discrimination on the basis of sex or gender equality at McMurry University is encouraged to contact:

Title IX Coordinator	Kelly Gallagher Title IX Coordinator (Off-campus; available by telephone or email) 325-793-4990 gallagher.kelly@mcm.edu
Deputy Title IX Coordinator	Lecia D. Hughes, M.Ed., LPC Assoc. VP of Human Resources and Compliance 1 McMurry University #87 Abilene, Texas 79697 Maedgen Administration Building, Office 218 325-793-4998 hughes.lecia@mcm.edu
Deputy Title IX Coordinator	Allen B. Withers, Ph.D. Dean of Students & Campus Life 1 McMurry University #716 Abilene, Texas 79697 President Hall 325-793-4680 withers.allen@mcm.edu
Deputy Title IX Coordinator	Cammie Petree Head Volleyball Coach & Senior Woman Administrator 1 McMurry University #188 Abilene, Texas 79697 J.W. Hunt Physical Education Center 325-793-4635 petree.cammie@mcm.edu

HAZING POLICY

Hazing is defined as any action taken or situation created intentionally or unintentionally, whether on or off campus, to produce mental, physical, or psychological discomfort, embarrassment, harassment, or ridicule; or which threatens the safety of the student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization.

Texas Hazing Laws

Texas Education Code, Chapter 37:

SUBCHAPTER F. HAZING

Sec. 37.151. DEFINITIONS. In this subchapter:

- (1) "Educational institution" includes a public or private
 - (a) high school; or
 - (b) college, university, or other postsecondary educational establishment.
- (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.

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.

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.

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.

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.

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.

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.

Subchapter Z. Miscellaneous Provisions

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.

HONORS AND AWARDS

Class Favorite - The students from each of the classes choose a man and a woman as their favorites. These honorees are presented to the student body on Friday evening at the Homecoming Coronation.

Mr. McMurry and Ms. McMurry -By vote of the members of the sophomore, junior, and senior classes, two members of the senior class are elected as Mr. McMurry and Ms. McMurry. These honorees are presented to the student body at the Homecoming Coronation.

Senior Awards - Outstanding seniors are selected each year to receive special awards. They are selected on the basis of high scholarship, religious, moral, and ethical character. These are: the Ginny Carlson Award, given to the outstanding senior woman; the W. Anthony Hunt Award, given to the outstanding senior man; the Harry Soladay Award, given to the outstanding senior man or woman; and the Don Allen Award, given to the outstanding non-traditional senior man or woman.

Student Leadership & Organizational Awards – Many students are active participants in student organizations. To recognize the contributions of these students and their organizations, several awards are presented annually.

I.D. CARDS

All students require an I.D. card to use McMurry facilities, to cash a check, to use the library, to attend athletic events, and to eat in the dining hall, etc. New I.D. cards are issued on Move-In Days for new students. Report lost and/or damaged cards to the Student Affairs office in the south wing of President Hall. **There is a \$15 replacement charge for lost/broken cards.** For information about I.D.'s call 325.793.4680. Students with a valid Dyess, ACU or HSU I.D. card do not need a McMurry I.D. Dyess students need to pick up a library card at the library if they do not have a McMurry I.D. card. **Office hours to get an ID are M-F, 9am-11:30am and 1:30pm-3:30pm.**

INTELLECTUAL PROPERTY POLICY

Rationale

McMurry University encourages creative and innovative pursuits by its faculty, staff, administrative personnel and students that may lead to patentable processes or inventions and the creation of other forms of intellectual property that may be copyrighted, trademarked, or licensed. It is the intention of McMurry University to provide an intellectual property policy that does not interfere with the pursuit of creative efforts and that protects both the creator's and the University's best interests. The policy is intended to apply to the following: all students, full or part-time faculty, staff, and administrative personnel at McMurry University, and to all others who might use McMurry facilities or resources under the supervision of, or in cooperation with, McMurry personnel for the completion of projects that result in intellectual property.

What is Intellectual Property?

Intellectual Property shall include, but not be limited to, any invention, discovery, trade secret, technology, scientific or technological development, computer software, artistic, scholarly or literary production, or publication, that can be copyrighted, patented, trademarked or licensed. This definition extends to all such property developed by students, faculty, staff, and administrative personnel, and to all others who might use McMurry facilities under the supervision of, or in cooperation with, McMurry personnel, when the Intellectual Property results from work associated with and involving the use of McMurry resources, unless otherwise regulated by the provisions of a written agreement between McMurry University and the affected parties. "Faculty," as used herein, refers to all full-time and part-time or adjunct faculty.

Ownership of Intellectual Property

As a general policy, intellectual property that is the result of activities generally expected of faculty, staff, administrative personnel, or students (such as those related to teaching, creation of artworks, research without benefit of university funds, or course assignments), is owned by its creator. "Creator," as used herein, includes both the singular and the plural. Intellectual property that results from a specific assignment or commission, that is a "work for hire," or that involves a significant contribution of university resources in its creation, shall be owned by the university, or as specified in a written agreement between the university and the affected parties. Scholarly works of faculty are not considered a work for hire. A "significant contribution of university resources" is an amount in excess of those resources normally made available to, or provided to, faculty, staff, administrative personnel, or students of the university. McMurry University reserves the right to refuse ownership of intellectual property when it is determined that ownership or management of the property is not in the University's best interests. If the university relinquishes intellectual property rights and resulting royalties to the creator, the creator will grant to the University a royalty-free, irrevocable, non-exclusive license for the duplication or use of the intellectual property for university purposes.

In situations involving institutional ownership of intellectual property, rights could be licensed to the creator of such property. In cases of creator ownership, rights could be licensed to the University.

Written Agreements

Any written agreement between the University, the creator, and other interested parties regarding ownership and rights to intellectual property must be executed prior to the creation of such intellectual property. If such an agreement will be necessary under the provisions of this policy, it is the duty of the creator to notify the appropriate Department Chair, for faculty or students; or Cabinet member, for all others; of such requirement in a timely manner.

Monetary considerations

In the absence of a prior written agreement regarding the sharing of intellectual property revenues on that property owned by the university, a portion of the net proceeds from the sale or licensing of such property shall be returned to its creator, and to the department or school of which the creator is a member, as either faculty, staff, administrative personnel, or student, according to the following schedule:

1. McMurry University should be initially reimbursed for any expenses or developmental funds contributed to the project;
2. The first \$100,000 received shall be paid to the creator;
3. Any receipts in excess of \$100,000 shall be allocated, with the creator receiving 80 percent, McMurry University receiving 10 percent, and the department or school of the creator receiving 10 percent, in an effort to encourage innovation and creativity in the future.

University Representative and Appeal Process

The appropriate Department Chair or Cabinet member, as noted above, is the University representative in any negotiations regarding intellectual property rights and ownership according to this policy. If a creator, or other party involved in the creation of intellectual property, objects to the application of the policy by the Department Chair or Cabinet member, he or she may request a hearing before an appeal committee chaired by the Vice President for Academic Affairs and consisting of two Department Chairs and two faculty members, for faculty or

student appeals; and consisting of one Dean, the appropriate Cabinet member, and two faculty members for all other appeals. After the hearing and review, the committee will forward its recommendation to the President of the University, who will make a final determination of the matter.

Conflict of Commitment

It is understood that faculty, staff and administrative personnel may be experts in their respective fields, and may engage in consulting work outside their University employment, or may be employed by other entities for specific projects. If such activities involve a commitment of McMurry University resources, and if intellectual property may result from these commitments, the affected faculty, staff or administrative personnel should notify their administrative superiors in a timely manner. It is further understood that, if an employee's primary source of employment is McMurry University, then his or her primary time commitment is owed to the University.

Use of University Name, etc.

The University has an interest in protecting its name, as well as any logos, images and representations that are associated with or symbolic of McMurry. Prior to the use of the university's name or other image, or reference to the university in intellectual property, permission for such use should be obtained from the Assistant Vice President for Marketing and Communication

MOTOR VEHICLE REGULATIONS

The following regulations have been formulated to ensure the safety and convenience of the members of the University community and guests. Permission to drive or park a motor vehicle on campus is considered a privilege and not a right.

All motorists must follow all state and McMurry University traffic and parking regulations governing the use of motor vehicles on all parts of the campus throughout all hours of the day or night. It is the responsibility of the students and staff to know and observe these regulations. McMurry University assumes no responsibility for the care and/or protection of any vehicle or its contents at any time that it is operated or parked on the McMurry University campus. The University reserves the right to impound any vehicle which is parked in a manner dangerous to vehicular or pedestrian traffic or which is otherwise in violation of University parking regulations, or to search, for any reason, any vehicle while on campus. Contact Campus Security for a complete listing of all motor vehicle regulations.

Vehicle Registration Permits

1. ALL student, faculty or staff members of McMurry University who operate or park a motor vehicle on campus must obtain a vehicle registration permit at registration or from the Student Affairs office in the south wing of President Hall. Those with valid HSU or ACU stickers do not need a McMurry permit, but DO need to fill out a registration form.
2. A vehicle is properly registered if the appropriate registration permit is in place.
3. Anyone who is going to temporarily operate a vehicle on campus must park in areas across from the campus, such as the Aldersgate United Methodist Church lot, the maintenance lot, and the paved lot across Ross Avenue from the J.W. Hunt Physical Education Center.
4. No fee will be charged for University parking permits.

Parking

General student parking is available (except for limited spaces marked Faculty or Reserved) north of Radford and in the large lot west of the Campus Center. Student parking is **NOT** allowed in the lots north and east of Maedgen, south of Old Main, west of Chapin, north of the Library, northwest of the Education building, in front of Hunt PE, and south of the Science Building between the hours of 7am and 5pm, Monday-Friday. The lot north of Maedgen has several visitor spaces for visitors who are conducting business in Maedgen. General parking is available (except for limited spaces marked Visitor or Reserved) north of Radford, in the large lot west of the Campus Center, in the paved lot by Aldersgate United Methodist Church, behind the University Apartments, the gravel lot south of Hunt Street, and the paved lots on Ross Avenue from the J.W. Hunt Physical Education Center. There

are handicapped parking spaces near the front of each lot. Only vehicles with handicapped stickers may use these slots. No parking is allowed in red zones or on the grass. **Vehicles illegally parked may be towed at the owner's expense.**

Traffic Citations and Appeals

301 No Parking Permit	307 Parking in Handicap Space (\$45)
302 Illegal Parking in Faculty, Staff or Res. Hall Area	308 Obstruction of Trash Containers
303 Blocking Gate	309 Parking in No Parking Zone
304 Speeding	310 Parking in Visitor's Space
305 Running Stop Signs	311 Improper Parking (on grass, walks, etc.)
306 Irresponsible Use	312 Parking Across Line
First Violation (Handicap and Visitor Parking) - \$45 First Violation (All Other) - \$25 Subsequent Violations within the Academic Year (Handicap and Visitor Parking) - \$55 Subsequent Violations within the Academic Year (All Other) - \$35 Persons in violation of parking regulations who do not have a valid parking sticker will have their fine doubled.	

The student should contact McMurry Security regarding any error or question concerning a traffic violation. No appeal on any parking violation will be considered unless such is made within five class days following the date of the citation.

The University charges the McMurry University Security with the responsibility of creating a safe environment by enforcing the University Parking and Traffic Regulations. This enforcement includes the issuance of warning tickets and violation citations. Fines will be paid to the University's Business Office during normal business hours. When fines are not paid or when there is a clear display of continuous and deliberate disregard for these regulations, specific steps will be taken to ensure compliance of the regulations.

- A. If a vehicle is found to have been cited **THREE** times within the year (Fall to Fall) for any type of parking violation, regardless if the citations are paid or unpaid, the following will take place at a third violation:
 - 1. A citation will be issued; and
 - 2. An **IMMOBILIZATION WARNING NOTICE STICKER** will be attached to the driver's side window.
- B. If a vehicle is found to have been cited **FOUR** times within a semester for any type of parking violation regardless if the citations are paid or unpaid, the following will take place at a fourth violation:
 - 1. The vehicle will be **IMMOBILIZED** by using a piece of equipment called "THE BOOT". "THE BOOT" is an **IMMOBILIZATION DEVICE** that is attached to one of the wheels on the vehicle making it immobilized. Once "THE BOOT" is attached to the vehicle the University Security Department will remove it after a **BOOT REMOVAL FEE** of \$50.00 is paid along with **all** outstanding parking and traffic fines to the business office.
 - 2. After "THE BOOT" has been placed on the vehicle, an attempt to notify the owner/ operator will be made by the University Security Department. "THE BOOT" will stay on the vehicle for up to **THREE DAYS**. If the owner/operator does not make the necessary arrangements to pay the **BOOT REMOVAL FEE** and all outstanding parking and traffic fines within three days, the immobilized vehicle will be towed at the owner's expense.
- C. After a vehicle has been immobilized a second time within a semester, the operator of the vehicle will be provided a written notice stating that he or she is prohibited from operating any vehicle on campus until

the end of that semester. If the vehicle is observed operating or parking on campus (legally or illegally), a citation violation can be issued and immobilization and/or towing can occur at the operator's expense.

- D. A vehicle that creates a safety problem/hazard or may endanger the safety of the University community or that is parked illegally in a fire lane, handicapped space or obstructing traffic on a campus roadway is subject to a citation violation, THE BOOT, and/or towing without notice.
- E. **Appeals-student appeals** can be made by petitioning the Student Supreme Court within five (5) class days following the date of the citation. Student appeal forms can be obtained in the MSG office in The Nest, Campus Center 111. **Faculty & staff appeals** shall be submitted in writing, using the appropriate appeals form, to the Human Resources Office (Maedgen, Room 221) within five (5) class days following the date of the citation. The Human Resources Office and the employee's supervisor will review the appeal and determine whether to uphold or overturn the citation.
- F. **Faculty & Staff Unregistered Vehicle Policy**—If an employee receives a citation for driving an unregistered vehicle to campus, but does normally drive a registered vehicle to campus, the employee must show proof of registration (an employee permit) to the Human Resources Office (Maedgen, Room 221) within 48 hours and the ticket will be dismissed.

REMOVING, DISABLING OR DAMAGING THE IMMOBILIZATION DEVICE IS A VIOLATION UNDER UNIVERSITY REGULATIONS AND CAN LEAD TO UNIVERSITY JUDICIAL ACTION THAT COULD INCLUDE CRIMINAL PROSECUTION.

Speed Limits

The speed limit on all campus roads is 15 m.p.h.

STANDARDS OF DRESS

Neatness and appropriateness of dress are important at all times. McMurry students are given credit for the maturity to decide what to wear and how to wear it. Dress for the occasion and respect the privilege. Therefore, swimsuits are not appropriate campus wear; please wear a cover-up when going to and from the pool.

STUDENT COMPLAINT POLICY

Written complaints should contain the following information:

- the complainant's name and contact information
- a clear description of the problem or complaint
- appropriate supporting documentation that is directly related to the complaint
- a description of any subsequent actions taken by the complainant or the University, and
- a description of the desired outcome.

All written complaints received and copies of any responses will be kept on file in the Student Affairs office. Complaints which are unsigned or are not received in written format (e.g. complaints received by phone or in person) will not be considered. The student complaint form can be found online at <http://student-life.mcm.edu/student-complaint/index.html>.

The Dean of Students & Campus Life will respond to each complaint within 15 business days of receipt. If no other action was requested, the response will acknowledge receipt of the complaint. If further action is requested, the response will describe the actions to be initiated by the Student Affairs office and any further information from the complainant that may be required.

Academic Matters

Written complaints about grades will follow the Grade Appeal process as outlined in the University Catalog.

Non-Academic Matters

Written complaints about administrative or other student services should be directed initially to the appropriate office but may be submitted to the Student Affairs office if satisfactory resolution is not achieved. Appropriate documentation would include copies of any relevant contracts, notices, or other official or informal correspondence with the office or other University personnel.

SMOKING AND TOBACCO USE POLICY

All buildings on the campus of McMurry University are tobacco free. Tobacco is defined as all tobacco-derived products, including and not limited to, cigarettes (e.g., clove, bidis, kreteks), electronic cigarettes, cigars and cigarillos, hookah smoked products, pipes, and oral tobacco (e.g., spit and spitless, smokeless, chew, snuff) and nasal tobacco (e.g., snus). It also includes any product intended to mimic tobacco products, contain tobacco flavoring, or deliver nicotine other than for the purpose of cessation.

Smoking, dipping, or chewing any form of tobacco as defined above is not allowed in any building on campus. Smoking is not allowed within twenty (20) feet of an entrance of any building on campus. (*Complies with the City of Abilene Ordinance, Chapter 10, Article III, Division 2, SMOKING of the Code of the City of Abilene.*) Designated areas have been established for students to smoke outside of the buildings. In accordance with university and NCAA rules and regulations, the use of tobacco at any athletic event is prohibited.

EXPRESSIVE ACTIVITY POLICY

Definition

Expressive activity is defined as communication from an external person or group that is focused on expressing a point of view about a particular issue.

External Groups

As a private university, McMurry prohibits such expressive activity from external individuals/groups, (i.e. individuals who do not currently work or study at the university).

Internal Groups

Internally sponsored communication activity is activity supported by individuals who currently work or study at McMurry University and/or by groups which are officially recognized at McMurry University and their guests.

Areas of Campus

The University's public streets, sidewalks, parks, and similar common areas are generally available for internally sponsored communication activity. Other parts of the campus may become temporarily available for such internally sponsored communication activity as designated by the university. Obstructing or impeding the flow of vehicular or pedestrian traffic is prohibited. Non-public forums are areas that are not by tradition or designation for public communication. These forums will be restricted to use for their intended purpose and are not available for internally sponsored communication activity. Examples include, but are not limited to, classrooms, residence hall rooms, faculty and staff offices, academic buildings, administration buildings, the Jay-Rollins library, and computer laboratories.

Safety Considerations and Free Speech

Free speech activities and space usage are subject to safety restrictions and may not be disruptive to instructional and academic activities. If the organizers of the event are expecting a crowd of 25 or more, they may be asked to reserve space and obtain security. Those who choose to observe and/or listen to such communication activities, bear the responsibility of recognizing and honoring the right of free speech. Any acts that are disruptive to the normal operations of the university, including classes and university business, or that invade the rights of others will not be tolerated. Faculty, staff, and students engaging in a disruptive activity may be subject to disciplinary action. Any participant in a disruptive activity may face criminal charges.

McMurry University does not allow weapons to be carried on campus and does not tolerate violence in any form.

UNIVERSITY CATALOG

The University catalog is published every year. It is, in effect, an agreement between the student and the University. It contains vital information concerning academic requirements, financial charges, deadlines, and other regulations of McMurry. The student is responsible for being familiar with all of this information.

CAMPUS SAFETY INFORMATION

Campus Security Report: Annual Student Right to Know Report

1. Annual Crime Statistics

Offense	Year	On Campus Property	Residential Facilities (A Subset of On Campus)	Non Campus Property	Public Property
GENERAL CRIME STATISTICS					
Murder / Non-negligent Manslaughter	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Negligent Manslaughter	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Sex Offenses, Forcible	2019	2	2	0	0
	2020	2	2	0	0
	2021	0	0	0	0
Sex Offenses, Non-Forcible (incest or statutory rape)	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Robbery	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Aggravated Assault	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Burglary of Structure	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Motor Vehicle Theft	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Arson	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
HATE CRIMES					
Hate Crimes	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
ARRESTS & DISCIPLINARY REFERRAL					
Illegal Weapons Possession Arrests	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0

Illegal Weapons Possession Violations Referred for Disciplinary Action	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Drug Law Arrests	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2019	2	1	0	0
	2020	12	12	0	0
	2021	10	8	0	0
Liquor Law Arrests	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2019	6	6	0	0
	2020	2	2	0	0
	2021	7	7	0	0
VIOLENCE AGAINST WOMEN ACT OFFENCES					
Domestic Violence	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Dating Violence	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Stalking	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
UNFOUNDED CRIMES					
Unfounded crimes - A crime is considered unfounded for <i>Clery Act</i> purposes only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless.	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0

2. McMurry University Security Department Authority and Jurisdiction

Campus Security acts as agents of the University in enforcing the policies of the University. They do not have the authority to arrest individuals. Campus Security maintains a good working relationship with the Abilene Police Department and calls them for assistance as needed.

All security members, students, faculty and staff are encouraged to report safety and policy violations promptly to appropriate agencies. The Student Affairs Office is responsible for coordinating all security matters and will monitor the program.

3. McMurry Security Department Location and Contact Information,

- McMurry University Security office is located in President Hall at 2249 Sentinel Drive
- Contact information:
 - Phone: (325) 793-4666
 - Email: security@mcmurryadm.mcm.edu
- There are six emergency call stations, each illuminated with blue lights, stationed throughout the campus. Each call station has a button which automatically connects to the Security officer on Duty with the touch of that single button.

4. General Procedures for Reporting a Crime or Emergency

Police, Fire or Medical Emergencies may also be reported to the City of Abilene 911 Call Center by dialing 911. All 911 calls originating from campus phones are also reported to McMurry Security by the Abilene 911 Center for immediate response by APD personnel and other emergency service personnel as needed.

Victims of off-campus crimes or incident may report the offense to the Abilene Police Department at 325-673-8331 or 911. Students who are victims of off-campus crimes or incidents may also contact McMurry Security for assistance with the APD reporting process.

5. Confidential Reporting Procedures,

Victims of crime who do not wish to pursue their matters through either the criminal justice system or the university's judicial system, are still encouraged to file confidential reports with the McMurry Security Department.

With a victim's permission, the Director of Security or his designee can file a report detailing the incident while protecting the reporting party's identity. The filing of confidential reports accomplishes two purposes: 1) addresses the anonymous victim's future safety, and 2), By being informed about the incident, the McMurry Security Department can more accurately quantify crimes and determine patterns of activities; such analysis can be a factor in McMurry Security decision to issue Timely Warnings and create an reactive plan of action to bring a halt to the reported criminal activities. Crimes reported confidentially are included in McMurry's Annual Crime and Fire Safety Report. .

6. Missing Student/Persons Procedures

McMurry University is committed to creating and maintaining an environment which promotes the safety and well-being of its students. To this end, the University established the following policy and procedure to identify and assist enrolled McMurry students who reside in on-campus housing and who have been reported missing for more than 24 hours. This policy is enacted in compliance with the requirements outlined in the Higher Education Opportunity Act of 2008.

- At the beginning of each academic year, McMurry Residence Life Staff will inform students residing in on-campus housing that McMurry will notify either a parent or an individual selected by the student no later than 24 hours after the time the student is determined to be missing. This information will include the following:
 - Students have the option of identifying an individual to be contacted by McMurry University no later than 24 hours after the time the student has been determined to be missing. Students can register this confidential contact information through the Housing and Residence Life Office.
 - If the student is under 18 years of age, and not an emancipated individual, McMurry University is required to notify a custodial parent or guardian not later than 24 hours after the time that the student is determined to be missing.
 - McMurry University will notify the appropriate law enforcement agency no later than 24 hours after the time that the student is determined to be missing.
 - If McMurry Security has been notified and makes a determination that a student who is the subject of a missing person report has been missing for more than 24 hours and has not returned to campus, McMurry University will initiate the emergency contact procedures in accordance with the student's designation.
- McMurry University will follow the following notification procedure for a missing student who resides in on-campus housing:
 - Any person who suspects that an on-campus resident has been missing for more than 24 hours should immediately contact McMurry Security, Housing and Residence Life Office, or the Student Affairs Office. Any information regarding a suspected missing student provided to the Housing Office or the Student Affairs Office will be immediately reported to McMurry Security.
 - Once McMurry University receives a missing student report via the Student Affairs Office, McMurry Security, Residence Life & Housing Office or other source, the following offices will be notified:
 - McMurry Campus Safety & Security Office
 - Student Affairs Office

- Residence Life & Housing Office
 - Vice President for Academic Affairs
 - MERT person on duty
 - Any official missing person report relating to this student shall be referred immediately to McMurry Security.
 - If McMurry Security, after investigating the official report, determines the student has been missing for more than 24 hours, McMurry University will contact the individual identified by the student, the custodial parent or legal guardian if the student is under 18 and not emancipated, or local law enforcement if these do not apply.
- Upon notification from any entity that any student may be missing, McMurry University may use any of the following resources to assist in locating the student. These resources may be used in any order and combination.
 - Through the Residence Life & Housing Office, the Resident Assistants may be asked to assist in physically locating the student by keying into the student's assigned room and talking with known friends and acquaintances.
 - Security may search on campus public locations to find the student (library, dining hall, Campus Center etc.).
 - Security may issue an ID picture to assist in identifying the missing student.
 - The Student Affairs Office may try to contact known friends, family, or faculty members for last sighting or additional contact information.
 - Student Affairs or academic departments may be contacted to seek information on last sighting or other contact information.
 - Security may access card access logs to determine last use of the card and track the card for future uses.
 - Security may access vehicle registration information for vehicle location and distribution to authorities.
 - Information Services may be asked to look up email logs for last login and use of McMurry email system.
 - If there is any indication of foul play, the local police department will immediately be contacted for assistance.

7. Crime Prevention and Awareness Programs

1. During fall orientation, all new freshmen are briefed on security, safety and the prevention of crimes.
2. During each opening residence hall meeting, this information is reinforced.
3. During the school year, programs are presented to students and employees on how to protect themselves from crime on campus.

8. Emergency Notifications, Timely Warnings & Alerts

The McMurry Security Department strives to keep the campus and campus community safe. An important tool McMurry Security uses is informing the campus community about certain situations or events on or near campus and that could pose an ongoing or continuing threat to the campus or the McMurry community.

Emergency Notifications:

Should a situation arise either on or near campus that, in the judgment of the McMurry Security Director of Security or his designee, constitutes an ongoing or continuing threat to the campus or campus community, a campus wide "Emergency Notification" alert will be issued through the university's campus e-mail system and the McMurry ALERT text messaging system. These messages will be sent to all students and faculty/staff members. McM Alert will be used to communicate important information during any potential emergency, such as a snow delay or closing, homeland security advisory, weather warning, gas leak, fire, crime watch, or power failure.

When possible, Emergency Notifications and Timely Warnings (discussed below) will also be distributed and displayed in prominent locations on campus including entrances to residence halls, academic buildings and the Garrison Campus Center.

Appropriate follow-up including information about the situation's further evolution or resolution will also be disseminated as soon as possible.

Timely Warnings:

In similar fashion, anytime that the McMurry Security Director or designee determines that a Clery Act reportable crime has occurred on or near the McMurry campus, non-campus facilities, or within other Clery defined applicable geography pertaining to campus, which in the judgment of the McMurry Security Director or his designee, could pose an ongoing risk to the campus community, a "Timely Warning" will be distributed. The Clery related Timely Warnings will be distributed primarily through the McMurry email system and/or McMurry ALERT. Additionally, Clery related Timely Warnings may also be announced via the university student newspaper and postings of flyers at residence halls, academic buildings, and the Garrison Campus Center. Clery related Timely Warnings will be issued as timely as possible after confirmed information becomes known to McMurry University Security or appropriate university officials and will be updated as necessary to provide current information. The Timely Warning will detail the facts known as to what occurred, where it occurred (as reasonably possible without inadvertently identifying victims, i.e. "at a residence in the 2200 Block of S 14th St ..." as opposed to "...at 2218 S 14th St, Abilene, TX." Additionally, the Timely Warning will provide information related to the elements of the crime committed and general safety and awareness information that members of the campus community can use in their personal efforts to prevent becoming a victim of a crime. Timely Warnings will be updated whenever new and confirmed information is received that would serve to expand or resolve the warning situation.

Because of their wider scope, not every Emergency Notification will trigger a simultaneous Timely Warning. Likewise, not every Timely Warning will automatically generate an accompanying Emergency Notification.

9. Access to Campus Facilities

- A. McMurry University Campus Security provides campus security. The major responsibility of Campus Security is to keep the residence halls and campus Crime free and safe for our students. Security is always watching for any problems with campus facilities and will call required maintenance if needed.
- B. During normal business hours, the University (excluding Residence Halls) will be open to students, parents, employees, contractor, guest, and invitees.
- C. Access to campus facilities after hours is limited to those with proper identification or authorization. University housing staff controls entrance into the halls after hours and watches for any safety threats to residents. University housing will alert Security of any significant problems.
- D. Residence Halls are secure 24 hours a day. Access to these residence Hall is limited to the residence of the halls by way of our access control system which utilizes the university ID's. Residence Hall staff grants access to residence of each Hall.

10. Alcohol/Drug Policies and Information

McMurry University strongly supports the provisions of the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226). The following information is provided at least annually to all students and employees of the University under the "Drug Free Schools and Campuses" portion of the above stated law.

Standards of Conduct. As clearly stated in the McMurry University *Student Handbook*, the use, possession or distribution of alcohol and illegal drugs is prohibited on the McMurry University campus. The McMurry University Faculty Handbook reinforces this policy for employees.

Legal Sanctions. Texas legal sanctions for the unlawful possession, use, or distribution of illicit drugs and alcohol

vary from class C misdemeanors with fines not to exceed \$200.00 to felonies of the first degree with confinement for life.

Federal sanctions closely parallel those of Texas. More detailed information is available on request from the Student Affairs Office or the local police department. McMurry University will cooperate with all law enforcement agencies in the investigation of drug and alcohol abuse.

Health Risks. Health risks associated with the use of illicit drugs and the abuse of alcohol vary a great deal and are much too numerous to list here. The bottom line is the risk of death as a result of abuse. Detailed materials are available through the Student Affairs Office or the Health Services Office.

Drug and Alcohol Counseling. Counseling is available through Counseling Services, Health Services, and Religious & Spiritual Life. Publications and lists of materials are available in the library for student and employee use. Referral to treatment and rehabilitation programs, as well as to other community counseling services, is available in the Counseling Services office. All requests will be kept confidential.

University Sanctions. Any student who is found responsible for violating drug policies as outlined in the Student Code of Conduct may be suspended or expelled from McMurry University. Any student athlete found responsible of violating drug policies as outlined in the Student Code of Conduct may also be subject to loss of eligibility under NCAA rules and regulations. Any employee found responsible of the same offense faces disciplinary action up to immediate termination of employment. Alcohol abuse is punishable by disciplinary action up to, and including, expulsion.

The *Student Handbook*, staff, and faculty handbooks outline the University's policy on drug and alcohol abuse. A biennial review will be conducted by McMurry University to ensure the abuse program is effective and stated sanctions are consistently enforced. Changes will be implemented as needed. Questions should be directed to the Student Affairs Office.

11. Campus Sex Crimes Prevention Act

The University Nurse attempts to promote awareness in preventing rape, acquaintance rape, and other forcible and non-forcible sex offenses by providing programs and literature for the campus community. Orientation programs for new students cover campus security and discuss ways to avoid situations where sex crimes might occur. Residence hall meetings stress personal safety and the importance of watching out for each other. Seminars are held for students and staff during the year.

Students should report any sex offense immediately to their Residence Director, Resident Assistant, and University Nurse or the University Chaplain. Any evidence for the proof of a criminal offense should be protected and reported to Campus Security. The student has the option to notify proper law enforcement authorities to report sex crimes. Campus Security or other University staff is always ready to help in the notification process if requested by the student.

Counseling Services, Health Services, and the University Chaplain are available for on-campus counseling and will refer, as requested or needed, to off-campus counseling. Victims of sex offenses can be assured that all contact with University staff will be kept in strict confidence.

12. Policies Regarding Sex Offenses/Offenders/Crimes of Violence, Disclosure of Disciplinary Proceedings

Registration of Sex Offenders

The "Campus Sex Crimes Prevention Act" is a federal law enacted on October 28, 2000 that provides for the tracking of convicted, registered sex offenders enrolled as students at institutions of higher education, or working or volunteering on campus.

This act amends the Family Educational Rights and Privacy Act of 1974 to clarify that nothing in that Act may

be construed to prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders and requires the Secretary of Education to take appropriate steps to notify educational institutions that disclosure of this information is permitted.

Information about registered sex offenders may be found on the Texas Department of Public Safety web page at: https://records.txdps.state.tx.us/DPS_WEB/Sor/index.aspx

Every effort will be made to try and ease the trauma for the victims of sex offenses. Changes in academic schedules and campus living arrangements will be made if requested by the victim if these options are reasonably available. Judicial action as outlined in the Student Handbook will be taken against those found in violation of sex offenses. The complainant and the accused are entitled to the same opportunities to have others present during conduct procedures. Both the complainant and the accused shall be informed of the outcome of any conduct action taken by the University (in accordance with the Student Code of Conduct). Judicial action taken regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses can lead to actions up to and including expulsion from the University.

13. Emergency Response and Evacuation Procedures

Emergency Response

The McMurry Emergency Response Team (MERT) has been established to respond to all emergency situations that occur on campus and affect the McMurry community. MERT consists of the University President, Vice President for Academic Affairs, Director of Facilities and Campus Planning, Dean of Students & Campus Life, Director of Security, and a marketing staff member.

McMURRY EMERGENCY RESPONSE PLAN

**In a life-threatening emergency call 911
Report all campus emergencies to McMurry Security.
(325) 793-4666**

Evacuation Information

Evacuate the building using the nearest exit or alternate if nearest exit is blocked.

Do not use elevators!

Take all personal belongings (keys, purses, wallets, etc.).

Secure any hazardous materials or equipment before leaving.

Follow directions given by the Building Emergency Communication Person.

**If you need assistance establish procedures in advance
with Disabilities Services, your instructor or classmates.**

<u>Fire-Smoke-Explosion</u>	<u>Campus Violence</u>	<u>Weather Warnings</u>	<u>Illness-Injury-Accidents</u>
<ul style="list-style-type: none"> • Activate the nearest fire alarm and immediately contact the McMurry Security. • Evacuate the building. • Return to the building only when you are authorized to do so by Campus Security or Abilene Fire Department 	<ul style="list-style-type: none"> • Do not attempt to intercede or restrain an aggressive individual. • Contact McMurry Security immediately for assistance. • Encourage others not to become involved; if possible, leave the area. 	<ul style="list-style-type: none"> • Listen for internal warning sirens. • Stay away from windows and exterior doors. • Immediately move to 1st floor hallways • Remain in the shelter area until an all-clear signal is sounded. 	<ul style="list-style-type: none"> • If the injury or illness is serious or life-threatening, contact 911 immediately. • If the injury or illness is not serious or life-threatening, ask the individual what assistance is needed. Contact McMurry Security for assistance.

Tornado Preparedness

- Listen to your radio or TV. A tornado “watch” tells a person to go about their business, but to keep an eye on the sky and in touch with weather statements. A tornado “warning” tells people of an actual sighting or radar indication and urges those “in the danger path” to take immediate cover. If Abilene is in

immediate danger – take immediate shelter.

- When a warning is issued for the immediate area, take cover. If you have limited time, the basement or an interior hallway on a lower floor is safest. Upper stories are unsafe. If there is no time to descend, a closet or small room with stout walls or an inside hallway will give some protection against flying debris. Otherwise, hide under some heavy furniture. In all cases try to stay away from windows of any type.
- If there is adequate time you should go to one of the following shelters during the school day: Library basement, Campus Center AEC, Bookstore, Campus Center 113, Radford, Gold Star, or Education building basement.
- If you are caught outside, move away from a tornado’s path at right angles. If there is no time to escape, lie flat in the nearest depression, such as a ditch or ravine. If you are in a car, get out and lie in a ditch if possible.

University Housing

If possible, Campus Security will notify the staff in Residence Life and direct them to implement tornado-warning procedures. Generally, students in university housing should move immediately to the lower hallways. Lower floor residents will take mattresses to help protect individuals from debris. Students should stay away from the lobby and lounge areas. If there is no time, and you are unable to descend to a lower floor, you should go immediately into the hallway and protect yourself with your mattress.

14. Annual McMurry HEOA Fire Safety Report

McMurry Residence Halls Fire Report	Total Fires in Each Building	Fire Number	Cause of Fire	Location	Injuries	Deaths	Value of Property Damage Caused by Fire
Gold Star	0	0	0		0	0	0
President	0	0	0		0	0	0
Hunt	0	0	0		0	0	0
Martin	0	0	0		0	0	0
Campus Apartments	0	0	0		0	0	0

Facility	Fire Alarm Monitoring Done Off Site	Full Sprinkler System	Smoke Detectors	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of evacuation Drills each calendar year.
Gold Star	X		X	X	X	
President	X		X	X	X	
Hunt	X	X	X	X	X	
Martin	X	X	X	X	X	
Campus Apartments	X	X	X	X	X	

MCMURRY STUDENT GOVERNMENT

McMurry Student Government (MSG) consists of members of the Student Association who are elected to act as the voice of the students, legislate, and strive toward improving campus life on behalf of the Student Association to whom they represent. By acting as the voice of the Student Association, MSG is to communicate to the administration, faculty, and other organizations both on and off campus the message of students. By legislating, MSG works toward refining the policies and regulations of the University and the Constitution to accommodate the changing needs of the Student Association. By striving toward bettering campus life, MSG creates and organizes events and activities for the general student body.

STUDENT PARTICIPATION IN INSTITUTIONAL DECISION-MAKING

Most standing University committees have several students serving on them to provide input into the decision making process. These students are normally appointed by each committee at the start of the school year. McMurry Student Government appoints students to various Board of Trustee committees for the fall and spring meetings. In addition, at various times during the school year, open forums are conducted by the president and other University officials to gain student input and feelings on issues as they arise. McMurry Student Government interacts with the administration throughout the school year on student concerns and needs.

STUDENT ASSOCIATION OF MCMURRY UNIVERSITY

The Student Association is composed of all McMurry students enrolled for at least 12 semester hours. Those carrying less than twelve semester hours are affiliate members of the Student Association.

The McMurry Student Government (MSG) consists of those students elected by the entire Student Association as their representatives. This body meets each Monday at 6:00 p.m in Bishop's Hall. MSG is always happy to hear the ideas and feelings of students. Suggestions can be brought by the MSG office in The Nest of the Garrison Campus Center at any time.

Some of the activities involving the MSG include sponsoring various social activities, planning Homecoming, creating better relations between McMurry and other colleges, providing for student elections, assisting in Student Preview, participating in various conferences, financing activities of the Student Association, and representing student opinions on campus issues.

CONSTITUTION OF THE STUDENT ASSOCIATION OF MCMURRY UNIVERSITY

We, the students of McMurry University, in order to realize our responsibilities in setting the educational, social, and spiritual atmosphere of the University, to communicate effectively with the faculty and the administration, to provide a field for practical citizenship and leadership, and to insure academic freedom for the entire University community, do hereby ordain and establish the Constitution of the Student Association of McMurry University.

Article I. The Student Association

Section 1. Definition

The name of this organization shall be the Student Association of McMurry University.

Section 2. Membership

- A. Every student upon having registered for at least 12 semester hours at McMurry University, the only exception being graduating seniors enrolled for less than 12 hours, shall be a bona fide member of the Student Association and shall be entitled to all rights and privileges stated in this constitution.
- B. Every student who is not a graduating senior and is enrolled in McMurry University for less than 12 semester hours shall be an affiliate member of the Student Association. Affiliate members are entitled to all rights and privileges stated in this constitution except the right to vote in elections, run for office in

the McMurry Student Government, or be associated with a social club in any capacity with the exception of being an inactive member.

- C. Advisory members to the Student Association shall be the Dean of Students & Campus Life and some number of faculty advisors to be specified by the Executive Council each year. The duties of the advisory members to the Student Association shall be to attend committee meetings upon invitation, clarify questions when called upon, assist in the promotion of the McMurry Student Government and its resolutions, and to attend McMurry Student Government Senate sessions when possible. They shall exercise no vote and have no veto power.

Article II. Classes

Section 1. Membership

- A. Class membership shall be defined according to class of entry. A student desiring to become a candidate for a student government office will apply for class council according to their class of entry, as specified by official Registrar records.
- B. "Class of Entry" shall be defined as 4 plus the year of entry. For example, a student entering in the fall of 2009 would be a member of the Class of 2013.
- C. A student may vote and be a candidate for office in that class of which the student is a member, or, in the case of spring elections, a member of the class in which the student will be by the following fall semester.
- D. Exceptions are as follows:
 - a. If a candidate is classified higher than their entry class and their entry class senate is full, the president may appoint them to the senate of their classification with the approval of the whole senate (as long as there are no other candidates willing to take the position).

Section 2. Class Council

- A. Each class council shall consist of a class president and five senators.
- B. A member of a class council who advances in classification at the beginning of the spring semester shall retain his/her office for the remainder of the term of office.

Article III. McMurry Student Government

Section 1. Definition

The McMurry Student Government shall consist of an executive body, a legislative body, and a judiciary body.

- A. The executive body shall consist of an Executive Council consisting of a president, a vice president, a treasurer, a secretary who does not have voting privileges, and an attorney general who does not have voting privileges.
- B. The legislative body shall consist of a Senate consisting of five senators from each class, the four class presidents and the Executive Council. The Attorney General shall serve on the Senate as a special advisor with no voting power.
- C. The judiciary body shall consist of the attorney general and a Student Supreme Court of four justices and one chief justice.

Section 2. Qualifications

- A. A candidate seeking office in the McMurry Student Government must be a bona fide member of the McMurry Student Association at least one complete semester prior to their holding office, with the exception of freshman senator and freshman class president candidates. The candidate must have an overall grade point average of 2.0 or better on hours taken at McMurry University and must maintain a 2.0 or better grade point average on McMurry course work throughout the respective term of office.
- B. Any officer mentioned in Article III, Section 1 failing to meet and to maintain any of the qualifications related to that officer's position shall be subject to disciplinary action, including expulsion from McMurry Student Government, as determined by the Executive Council.

Section 3. Presidential Vacancies

In the event that a vacancy occurs in the office of the president, the vice president shall assume the president's

office.

Section 4. Other Vacancies

Other vacancies, with the exception of the vice president, will be filled by an appointment of the president with the approval of the Senate.

Section 5. Summer Sessions

- A. No elections shall be held during summer sessions.
- B. Summer sessions may be used to raise, lower, or maintain an overall grade point average.

Section 6. Compensation

- A. The President, Vice President, Traditions Chair, Treasurer, Attorney General and the secretary of the Executive Council are to be compensated in a manner equivalent to the Work-Study Program in existence during their terms of office.
- B. Hours worked by the executive council shall be fulfilled between the hours of 8:00 a.m. and 10:00 p.m.

Article IV. Elections

The power for establishing general election procedures and regulations may be found in Article I, B of the Constitution Bylaws.

Article V. Executive Department

Section 1. Executive Council Powers

- A. To propose the Student Association budget for its term in office.
- B. To plan the dates for elections to be held during its term of office.
- C. To disseminate publicity and to correspond in the name of the Student Association.
- D. To delegate the activities and responsibilities of the McMurry Student Government to those committees, officers, and individuals specified by the Constitution.
- E. To coordinate and execute the provisions stated within this constitution in the manner deemed most appropriate by the Executive Council.
- F. To act on behalf of the members of the Student Association.
- G. To select or to remove, with the approval of the Senate, a secretary of the Executive Council.
- H. Appoint some number of faculty advisors to the Student Association.
- I. To act as the chief liaison between the McMurry Student Government and the Student Association to the Board of Trustees, the faculty, and the administration.

Section 2. The President

- A. The president of the McMurry Student Government shall, by nature of the office, be the chief officer of the Student Association, shall preside over the Senate, shall sign all contracts which might in any way bind the Student Association and shall enforce all laws of the Student Association and all provisions of this constitution.
- B. The president shall have the power to call the Senate into session, both special and regular.
- C. The president shall have the following additional powers:
 1. To create committees, both standing and special, from the Student Association in order to execute student laws and to carry out the various functions of the Student Association.
 2. To order the expenditure of monies of the Student Association as provided in the budget and such emergency expenditures as provided by the Senate.
 3. To appoint the chief justice and four justices of the Student Supreme Court, subject to the approval of the Senate.
 4. To veto, or to sign into effect, all Senate bills, laws, and actions.
 5. To act with emergency powers, when necessary, in the name of the Student Association and with the advice of the Senate when possible.
 6. To vote in the Senate in the case of a tie vote.
 7. To approve all official communications, whether written or oral, for the McMurry Board of Trustees

and its members.

8. To serve on any McMurry Student Government committee that the President wishes and to serve on any University committee to which the President is invited.
9. To remove executive appointees with the approval of the Senate.
10. To fill vacancies, with the exception of the vice president, with the approval of the Senate.
11. To sit as an ex-officio member of the McMurry Board of Trustees.
12. To appoint two student members to the Judicial Review Board, with the approval of the Senate.
13. To temporarily and at their own discretion transfer any of their administrative duties to other members of McMurry Student Government.
14. To make McMurry Student Government check requests with the Vice President or Treasurer co-signing.

Section 3. The Vice President

- A. The vice president shall act as president of the Student Association in case of the absence or the temporary inability of the president; shall succeed to the office of president in the event of the resignation, lack of qualification, or permanent inability of the president.
- B. The vice president shall be a voting member of the Senate.
- C. The vice president shall serve as chairman over all social activities that are controlled by the Student Association, excluding Homecoming and Spring Thing.
- D. The vice president shall serve on any University committee to which the Vice President is invited.
- E. The vice president shall sit as an ex-officio member of the McMurry Board of Trustees.
- F. The vice president may temporarily and at his or her own discretion transfer any administrative duties to other members of the Student Association.
- G. The vice president may make McMurry Student Government check requests with the President or Treasurer co-signing.
- H. The vice president shall provide executive assistance to the executive council when deemed necessary.

Section 4. The Treasurer

- A. The treasurer shall be responsible for keeping a complete, accurate, and current record of all Student Association funds as appropriated by the official McMurry Student Government budget. A complete account of each debit and credit shall be reported at the first monthly session of the Senate, or as requested by any McMurry Student Government official.
- B. The treasurer will have the power to sign all Student Association checks with the President or Vice President co-signing.
- C. The treasurer shall serve on any University committee to which the treasurer is invited.
- D. The treasurer may make McMurry Student Government check requests with the President or Treasurer co-signing.
- E. The treasurer shall serve as the chairperson of the appropriations committee.

Section 5. The Traditions Chair

- A. The Traditions Chair shall be responsible for all annual traditions of McMurry Student government, including Homecoming and Spring Thing.
- B. The Traditions Chair shall be a voting member of the Senate.
- C. The Traditions Chair shall serve on any committee to which the traditions chair is invited.
- D. The Traditions Chair shall aid the Sophomore Class president in ensuring the Freshman Tipi is put up properly.

Section 6. Attorney General Powers

- A. To represent the McMurry Student Government in Student Supreme Court cases to which it is a party.
- B. To represent members of the Student Association in Student Supreme Court cases in which they are a party or parties.
- C. To advise the Senate and the Executive Council in matters related to the constitution.
- D. In cases in which the McMurry Student Government and a member or members of the Student

Association are both parties, the attorney general shall represent whichever party they may wish.

- E. To act as parliamentarian of the Senate
- F. To see that all opinions of the Student Supreme Court are written and signed by the chief justice.
- G. To keep all opinions on file in the McMurry Student Government Office.

Section 7. The Executive Secretary

- A. The secretary shall keep minutes and disseminate the minutes for the Senate.
- B. The secretary shall serve as the Chair of the Organizations Committee
- C. The secretary shall serve on any university committee to which the secretary is invited.
- D. The secretary shall have no voting powers in the Senate.

Article VI. Legislative Department

Section 1. General Provisions

- A. The Senate shall meet at least once a week during the regular semester, with changes or additions in the aforementioned schedule being made by the president.
- B. A simple majority of the total membership of the Senate shall constitute a quorum to do business. Roll shall be taken, though a quorum may not be present. A simple majority of a quorum shall be required for the passage of any business before the Senate, except as may be specifically provided to the contrary herein.
- C. The sessions of the Senate and of its committees shall be open, unless a closed session is called by the presiding officer of the Senate or of the committee.
- D. Each class shall hold a class meeting once a semester. The meetings shall serve as a way to engage the perspective class in mass as well as gather ideas and concerns relevant to that class.
- E. The Senior Class shall be the only class allowed to fundraise for the sole purpose of giving a gift back to campus. Any funds not used shall be given to the next class for the same purpose.

Section 2. Rules of Conduct

The Senate may determine the rules of its own proceedings, punish its members for disorderly behavior, and, with the concurrence of three-fourths of its membership, expel a member.

Section 3. Powers

- A. The Senate shall have the power to approve all appointments by the president of the Student Supreme Court justices, the Senate advisors, the Judicial Review Board, and vacancies in the Senate (with the exception of the Vice President).
- B. All legislative actions shall be enacted in the following manner:
 - a. Legislative actions shall be initiated in the Senate through a petition signed by two percent of the total number of members of the Student Association or through a motion made by an individual Senator.
 - b. When a legislative action has been passed, the secretary shall read the law before the Senate and shall enter it into the minutes.
 - c. A legislative action shall automatically enter into effect in one of the following manners:
 - 1. When it is signed by the president.
 - 2. When it is passed over the president's veto by a two-thirds majority of the Senate.
 - 3. If after 10 days after the day it was originally passed by the Senate, it has been neither signed nor vetoed by the president.
- C. All legislative actions shall be recorded and kept on file. This file shall be open to all students and to the campus press at all times.
- D. To draw resolutions and bills representing the view of its membership.
- E. To reprimand any member of the McMurry Student Government for violations of the rules and proceedings of McMurry University.
- F. To make all laws which shall be necessary and proper for carrying into execution the powers of this constitution.
- G. To establish specific election procedures and regulations
- H. To establish the regulations governing those social activities over which the Student Association has

control.

- I. To give final approval to those policies governing the recognition and conduct of all student organizations and activities, when such policies are developed by the Organizations Committee.

Section 4. Minutes

- A. A journal of all official proceedings of the Senate shall be kept by the secretary. The secretary shall be responsible for keeping a copy of all minutes on file in the McMurry Student Government office and for seeing that the minutes are posted for student observation following each meeting.
- B. All McMurry Student Government officers and faculty advisors shall receive the minutes of the Senate proceedings prior to the next meeting. This shall be the responsibility of the secretary.

Section 5. Budget

- A. Two separate general budget bills shall be passed into effect for both the fall and spring semesters of each year.
- B. These general budget bills shall be presented to the Senate for approval by the third session of the fall and spring semesters.
- C. The general budget bills will be formulated by the executive council.

Section 6. Absences

- A. Roll shall be called immediately following the call to order, and immediately following passage of a motion to adjourn. Each Class Council member, Executive Council member, and Supreme Court member shall be responsible for being present at each roll call. Each roll call that is missed shall constitute one-half of an absence.
- B. Any member having four absences of any nature during the course of one semester will be constitutionally expelled from McMurry Student Government.

Section 7. Committees

- A. McMurry Student Government committees may consist of any number of Senators, Student Association members, or other individuals associated with the University that the president, with the approval of the Senate, appoints.
- B. McMurry Student Government Standing Committees are as follows:
 - a. Election Committee, which is chaired by the attorney general, shall plan, oversee, and coordinate all McMurry Student Government elections.
 - b. Student Life Committee, which is chaired by the traditions chair, shall coordinate all McMurry Student Government social activities including Homecoming and Spring Thing.
 - c. Public Relations Committee, which shall formulate and disseminate all McMurry Student Government publicity at the request of the Senate
 - d. Food and Maintenance Committee, which shall seek to convey the concerns of students related to the dining and facility services.
 - e. Intercollegiate Committee, which shall work with the president in seeking to improve communications and common interest with other college or university student associations and their respective student governments.
 - f. Organizations Committee, which with the consent of the Senate, shall develop policies governing the recognition and conduct of all student organizations and activities, and which shall execute those policies. When this committee is not in session, its functions shall be handled through the office of the president.
 - g. Appropriations Committee shall decide whether the appropriation of money to a certain project or group is beneficial to the Student Association of McMurry University. The committee will, on a weekly basis, evaluate requests made by groups or individuals that are not currently provided for in the budget. The committee will consider the following criteria in making the decision to consider the appropriation of the Student Association's funds:
 - i. A proposal must be submitted to the committee chair in written form no later than two weeks before the scheduled meeting at which it shall be voted on, pending the

committee recommendation.

- ii. The proposal shall contain the following:
 - 1. a projected use of the funds for the purpose of determining whether or not it is beneficial to the Student Association,
 - 2. an explanation of the benefits of the project or activity, for which the funds are being requested,
 - 3. failure to report as required by the committee, at the established time shall result in that group or individual losing the right to petition for funds for a full calendar year from the date on which the report was scheduled to be given, and revocation of McMurry University Student Association organizational recognition
 - iii. The committee shall determine an appropriate report from the group or individual on the use of the funds. The committee will consist of the treasurer, vice president, and three senators appointed by the president. The treasurer will act as the chair of the committee, and will vote only in the event of a tie. The chair will give weekly reports of the proceedings of the committee. The group or individual wishing to petition the appropriations committee to evaluate their request may start the process by submitting the request to the Treasurer of McMurry Student Government during posted office hours.
- h. Other committees as deemed necessary may be established by the president, but they shall only exist during the term of office of the Executive Council.

C. No committee action shall take place without attendance of a simple majority of its members.

Section 8. The Impeachment Clause

- A. To impeach any member of the Executive Council the following steps must be met in order:
 - a. Only a member of McMurry Student Government may initiate the impeachment process;
 - b. The petitioner must meet with two university advisors and the Dean of Students;
 - c. The petitioner must have a petition with fifty percent (50%) of the membership of MSG plus one;
 - d. The petitioner must turn in the petition of signatures to the McMurry Supreme Court who must verify all signatures;
 - e. The Chief Justice will then call and preside over a special meeting of MSG within ten school days after the petition has been turned in to the Supreme Court, there must be a quorum of three-fourths of the entire membership present (excluding the Executive Council);
 - f. The officer under impeachment and the petitioner each have 30 minutes to argue their case in front of the entire body. Time may be divided however each side wishes for rebuttal. The meeting shall be open to the public;
 - g. A three-fourths vote of the entire membership is necessary to impeach.
- B. The following are reasons to impeach a member of the Executive Council:
 - a. Any disciplinary charges brought forth by the school,
 - b. Abuse of power, and
 - c. Disorderly behavior as defined in Article VI, Section 2.
- C. The vote is effective immediately and the person is no longer a member of MSG.
- D. Members of Executive Council are neither allowed to sign petitions for impeachment, nor vote during the impeachment process. The quorum of three-fourths and the vote tally of three-fourths shall be calculated without the Executive Council.

Article VII. The Judiciary

Section 1. Student Supreme Court Powers

- A. To determine the number of candidates in a runoff election for Class Council positions.
- B. To authorize absentee balloting.
- C. To tally and certify all election results.

- D. To hear and decide cases dealing with a violation of the procedures, guidelines, and laws of elections.
- E. To interpret this constitution and to decide on the constitutionality of any Senate or Executive Council action when petitioned to do so, such decision being binding upon the Student Association.

Section 2. Chief Justice Powers

- A. To call the Student Supreme Court into session.
- B. To preside over Student Supreme Court Sessions

Section 3. Judicial Procedures

- A. The jurisdiction of the Student Supreme Court shall extend to all matters arising out of or related to this constitution and any action taken by any person or organization hereunder, as well as all matters involving any member of the Student Association in his/her relationship to the University or any segment thereof not specifically covered by or subject to jurisdiction under the Constitution of McMurry University.
- B. Cases justifiable before the Student Supreme Court must be initiated by petitioning the Court.
- C. Any member of the Senate or of the Executive Council shall have the right to petition the Court for a decision. Members of the Student Association shall also have the right to petition the Court for a decision. The court must issue its decision to the public within 10 days after the petition is received by the Court.
- D. When suit is brought against any member of the Student Association, the individual against whom the suit is brought shall be informed of the charges at least 48 hours prior to the hearing of the suit. At the hearing, the individual against whom the suit is brought shall again be informed of the suit's charges, shall be confronted with witnesses, and shall be allowed to call his or her own witnesses.
- E. The court shall present findings to President and Dean of Students for further action if deemed necessary.
- F. All cases and controversies heard by the Student Supreme Court shall be speedy, and public in nature unless otherwise specified by the Court.
- G. A quorum of a majority of the whole judicial body must be met in order to hear and make a decision on a case.
- H. The Chief Justice or the Dean of Students must call the Supreme Court into session. If neither can perform the duty the most senior member of the Supreme Court may call it into session.

Section 4. Vacancies

In case of a vacancy in the Student Supreme Court, the Student Association president shall make another appointment to fill the unexpired term, such appointment to be approved by the Senate. Terms for Student Supreme Court justices shall correspond to the academic year calendar, starting at the beginning of the fall semester.

Article VIII. Amendments

Section 1. Amendments

- A. Any proposed amendment to this constitution, passed by a two-thirds majority of the membership of the Senate at a meeting which has been publicized in one issue of an official McMurry publication prior to the aforementioned meeting shall become binding after it has received a majority of the ballots cast in a general election following the publication.
- B. All amendments must be in accordance with the Charter and By-Laws of McMurry University, as interpreted by a committee composed of the five justices of the McMurry Student Government and at least one McMurry Student Government advisor shall be an ex-officio member of this committee.

Section 2. Absorption and Deletion

Amendments shall be absorbed into the body of this constitution and material no longer valid shall be deleted by the process outlined in Article VIII, Section 1.

Article IX. Ratification and Transition

Section 1. Ratification

This constitution supersedes all previous constitutions of the Student Association and becomes effective the completion of the process outlined in Article VIII Section 1.

Section 2. Transition

Officers elected under the provisions of the constitution which this constitution supersedes shall remain in office and exercise their powers and duties of office as set forth in the constitution.

Bylaws for the Student Association

Article I.B. Election Procedures

Section 1. Nominations

- A. Obtain petitions from McMurry Student Government Office.
- B. Obtain signatures from Student Association members
 - a. Executive Council candidates must obtain 25 signatures from members of the Student Association.
 - b. Senators and class presidents must obtain 20 signatures from the class of which they are a member.
 - c. Obtain verification of grade point average and number of hours from the registrar.
 - d. File petition in the McMurry Student Government office by the deadline set and publicized by the Executive Council.
 - e. To ensure that officers will be prepared to handle the issues which are questioned, discussed, and resolved by McMurry Student Government, the following requirements are to be met by students wishing to run for Executive Office:
 - i. must be a full time student at McMurry,
 - ii. must have served on Student Government for at least one year (one year being defined as 80% of two consecutive semesters, excluding allowed absences) and,
 - iii. must hold and maintain a minimum GPA of 2.5.

Section 2. Times of the Elections

- A. The election of the Executive Council and the attorney general shall take place on a Tuesday and Wednesday in April, unless it is deemed necessary by the sitting Executive Council to hold elections on the last Tuesday and Wednesday of March to avoid interfering with Easter holiday or other springtime campus events. Runoff elections, if necessary, will take place within one week of the results.
- B. The election of the sophomore, junior and senior class councils will take place Tuesday and Wednesday, following the Executive Council and Attorney General election, in April. Run-off elections, if necessary, will take place on Tuesday of the following week within one week of the results.
- C. The election of the freshman class council will be held no later than the third Senate session of the fall semester. The specific day will be set by the Executive Council. With the exception of petitions and elections dealing with vacancies for vice president, one week will be allowed between the petition deadline and the respective election. Elections dealing with vacancies will be held at a time announced by the Executive Council.

Section 3. General Election Provisions

- A. The following will be declared elected by majority vote:
 - a. Executive Council members,
 - b. Attorney General, and
 - c. Class Presidents.
- B. The senatorial positions will be elected by selecting those five in each class receiving the most votes.
- C. A run-off election will be called:
 - a. If no candidate as described in Section 3, paragraph a., receives a majority of the votes, or
 - b. If there is a tie for any of the five senatorial positions in a class and said tie causes the number of candidates receiving the five highest number of votes to exceed five.

- D. The number of candidates in the run-off election will be determined by the Student Supreme Court.
- E. Absentee ballot voting will be authorized for any student who will not be physically present on the day of the election.
- F. No electioneering of any kind shall take place on election day within 50 feet of the polls of the election.
- G. There will be no campaign advertisements of a permanent nature. Campaign material will conform to the McMurry Student Government guidelines and will be taken down or removed within 24 hours after the election and all runoff elections have been finalized
- H. The campaign expenses of any candidate for election to any student office shall not exceed, directly or indirectly, the sum of \$50. An itemized expense account shall be submitted to the Student Supreme Court by each candidate no later than the date assigned by the Executive Council.
- I. Any candidate found by the Supreme Court to have made a willful noncompliance with any of the election procedures must be immediately declared ineligible to hold any McMurry Student Government elective office for the semester in which the noncompliance occurs. In the event that the candidate in question has already become an elected official, the candidate next in line respective to the number of votes received shall be declared elected. If this manner of filling the vacancy fails, a new election is to be called. The above procedure applies only to cases applying to a noncompliance with the election procedures.
- J. The transition of newly elected Student Association officials to their respective offices shall occur prior to the beginning of the week of finals.

Section 4. Vacancies

- A. Vacancies, with the exception of vacancies for president or vice president, shall be filled by presidential appointment with approval of the Senate.
- B. Vacancies for vice president shall be filled in the following manner:
 - a. The President of the senior class shall move up and take the position of vice president. At this time the most senior member, which shall be determined by the senior class senate and the Attorney General, will take the place of the senior class president. The president will appoint a new senior class senate member.
 - b. If at this time the senior class president does not wish to take over the duties of vice president, the senior senate member with the most seniority shall be appointed as vice president.

Section 5. Oath of Office

Elected and appointed McMurry Student Government officials, before commencing their respective terms of office, shall take the following oath of office: “Realizing the high honor and responsibility conferred upon me by my fellow members of the Student Association of McMurry University, I solemnly and honorably promise, to execute to the best of my ability and in accordance with the constitution the duties of my position to which I have been elected (appointed).”

Article II.B. Organizational Recognition

- A. Official recognition of a student organization grants many privileges (see Creating a Student Club or Organization). Some of these include the use of college facilities for meetings and social gatherings, scheduling of events to avoid conflicts, and the use of the University name. These privileges are accorded only to organizations of students who have secured recognition as a campus organization. Students who wish to be recognized as an organization must seek recognition from the Senate and its Organizations Committee by submitting the following information on forms provided by the McMurry Student Government office:
 - a. A constitution, bylaws, and a statement of purpose which includes:
 - i. Intention of the group
 - ii. Those eligible for membership
 - iii. Membership selection process
 - iv. Offices and the functions of those offices
 - v. Names of officers
 - vi. Names of faculty advisors

- vii. Names of members.
- B. Following recognition, any changes made in the constitution or by-laws of the organization must be submitted to the Organizations Committee.
- C. Temporary recognition will be granted to a group seeking permanent recognition for a period of four weeks provided that group supplies the Organizations Committee with the following:
 - a. Name of organization
 - b. Purpose of the group
 - c. Name, address, and telephone number of the student representing the group
 - d. Name of the faculty advisor
- D. Advisors to be chosen by each organization are required. However, McMurry Student Government recognition will not be withheld solely because of the inability of a student organization to secure an advisor. Advisors are to be considered as a resource for advice; they do not have the authority to control the policy of the organization
- E. By the third session of the Senate each fall semester, each student organization must report the names of its officers and faculty advisors to the Organizations Committee. Failure to submit this report by the required date signifies that the organization has dissolved. The list of officers and faculty advisors must be kept up-to-date. Failure to abide by the regulations stipulated herein or stipulated by the Organizations Committee with the approval of the Senate shall be grounds for removal of recognition.
- F. All campus organizations must be open to all students without respect to race, creed, national origin, or gender. Organizations may limit their membership to one gender if they justify such limitations in their constitution and that constitution is not rejected by either the Organizations Committee or the Senate.
- G. In all cases, recognition must be cleared by the Organizations Committee and the Senate, with the Organizations Committee report being delivered to the Senate at least two weeks after the group initially files for recognition.
- H. Any person or organization wishing to file a complaint against any other organization may do so by filing said complaint in the McMurry Student Government office for assignment to the Organizations Committee.

Article II. B. Mr. McMurry and Ms. McMurry

Section 1.

Mr. and Ms. McMurry shall be chosen each fall preceding Homecoming in a general election by the sophomores, juniors, and seniors of the Student Association, with the winners receiving a majority of the total votes cast.

Section 2.

A candidate for Mr. or Ms. McMurry must be a bona fide member of the Student Association of McMurry and have completed at least 6 long semesters; the candidate must have an overall grade point average of 2.0 or better in total semester hours of work completed at McMurry, and a 2.0 average during the current semester and immediately preceding semester in which the election is held. No person, having been on the ballot for Mr. or Ms. McMurry in one year, may be re-nominated for the honor in subsequent years.

Section 3.

Nomination of candidates shall be by petition, each petition being signed by at least 25 bona fide members of the sophomore, junior, and/or senior classes of the Student Association and by the nominee stating his/her interest to run for the honor.

Article III. B. Class Favorites

Section 1.

In the fall before Homecoming and after the election of Mr. and Ms. McMurry, each class shall elect one male and one female to be Class Favorites, the winners receiving the majority of the total votes cast by the bona fide members of the respective classes.

Section 2.

A candidate for Class Favorite must be a bona fide member of the Student Association of McMurry University and of the class for which the candidate is to be a Favorite at the time of candidacy; candidates other than freshmen must have an overall average of 2.0 or better in total semester hours of work completed at McMurry and must have an average of 2.0 or better in work completed during the current semester and the immediately preceding semester in which the election is held.

Section 3.

The mode of nomination and election of Class Favorites shall be determined by the respective Class Councils.

Article IV. B. Homecoming Judges

The Student Life Committee shall direct the selection of at least three Homecoming judges, one of whom is suggested to be of Native American expertise.

Article V. B. McMurry Student Government Long-Term Operating Investment Account

Section 1.

This account is to be managed and controlled by the Executive Council of McMurry Student Government.

Section 2.

Only the interest earned on the principle placed in this account may be withdrawn from the account.

Section 3.

If necessary, the principle and interest may be withdrawn following a three-fourths affirmative vote of the total Senate membership.

CAMPUS LIFE

STUDENT CLUBS AND ORGANIZATIONS

Through active involvement in University activities, students benefit themselves as well as McMurry. There are many different organizations at McMurry, each with different objectives. Take a moment to look at the different choices available. Students, who are interested in any of these organizations, should not hesitate to stop by the Student Engagement Office in the Campus Center or MSG Office in *The Nest* to obtain more information. Also, look for information booths of the different organizations throughout the semester. Students can join most student organizations at any time during the year; simply attend a meeting or call the Campus Center. Students who have a special interest that isn't already a focus of a student organization have the opportunity to create a new student organization. One of the most important factors in modern liberal arts education is the education students receive from each other. Whatever a student's interests, whether academic or extra-curricular, there are student organizations eager to welcome you to membership. These groups offer opportunities for service, professional growth, and social life.

McMurry encourages students to associate with recognized organizations. Becoming and remaining a recognized Student Organization at McMurry has many privileges. Besides the student camaraderie, the organizations may:

1. schedule and use University facilities, equipment, and services for purposes related to organizational goals;
2. conduct fundraising events among students with proper approval from University staff;
3. establish dues to acquire funds that will be used for purposes beneficial to the organization and its members;
4. participate as a group in University events;
5. invite speakers and sponsor activities;
6. recruit new members from the student body within the established guidelines;
7. receive information and resources necessary to function appropriately and effectively as an organization; and

8. properly and appropriately use the University mailing address and/or name.

There are specific responsibilities and expectations that accompany the student privilege to organize. In order to obtain and maintain recognition, an organization's goals, purposes, values and behavior are to be consistent with the goals and values of McMurry. This means that student organizations, through their activities and actions, are expected to always meet the following responsibilities:

- respect normal University operations (i.e. class schedules, movement of traffic, etc.).

RECOGNIZED ACADEMIC, HONORARY, OR PROFESSIONAL ORGANIZATIONS

Professional & academic organizations are generally professional fraternities or organizations that allow students the opportunity to meet others with similar career or academic goals. Often times the organization is promoted by academic departments for the benefit of students in similar majors. Professional & academic organizations are particularly important for networking, as you make contacts with people in your field of study in school and in the Abilene area.

- Alpha Psi Omega
- Association of Information Technology Professionals (AITP)
- Association of Texas Professional Educators (ATPE)
- Beta Beta Beta
- Chemistry Club
- Kappa Kappa Psi
- Kappa Mu Epsilon
- Kappa Pi-Epsilon Theta
- Math Club
- Model UN of McMurry
- Phi Epsilon Kappa (Kinesiology Klub)
- Shareholders
- Society of Physics Students (SPS)
- Sociology Club

RECOGNIZED SPECIAL INTEREST ORGANIZATIONS

This type of organization is formed by students sharing an extra-curricular interest. Special interest organizations, like many other types of organizations participate in student activism, political awareness, and/or leadership activities.

- A Moxie Movement
- Armed Forces Alliance
- Better Together Alliance
- Campus Activities Board (CAB)
- Campus Ministry
- Fellowship of Christian Athletes (FCA)
- McMurry Bass Club
- McMurry Hispanic Society
- McMurry International Student Association (MISA)
- McMurry Shooting Sports Club
- McMurry Student Alumni Association (MSAA)
- Ping Pong Pals
- Sexuality and Gender Acceptance (SAGA)
- Saudi Student Association
- Student Athletic Advisory Committee (SAAC)

RECOGNIZED SERVICE ORGANIZATIONS

Service organizations, as their name indicates, are dedicated to volunteerism and service within the Abilene and University community.

- Alpha Phi Omega (APO)

SOCIAL CLUBS

McMurry University has social clubs (fraternities and sororities) for men and women. The primary goals of the social clubs are high scholarship, leadership, friendship, wholesome social activities, and the development of individual responsibility. Social club membership opens the door to the enjoyment and responsibility that comes from active participation in all areas of University life. The close friendships made during the University years are those which last far beyond graduation and the boundaries of the campus.

During late fall and early spring semester, the social clubs have a period known as a “rush” to secure new members. During a series of planned events, interested students are given an opportunity to become acquainted with other club members. ***TO BE ELIGIBLE FOR MEMBERSHIP, ONE MUST BE A FULL-TIME STUDENT, HAVE ATTENDED McMURRY AT LEAST ONE SEMESTER AS A FULL-TIME STUDENT (12 semester hours), And HAVE A 2.0 GPA OVERALL FOR WORK COMPLETED AT McMURRY.*** Additional information concerning any aspect of rush and/or social clubs may be obtained from the Student Affairs Office.

Women’s Social Clubs (Founded)

Alpha Psi Alpha (1953)
Delta Beta Epsilon (1944)
Gamma Sigma (1936)
Pi Omega Phi (1965)
Theta Chi Lambda (1960)
T.I.P. (1925)

Men’s Social Clubs

Eta Epsilon Iota (HEI) (1962)
Chi Omicron (XO) (re-chartered 2007)
KIVA (re-chartered 2018)
Ko Sari (1937)
MAKONA (1978)

COORDINATING/GOVERNING ORGANIZATIONS

These organizations are formed as coordinating bodies for student organizations that have a common interest. They serve as a liaison between the organizations and the University administration.

- Diversity Affairs Council
- McMurry Student Government
- Men’s Interclub Council
- Women’s Interclub Council

CREATING A STUDENT CLUB OR ORGANIZATION

Students who wish to be recognized as an organization must seek recognition through the Student Engagement Office, McMurry Student Government and (if applicable) the respective Men’s and Women’s Interclub. For more information, please visit the Student Engagement Office in the Garrison Campus Center. Recognized organizations receive benefits that can be found in the *Student Handbook* under Student Clubs and Organizations.

CAMPUS ACTIVITIES BOARD

The Campus Activities Board (CAB) is a student-led organization which strives to bring a variety of events reflective of the diverse interests of our student body. Through our programs, CAB seeks to provide activities to entertain, educate, and engage students in order to increase retention and build a cohesive campus community. Events include movies, speakers, concerts, comedians, Spring McMadness, and a myriad of other activities. For those who want to make a suggestion or comment on campus programs, CAB welcomes input or feedback.

Getting involved in CAB is a great way to meet people, help provide quality programs and events for McMurry, and have FUN! All currently, actively, enrolled students of McMurry University with at least a 2.0 grade point average are eligible for membership in CAB. From promotions to budgeting, members of CAB work on all aspects of the programs that come to McMurry. So, if you are interested in being part of this exciting group, come to one

of our meetings or call Student Engagement office at (325) 793-6549. CAB meets every Tuesday at 12:15PM in the Village Market Meeting Room (across from the tray drop-off in the Cafeteria). Come see how FUN HAPPENS!

FIRST YEAR EXPERIENCE PROGRAM

- Location: Old Main 306 A
- Website: <http://academics.mcm.edu/first-year/>
- Telephone: (325) 793-4995
- Email for Director: scott.jeff@mcm.edu

The cornerstone of McMurry University's first year experience is to help develop a network of relationships that prepares you for academic and personal success, emphasizing a life of leadership and service. McMurry is dedicated to a first year experience that helps you become part of the McMurry community with both in and out of class opportunities.

The goals of the first year experience are to help you:

- Become more self-aware,
- Learn how to interact with and relate to others,
- Develop academic competence and confidence,
- Learn to understand what it means to be a citizen of a multicultural community that includes a globalized world, and
- Engage in opportunities for leadership, service, and involvement.

As part of the First-Year Experience program, all first-year students are required to enroll in a First Year Seminar, ACAD 1340. The First Year Seminar is not necessarily tied to a specific major, so you should feel free to explore a topic that truly interests you. Class size is small so you can benefit from working closely with a faculty mentor and your peers. In addition, your professor will be your initial academic advisor at the University. Each seminar also has a friendly and helpful McMurry student who will serve as your Peer Leader.

THE ORIENTATION TEAM: ORIENTATION LEADERS & PEER LEADERS

One of the best ways to share your fantastic experience at McMurry is to become part of the Orientation Team. The Orientation Team is an interactive powerhouse that consists of the Orientation Leader and Peer Leader positions. Both positions serve as a leader to new students and their families during Student Orientation And Registration (SOAR) and War Hawk Welcome Week. However, the Peer Leader also serves as a mentor throughout the First Year Seminar program, which requires additional responsibilities.

Orientation Team members, selected for their leadership and scholastic ability, campus involvement, enthusiasm, and strong character, are one of the best-trained student leaders on campus. Many students say that being an Orientation Leader/Peer Leader is one of the most memorable and rewarding experiences, they had at McMurry! Contact the Student Engagement or First Year Experience Offices for more information.

BAND

Membership in the McMurry Band is open to all students with an instrumental background. The band plays an important part in college life and furnishes music for athletic events and other important campus activities. The band also regularly performs off-campus at events in the area and travels both nationally and internationally. If interested in participating in band, please contact the Director of Bands at ext. 4867.

CHANTERS

The McMurry Chanters is a mixed choral ensemble open to music majors and non-majors. This group performs several times each semester and regularly performs off-campus. The Chanters' repertoire includes accompanied and unaccompanied selections from various musical periods and styles. Persons interested in participating in ensembles can receive information by contacting the Chair of the Department of Music at ext. 3833.

McMURRY SPIRIT TEAMS

The McMurry Talons Dance Team and War Hawks Cheerleaders are the spirit and tradition of the students. As ambassadors of the University, these spirit teams support all athletic events and promote enthusiasm and spirit throughout campus. Go War Hawks!

THEATRE

The McMurry Theatre Department produces 4-7 major productions during the academic year. A wide variety of plays are presented from classical to modern. Each year features a major Homecoming musical. Play auditions are open to all students and are advertised on posters across campus.

PUBLICATIONS

Galleon - The literary magazine, *Galleon*, each spring publishes a number of the best essays, poetry, short stories, and other literary efforts produced by the campus community. Photographs and other art works are also welcomed for illustrations in the magazine. Students and faculty members interested in creative writing are invited to contribute to this magazine, which is edited by students and published under the auspices of the Department of English. Anyone interested in working with the production of the magazine is invited to join the staff.

Talon – McMurry University annual yearbook.

War Hawk Herald – The campus bi-monthly newspaper keeps the campus informed and in touch with activities pertaining to students. Student written articles and photographs are used. Anyone interested in working with the staff are welcome to apply with Marketing and Communications.

ATHLETICS

The purpose of athletics at McMurry University is to provide an opportunity for students to compete in intercollegiate sports in an educationally sound environment. The athletics program should be properly administered in such a way that athletics remains in keeping with the University's liberal arts tradition.

Athletics should be part of the total educational process and there should be a broad base with an equality of opportunity for men and women with an emphasis on participation for the enjoyment and love of the game. The program creates a rallying point for students, faculty, and alumni while still enhancing educational values. It is understood that, while striving to be competitive, institutional integrity should never be sacrificed for the sake of athletic victory.

Athletics at McMurry exists within the educational mainstream of the University and is administered with the same controls, budgetary procedures, and program responsibility as any other academic administrative function.

McMurry offers several intercollegiate sports teams: football, women's volleyball, women's and men's basketball, women's and men's golf, baseball, women's and men's cross country, women's and men's tennis, women's and men's swimming, women's and men's track and field, and women's and men's soccer.

Students may attend any regular season McMurry athletic event held on our campus at no charge by presenting their student ID.

MCMURRY UNIVERSITY CAMPUS TRADITIONS

Fight Song

On McMurry, On McMurry, break right through that line;
Ever forward, ever onward, touchdown sure this time,
On McMurry, On McMurry, fight on for your fame,
Fight Fellows, fight, fight, fight! We'll win this game.

Alma Mater

Hail to our dear McMurry,
Long wave maroon and white;
Pride of our western prairies,
Spirit of honor, truth, and right,
We cherish your traditions,
Ever true we'll be.
Your hall of fame is in our hearts,
All hail to thee

Victory Beat

C'mon everybody get up off your seat,
c'mon everybody do the Victory Beat!
It goes;
(STOMP) (STOMP) (CLAP) (CLAP)
(STOMP) (STOMP) (CLAP)
(STOMP) (CLAP) (STOMP) (CLAP)
(STOMP) (STOMP) (CLAP) (CLAP)
X2

Ala Cumba

“Ala Cumba” is often heard on campus, at rallies and athletic events as the McMurry faithful cheer each other “on to victory.”

War Hawk Welcome Week

War Hawk Welcome Week is an exciting five-day experience directly before the start of fall classes. Students will meet fellow classmates, spend time with upperclassmen, get to know faculty, and learn more about college life at McMurry University. Welcome Week is designed to help students feel more comfortable and confident as they begin their journey at McMurry University, not to mention it is a BLAST!

Formal Convocation

At the beginning of each fall semester students gather with the faculty, who are in academic regalia, in Radford Auditorium to hear the President of the University in an address opening the new University year.

Homecoming

The McMurry experience is expressed in many ways throughout the year, but Homecoming is all about McMurry tradition. Students treasure these aspects of the University's life and they become a vital part of their McMurry experience and memory long after graduation. Each year McMurry Student Government (MSG) and the Alumni Association plan a full program of activities to welcome and honor the hundreds of alumni who return to the campus. This is one of the richest traditions at McMurry. Activities begin with the Kick-off Ceremony on Thursday of Homecoming Week.

Fall Festival

Sponsored by the Campus Activities Board (CAB) and held each year in the fall semester. Fall Festival is typically an outdoor event where you can expect to see food trucks, roasted corn, inflatables, face paint, music, and more!

Halloween at McMurry

Each year McMurry Student Government (MSG) and Residence Life host Halloween at McMurry the Tuesday before the week of Halloween for the Abilene community. Student organizations volunteer to host a variety of booths for young kids to play. There are also Residence Hall tours where college students sign-up to pass out candy to Abilene youth.

Lighting of Old Main

Old Main is decorated with lights each year as the holiday season kicks off. The campus community comes together to join in fellowship; decorate sugar cookies; enjoy a hot chocolate bar; and sing Christmas Carol favorites.

Late Night Breakfast

Hosted by the Division of Student Affairs, faculty, staff, and administrators volunteer to serve our student body the Sunday before finals kick-off in the fall and spring semesters. The Late Night Breakfast is free to all students with a valid Student ID.

Final Ala Cumba

Sponsored by the McMurry Alumni Association and held on in the fall each year. The University's event focused on *All Saints Day*, McMurry's Final Ala Cumba is a ceremony honoring the memory of McMurry graduates and employees who have died in the previous year. The event takes place near the center of campus at the Sacred Wind statue. A roll of names is called and flowers are placed at the statue's base as a tribute.

I Heart McM Week

The week of Valentine's Day the McMurry Student Alumni Association (MSAA) sponsors various events highlighting the importance of staying involved as alumni and educating students about generous alumni. Events culminate in our "Thank a Donor" day where students celebrate donors by signing a Thank You banner and post cards.

McMurry Serves

Every year in the early part of second semester the McMurry Alumni Association hosts events all over the state of Texas and throughout the U.S. for alumni to give back to their communities. These community service events all take place on the same date and bring together McMurry students, faculty, staff, alumni, families and friends. Student groups including scholar-athletes from many teams participate side-by-side with alumni for this impactful day.

T.I.P. Sing Song

Sponsored by the oldest women's social club on campus each April, Sing Song is an opportunity for campus organizations to display their talented singing, costumes, and choreography in group presentations.

Presentations

Soon after spring rush, the Women's Interclub Council and all women's social clubs have a formal presentation of their new pledges, associates and affiliates. This is one of many highlights for a pledge

Ring Ceremony

Each April, McMurry's Official Ring Ceremony is held at which students are presented with the official University ring. Students may order a ring during the Spring Semester in time for the ceremony. Students, Alumni Association representatives and the University President typically speak at this special ceremony.

Basketball Tip Off Rally

The Basketball Tip Off Rally is the official beginning of McMurry's basketball season. Prizes, games and a presentation of members of the men's and women's teams are made during the rally. Go War Hawks!

Spring McMadness

Campus Activities Board (CAB) sponsors Spring McMadness during each spring semester. Inflatable games, booth and lots of food are provided to all McMurry students. It is held on the McMurry quad.

Spring Thing

MSG provides Spring Thing during the spring semester of each year. Most events are free and include many activities. Events are open to all students of the University.

STUDENT CODE OF CONDUCT

Introduction

Consistent with the United Methodist Church philosophy and principles, McMurry University is strongly committed to the development of the student and promotion of personal integrity and self-responsibility. Students enrolling at McMurry become citizens of our community and are entitled to enjoy the privileges as well as are expected to assume the responsible obligations associated with this affiliation. Since the rights of all students are protected, and an atmosphere conducive to intellectual and religious development, personal growth, and community association are to be promoted, therefore standards and guidelines on student behavior are necessary. This Student Code of Conduct is intended to communicate many of the responsibilities and expectations of McMurry students and assist our students to understand their role within the academic community. A student who enrolls at McMurry University is expected to conduct himself/herself in a manner compatible with the University's identity as an educational, church-affiliated institution; to adhere to University policies; to show respect for properly constituted authority; and to observe appropriate standards of conduct. It is the student's responsibility to be knowledgeable about all University student conduct policies.

Any student or student organization that engages in conduct that is prohibited by the University is subject to judicial action regardless if such conduct takes place on or off the campus or whether civil or criminal penalties are also imposed for such conduct. Furthermore, a student may be subject to judicial action for prohibited conduct that occurs while participating in off-campus activities sponsored by the University, or University organizations. These include but are not limited to: sports events, field trips, internships, socials, training exercises, pledging, rotations or clinical assignments.

Violations of the McMurry Student Code of Conduct are referred and adjudicated through the Student Affairs Office under the direction of the Dean of Students & Campus Life. This version of the Student Code of Conduct is accurate only to the publication date of the *Student Handbook*. Updates and revisions are available online each semester (if applicable).

Judicial Authority

The Dean of Students & Campus Life has jurisdiction over all alleged violations of the McMurry University Student Code of Conduct and determines which judicial body shall be authorized to hear each case. Additionally, the Dean of Students & Campus Life shall develop policies for the administration of the judicial program and procedural policies for the conduct of hearings which are consistent with provisions of the Student Code of Conduct. Decisions made by a judicial body and/or Dean of Students & Campus Life shall be final, pending the designated appeal process.

Student Proscribed Conduct and Discipline.

1. **Acquaintance with Policies, Rules, and Regulations:** Each student is expected to be fully acquainted and comply with all published policies, rules, and regulations of McMurry University, copies of which shall be available to each student for review online. Students are also expected to comply with all federal and state laws.
2. **Conduct – Policies and Regulations:** Each student is expected to act in a manner consistent with

McMurry University's function as an educational institution. This includes conduct which occurs on University Premises. It also includes off-campus conduct that is likely to have an adverse effect on the educational process, embarrass the University, or damage its reputation. Specific examples of misconduct for which students or student organizations may be subject to disciplinary action include, but are not limited to, the following:

- (1) Commission of an act that would constitute a criminal offense under federal, Texas state, or municipal law;
- (2) Violation of any University policy, rule, or regulation, including policies or contracts relating to residential living in University owned or operated facilities;
- (3) Failure to comply with direction of University official acting in the performance of his or her duties; or, failure to heed an official summons to the office of a university official within the designated time;
- (4) Unauthorized use or possession of ammunition, firearms, paint guns, illegal knives (ones that are not pocket knives, to include, stilettos, poniards, Bowie knives, swords, and/or spears), or other illegal weapons are prohibited on University property;
- (5) Conduct that endangers the health or safety of others on the campus;
- (6) Stealing, destroying, defacing, damaging, vandalizing or misusing University property, to include residence hall furniture or property belonging to another member of the McMurry campus community;
- (7) Illegal gambling in any form on University property;
- (8) **Alcohol:** Possessing and or using alcohol without authorization according to the University alcohol policy, is prohibited. This includes alcoholic beverages in a classroom building, faculty or administrative office, residence hall or apartment, intercollegiate and intramural athletic facility, or any other public campus area, or being intoxicated in any public area of the campus. Alcohol paraphernalia including empty containers, shot glasses, and any items used for drinking games is prohibited.

Medical Amnesty Policy: McMurry University values student health and safety, and creates an environment where every member of the community is encouraged to care for one another. We encourage students to seek medical assistance if their life or one of their fellow students' lives may be in danger due to alcohol consumption. To seek medical assistance, the student should first call 911 and then Campus Security or the Residence Life Staff Member on Duty for their residence hall.

Students who seek the medical assistance for themselves or another person due to intoxication of alcohol will be given a measure of amnesty from the disciplinary actions typical of an alcohol violation. This amnesty only applies to the Student Code of Conduct and therefore does not protect a student from any legal or police action taken. This policy does not grant amnesty for any other violations of the Student Code of Conduct.

In order to invoke amnesty, a student must contact 911, Campus Security, the Residence Life Staff Member on Duty, or another campus official prior to being discovered in possession of alcohol or publicly intoxicated. They must then meet with an assigned conduct officer and complete any and all educational or intervention measures the officer deems necessary, within the timeframe designated. These measures may include meeting with a counselor, addiction specialist or organization, and/or follow-up appointments with the hearing officer.

While this policy only applies to individual students, if an organization has been found in violation of the University's alcohol policy, then the organization's willingness to seek medical attention for a guest may be viewed as a mitigating factor if or when sanctions are issued.

(9) **Drugs:** Possessing, using, selling or distributing, any illegal drug or controlled substance to include drug related paraphernalia is prohibited. This also includes medicine prescribed to someone else. (NOTE: residential students have a responsibility to know what their guests bring into their campus residence and are responsible for any prohibited items of which their guests are in possession. If a resident discovers prohibited items, such as alcohol or illegal drugs, belonging to his or her roommate(s) in their shared residence, he or she is expected to report this information to Campus Security, Resident Director, or the Resident Assistant responsible for his or her community.

(10) Forgery, alteration, theft, or misuse of University documents, forms, records, or identification cards;

(11) Unauthorized possession, ignition, or detonation, on University property, of any explosive device, fireworks, liquid, or object that is flammable or capable of causing damage to persons or property;

(12) Unauthorized entry into or use of University buildings, facilities, equipment, or resources, or possession or use of University keys or key cards for unauthorized purposes;

(13) Giving a false or fictitious name or address to University office or official;

(14) Knowingly initiating, communicating, or circulating a false or baseless report or alarm of a bomb threat, fire, or other emergency that would ordinarily cause action by others charged with dealing with emergencies; placing a person in fear of imminent serious bodily injury; or preventing or interrupting the occupation of a building, room, or vehicle;

(15) Harassing, bullying or threatening by any means to take unlawful action against any person, causing or intending to cause harm, annoyance or alarm;

(16) **Disorderly Conduct:** Campus destructive activities or disorderly conduct on University owned or controlled property or at a university sponsored or supervised function that inhibit or interfere with the educational function of the University. This shall include but not be limited to speech and acts that are directed to inciting or producing imminent lawless action and is likely to incite or produce such action; perpetrating fights, assaults, acts of sexual violence, abuse, or threats; or displaying some act that causes a person to feel threatened. Such prohibition includes disorderly classroom conduct that interferes with, inhibits and/or disrupts teaching and/or related classroom activities;

(17) Endangering the physical or mental health or safety of any person or intentionally or recklessly causing injury to any person;

(18) Violating any published University policy relating to computer resources, electronics, network facilities, the Internet or hotspots;

(19) Stealing, destroying, damaging, or misusing the property of the University or another person;

(20) Sexual Misconduct: Engaging in sexual misconduct and/or Title IX violations, including engaging in, but not limited to:

- 1) dating violence
- 2) family (domestic) violence
- 3) retaliation
- 4) sexual assault
- 5) sexual harassment
- 6) sexual exploitation
- 7) sexual intimidation
- 8) sexual violence
- 9) stalking

Investigations of alleged Title IX policy violations.

1) Allegations of Title IX violation(s) will be referred to the Title IX Coordinator or Deputy Title IX Coordinator. The Title IX Coordinator (or Designee) will investigate and adjudicate the allegation(s).

(21) Retaliation: engaging in retaliation by a threat or action against any person or University entity involved in the reporting or review of an alleged violation of the Student Code of Conduct by any individual or third-party acting on behalf of another;

(22) Smoking and Tobacco Use Policy: All buildings on the campus of McMurry University are tobacco free. Tobacco is defined as all tobacco – derived products, including and not limited to, cigarettes, electronic cigarettes, cigars and cigarillos, vapes, hookah smoke products, pipes, and oral tobacco (e.g., smokeless, chew, snuff) and nasal tobacco (e.g., snus). It also includes any product intended to mimic tobacco products, contain tobacco flavoring, or deliver nicotine other than for the purpose of cessation.

(23) Hazing: Hazing is defined as any action taken or situation created, intentionally or unintentionally, whether on or off campus, to produce mental, physical, or psychological discomfort, degradation, embarrassment, humiliation or ridicule of group or individual, harassment, forced consumption of any substance, or which threatens the safety of the student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a student group, organization, or athletic team. Such activities may include, but are not limited to the following: placing an individual in danger; paddling in any form; forced calisthenics, sleep deprivation, kidnapping, branding, use of coffins, scavenger hunts, abandonment, or any other such activities carried on outside or inside the confines of the University. It also includes the wearing

of apparel which is conspicuous and not normally in good taste or perceived humiliating or embarrassing; engaging in public stunts and buffoonery; and morally degrading or humiliating games and activities. Any other activities which are not consistent with Greek life policy or the regulations stated within the McMurry University Hazing Policy and the Texas Education Code are also prohibited.

Note: All cases involving the alleged violation of hazing by an individual or group will first be heard by the Dean of Students and Campus Life or his/her designee.

(24) Bicycles and Skateboards. Leaving bicycles or skateboards in buildings, hallways, staircases, or lounges is prohibited;

(25) Violation of any published University policy to include but are not limited to residential life policy. This includes actions not specifically covered that cause disruption of university life, brings embarrassment to or damages the good name of McMurry University.

(26) Posting Policy/Solicitation. Unauthorized solicitation of merchandise of any sort and posting of unapproved posters and promotional materials on campus without permission from the Marketing and Communications Office is prohibited.

(27) Fire Safety Equipment. Tampering with or vandalizing fire warning or fire safety equipment or any other safety devices or equipment is prohibited.

(28) ID Policy: Failure to acquire and maintain a University-issued student photo identification (I.D.) card; failure to replace a lost/stolen I.D. card; and/or any falsification, misrepresentation or use of another student's ID card;

(29) **Academic Dishonesty:**

Acts of academic dishonesty include but are not limited to the following:

- a) Cheating
- b) Plagiarism
- c) Collusion
- d) Other forms of academic dishonesty not listed above.

Violations of academic dishonesty are subject to both academic and Student Code of Conduct repercussions.

(30) Campus Disruptive Activities. No person or group of persons acting in concert may intentionally engage in destructive activity or disrupt a lawful assembly on the University campus. Disruptive activity means:

- a) obstructing or restraining the passage of persons to the campus, one area of the campus or to an exit, entrance, or hallway of any building without the authorization of the appropriate administration.
- b) Seizing control of any building or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity; or
- c) preventing or attempting to prevent by force or violence or the threat of violence a

lawful assembly authorized by the school administration;

Procedure for Administration of Discipline. The Dean of Students and Campus Life shall have primary authority of and responsibility for the administration of student discipline and for investigating allegations that the student has violated rules and regulations, or specific orders and instructions issued by an administrative official of the University. The Dean of Students and Campus Life or his/her appointee hereto referred to as an officer, will investigate the alleged violations.

- a) The officer will discuss his/her finding in the investigation of the responding student;
- b) The officer will give the responding student an opportunity to present his/her side of the incident;
- c) If it is determined by the officer, based upon the preponderance of the evidence (it is more likely than not) that the responding student is responsible then he/she will assign an appropriate sanction(s);
- d) If the responding student does not accept the officer's decision, they may appeal to the Judicial Review Board or the indicated judicial body.

Distance Education Students: Distance education students: For students not taking any of their classes physically on McMurry's campus during the semester in question, the following accommodations may be made to the distance learner at the discretion of the officer:

- a) The hearing listed above may be handled virtually. If the student chooses to accept the officer's decision, he/she will then be emailed the document with the penalty listed in writing. By signing a document, the student accepts the proposed sanction.
- b) The hearing will be scheduled using telecommunication technology.

Judicial Bodies

1. There are two judicial bodies the Dean of Students and Campus Life may refer alleged violations of The Code of Student Conduct to for a hearing. These include the Residence Hall Judicial Council, and Greek Life Judicial Board. All hearings will attempt to be educational in nature, fundamentally fair, and shall be conducted by the judicial body according to the following general guidelines:
 - a) hearings shall be conducted in private, are closed to the public and press, and will follow predetermined guidelines of the specific judicial body.
 - b) Admission of any person to the hearing shall be at the discretion of the judicial body chairperson and/or the Dean of Students and Campus Life. The complainant and the respondent may have a limited number of witnesses available to speak to the charges (determined by Chairperson or Dean of Students and Campus Life).
 - c) Advisors: Throughout the course of the judicial hearing the complainant and the respondent may have an advisor present. The advisor may be any person including an attorney. While the

advisor may provide support and advice, the University has established restrictions regarding the extent to which the advisor may participate in the proceedings. The advisor may not speak on behalf of or in lieu of the student, or disrupt or interfere with the proceedings. However, the student may choose to consult with the advisor prior to answering or making a statement to the judicial body.

- d) The complainant, the respondent and the judicial body shall have the privilege of presenting witnesses, subject to questioning by the judicial body.
 - e) Pertinent records, exhibits and written statements may be accepted as information for consideration by a judicial body at the discretion of the Chairperson, or the Dean of Students and Campus Life.
 - f) All procedural questions are subject to the final decision of the Chairperson of the judicial body or the Dean of Students and Campus Life.
 - g) After the hearing, the judicial body shall determine (by simple majority vote if the judicial body consists of more than one person) whether the student has violated each section of the student code of conduct which the responding student is charged with violating. The decision will be communicated to the responding student by written confirmation and will be provided by the Dean of Students and Campus Life.
 - h) The judicial body's determination shall be made on the basis of the preponderance of the evidence whether it is *more likely than not* that the responding student violated the Student Code of Conduct.
2. At the discretion of the judicial body, there may be permitted a single verbatim record, such as a tape recording, of hearings before a judicial body. The record shall be the sole property of the University. No other recording is permitted.
 3. Except in the case of a student charged with failing to obey the summons of a judicial body or University official, no student may be found to have violated the Student Code of Conduct solely because the student failed to appear before a judicial body. However, The Judicial Body may choose to hear the case in the absence of the respondent. In all cases, the evidence in support of the charges shall be presented and considered prior to rendering a decision.

Note: Discrepancies from these procedures may happen and will not result in immediate dismissal of charges.

Sanctions

1. Other than University suspension and expulsion, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's confidential disciplinary record. Disciplinary records shall be kept in the Student Affairs Office and shall be expunged five years following graduation from the University by the student.
2. The judicial body will follow predetermined guidelines in imposing sanctions. The Dean of Students and Campus Life is not limited to the sanctions recommended by members of the judicial

body. Following the hearing, the judicial body (through the Dean of Students and Campus Life) shall advise the respondent in writing of its determination and of the sanction(s) imposed, if any.

3. Determination of hearing. The Hearing Officer or Hearing Committee shall render a decision as soon as practicable as to the responding student being found to be responsible or not responsible and shall, if appropriate assess a penalty or penalties including, but not necessarily limited to:
 - 1) Verbal written warning; that the continuation of such actions or conduct could result in further disciplinary action;
 - 2) Requirement of this student complete a special project that may be, but is not limited to, writing an essay, attending a special class or lecture, or attending counseling sessions;
 - 3) Community service;
 - 4) Cancellation of residence hall or apartment contract;
 - 5) Disciplinary Probation - an indication that the student is not in good standing with the University and their continued enrollment is contingent upon adherence to published University policies. Disciplinary probation automatically restricts the following privileges:
 - a) a student on disciplinary probation is ineligible to hold any elected or executive office of any student organization.
 - b) A student on disciplinary probation may not represent the University as a member of a sports team or other honorary role unless otherwise stipulated within the sanction.
 - 6) Ineligibility for election to student office for a specified period of time;
 - 7) Monetary fine;
 - 8) Sanctions may also be imposed for student groups or organizations. These include: The loss of any or all privileges to include University recognition for a specified period of time;
 - 9) Withholding of official transcript or degree;
 - 10) Bar against readmission;
 - 11) Restitution whether monetary or by specific duties for reimbursement of or damage to or misappropriation of University student, employee property, or student organization funds;
 - 12) Denial or non-recognition of a degree;
 - 13) Withdrawal from a course with a grade to be determined by the course instructor;

- 14) Failing or the reduction of a grade in the course, and/or retaking of a test or course, and/or performing additional academic work not required of other students in the course;
 - 15) Restriction of privileges. The denial or restriction of privileges; these may include but are not limited to parking privileges; dining facility privileges; visitation privileges; use of University computers, computer facilities, or systems; and participation in athletics or other extracurricular activities. Loss or restriction of privileges does not entitle the student a refund of tuition or fees, paid or due;
 - 16) Interim disciplinary action. The Dean of Students and Campus Life may take immediate interim disciplinary action, including temporary suspension, pending a hearing against a student for violation of a rule and regulation of the University at which time the presence of the responding student poses a danger to themselves, o other persons, property, or an ongoing threat of disrupting the academic process. In the event that the interim disciplinary action including temporary suspension is deemed necessary, the Dean of Students and Campus Life shall as soon as possible, notify the President.
 - 17) Loss of or ineligibility for student grant or loan;
 - 18) Disciplinary Suspension*: of rights and privileges for a specific period of time. This includes participation in course work, access to electronic network facilities and participation in athletics, Greek Life, extracurricular, or other student activities;
 - 19) Expulsion from the University*. A student who is expelled and is separated from the University for an indefinite period of time;
- * Suspended, Expelled, Student Notation. The registrar is authorized to make an appropriate notation on the student's transcript and to remove the notation on the student's disciplinary record once the date has been cleared.

Note: Students who are disciplinarily suspended or expelled from the University are prohibited from campus grounds for the duration of the sanction without advance permission of the Dean of Students and Campus Life;

McMurry University – Formal Mediation

In matters involving interpersonal disputes, the hearing officer may suggest that the matter be submitted to mediation. If the involved parties both (the respondent[s] and complainant[s]) agree the matter will be submitted to mediation before a mediator acceptable to all parties.

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

If the involved parties are unable to agree upon a resolution, the matter will proceed to formal disciplinary proceedings. The mediator shall at all times retain discretion to terminate the mediation and proceed with formal disciplinary proceedings where he/she determines that the mediation process is not making adequate progress toward an appropriate resolution. All Contracts of Resolution must be approved by the Dean of Students and Campus Life.

Appeal Process

1. A decision reached by the judicial body or a sanction imposed by the Dean of Students & Campus Life may be appealed in writing by the responding student(s) to the appropriate appellate body within five business days from the date of notification. Such appeals shall be in writing, and shall be delivered to the Dean of Students & Campus Life who will refer it to the appropriate appellate body.
2. Appeal Jurisdiction:
 - a. Appeals of a Residence Life staff member or the Residence Hall Judicial Council will be heard by the Dean of Students and Campus Life
 - b. Appeals of the Greek Counsel are heard by the MSG Supreme Court
 - c. Appeals of the MSG Supreme Court or the Dean of Students and Campus Life will be heard by the Judicial Review Board.
 - d. Appeals of the Judicial Review Board will be heard by the University President.
 - e. Decisions made by the University President are final.
3. Except as required to explain the basis of new information, an appeal shall be limited to review of the verbatim record of the initial hearing and supporting documents for one or more of the following purposes:
 - a. To determine whether the original hearing was conducted fairly in light of the allegations and evidence presented, and in conformity with prescribed procedures.
 - b. To determine whether the decision reached regarding the responding student was based on enough information, that is, whether the facts in the case were sufficient to establish that it was more likely than not that a violation of the Student Code of Conduct occurred.
 - c. To determine whether the sanctions imposed were appropriate for the violation of the Student Code of Conduct that the student was found to have committed.
 - d. To consider new information, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such evidence and/or facts were not known to the person appealing at the time of the original hearing.
4. The appellate body may, upon review of the case, uphold or revise the decision or sanctions. Written confirmation of the appellate body’s decision will be provided to the responding student or group by the Dean of Students & Campus Life.

Abuse of the Judicial System. Abuse of the Judicial System, including but is not limited to:

- a. Failure to obey the summons of a judicial body or University official. *
- b. Falsification, distortion, or misrepresentation of information before a judicial body.
- c. Disruption or interference with the orderly conduct of a judicial proceeding.
- d. Institution of a judicial proceeding knowingly without cause.
- e. Attempting to discourage or influence an individual's proper participation in, or use of, the judicial system.
- f. Attempting to influence the impartiality of a member of a judicial body prior to, and/or during the course of, the judicial proceeding.
- g. Harassment (verbal or physical) and/or intimidation of a member of a judicial body and/or judicial system prior to, during, and/or after a judicial proceeding.
- h. Failure to comply with the sanction(s) imposed under the Student Code of Conduct or probation violation.
- i. Influencing or attempting to influence another person to commit an abuse of the judicial system.

** Failure to appear for a scheduled judicial hearing with the Dean of Students or Judicial Body may result in the hearing being conducted in absentia.*

Interpretation and Revision

1. Any question of interpretation regarding the Student Code of Conduct shall be referred to the Dean of Students & Campus Life for final determination.
2. The Student Code of Conduct shall be reviewed annually as needed under the direction of the Dean of Students & Campus Life.

Definitions

1. The term "University" means McMurry University
2. The term "student" includes all persons taking courses at or from the University, both full-time and part-time. It also includes student organizations. Persons who are not officially enrolled for a particular term, but who have a continuing relationship with the University are considered "students."
3. The term "faculty member" means any person hired by the University to conduct classroom activities.
4. The term "University official" includes any person employed by the McMurry University, performing assigned administrative or professional responsibilities.
5. The term "member of the University community" includes any person who is a student, faculty member, University official or any other person employed by McMurry University. Questions regarding a person's status in a particular situation shall be determined by the Dean of Students & Campus Life.
6. The term "University premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks).
7. The term "organization" means any number of persons who have complied with the formal requirements for University recognition and registration.
8. The term "judicial body" means any person or persons authorized by the Dean of Students & Campus

Life to determine whether a student has violated the Student Code of Conduct and to recommend imposition of sanctions through the Dean of Students & Campus Life. The Dean of Students & Campus Life may accept, reject, or modify the decision or sanction of the judicial body at his or her discretion. These shall be, unless noted elsewhere, the Residence Hall Staff Members, Residence Hall Judicial Council, or the Greek Life Council.

9. The term “Dean of Students & Campus Life” means the University official authorized on a case-by-case basis to impose sanctions upon students found to have violated the Student Code of Conduct. The Dean of Students & Campus Life may authorize a designee to serve on his/her behalf as an advisor, investigator, or chairperson to a judicial body.
10. The term “Appellate Board” means any person or persons authorized by the University to consider an appeal from a judicial body’s determination that a student has violated the Student Code of Conduct or from the sanctions imposed by the Dean of Students & Campus Life. These shall be, unless noted elsewhere, the MSG Student Supreme Court, the Judicial Review Board, and the President of the University.
11. The term “shall” is used in the imperative sense.
12. The term “may” is used in the permissive sense.
13. The term “Residence Hall Judicial Council” refers to eight students selected and trained annually by the Dean of Students & Campus Life (or his/her designee) to hear charges of primarily residence hall violations. A quorum of five is required to hear a case. A Chief Justice is determined from the eight justices who preside over all proceedings.
14. The term “Greek Council” refers to the governing body of campus fraternities and sororities. The respective Greek Council President presides over all proceedings according to the respective constitution and bylaws.
15. The term “MSG Supreme Court” refers to five students appointed by the MSG President and approved by the MSG Senate to hear appeals of student traffic violations, and the Greek Council. The Chief Justice, selected by the MSG President, presides over all proceedings.
16. The term “Judicial Review Board” refers to a panel of three presided by a Chair of the Judicial Review Board who is a faculty member. The panel includes one staff member, and one student (appointed by the MSG President) to hear appeals of the MSG Student Supreme Court, or the Dean of Students & Campus Life. Judicial Review Board members will be selected from a pool of 3 faculty, 3 staff, and 3 students approved annually.
17. The Dean of Students & Campus Life is that person designated by the University President to be responsible for the administration of the Student Code of Conduct.
18. The term “policy” is defined as the written regulations for the University as found in, but not limited to, the Student Code of Conduct, *Student Handbook*, residence hall publications, and the University catalog.
19. The term “notice” generally means at the time the letter, document, or information was emailed or mailed.

Revised – December 2023

Disclaimer: Generally, these policies will be reviewed and updated on a regular basis. If changes occur, students will be notified and they will be updated online in a timely manner.