

Texas House of Representatives
Committee on Higher Education
Interim Charge 1, Request for Information

The University of Texas at El Paso

September 1, 2020

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INTERIM CHARGE 1: *Monitor the agencies and programs under the Committee’s jurisdiction and oversee the implementation of relevant legislation passed by the 86th Legislature. Conduct active oversight of all associated rulemaking and other governmental actions taken to ensure intended legislative outcome of all legislation, including the following:*

HB 449, HB 1735, and SB 212, which relate to sexual harassment, sexual assault, dating violence, and stalking at public and private postsecondary educational institutions. Monitor the process by which institutions of higher education adopt policies on sexual assault prevention, victim outreach programs, and disciplinary hearings. Monitor rules and regulations at the federal level that could necessitate changes to state law.

HB 449: UTEP is committed to full compliance with HB 449, HB 1735, and SB 212. When a student is placed on Disciplinary Suspension or Expulsion for non-financial or non-academic reasons, the registrar notes this on the transcript. Furthermore, the Registrar’s Office places any notes on a student’s file when any information regarding a student incident is provided by the Office of Student Conduct and Student Resolution (OSCCR). The actions UTEP takes for students with a disciplinary record are highlighted in the University’s Handbook of Operating Procedures (HoOP), which can be found [here](#). UTEP is committed to fostering a safe and secure learning environment for all students. The registrar keeps records of disciplinary actions, which is maintained by the Office of the Dean of Students and treated as confidential. In compliance with HB 449, UTEP also continues the investigation of an incident, even upon withdrawal of the student accused.

HB 1735: UTEP’s policies have adhered to the requirements of Texas Education Code Section 51, as exemplified by the [Sexual Misconduct Policy](#). The current policy, as well as the previous “Sexual Harassment and Sexual Misconduct Policy,” has sections relating to TEC Sections 51.282, 51.285 and 51.286. In addition, UTEP has regularly updated its catalogs and handbooks, such the Student Athlete Handbook or Graduate Assistant Handbook, to reflect what is required under §51.282. Students are also trained on the Sexual Misconduct Policy through Everfi training modules, and in-person when requested by a professor or supervisor. The institution also conducts Bystander Intervention Training for “power-based violence...sexual assault, stalking, domestic violence, and rape” under the Do One Thing program. In addition, the Campus Advocacy, Resource and Education group—with the goal to end interpersonal violence—has given presentations on subjects ranging from advocacy to abusive relationships, and hosts numerous events during Sexual Assault Awareness Month every April. By providing these resources and education tools to the University’s on-campus population, UTEP hopes to spread awareness of sexual misconduct and suppress real and potential harms to students, faculty, and staff. Also, in accordance with HB 1735 §51.289, an MOU between UTEP and the Center Against Sexual and Family Violence was signed on July 30, 2020.

SB 212: In compliance with TEC Section 51, passed under Senate Bill 212, UTEP has created the two required quarterly reports under §51.253, with a third quarterly report

and an annual report to follow this October. UTEP has a protocol by which imminent dangers will be reported to the appropriate authorities and will investigate any matter in which an employee has failed to report or provided a false report, which is an incident subject to criminal liability (misdemeanor) and termination of employment. UTEP understands the severity and danger that incidents of sexual harassment, sexual assault, dating violence, and stalking present to the safety and well-being of its students, faculty, and staff. To fully comply with SB 212, UTEP has provided information to employees on mandatory reporting per §51.252 through notices and trainings, such as New Employee Orientation and Title IX trainings. UTEP strongly encourages all employees to familiarize themselves with this information by encouraging participation in a Title IX training session.

HB 1638 (85R), which relates to statewide goals for dual credit programs. Review best practices for providing opportunities to high school students to earn college credit while ensuring that courses taken reflect authentic college-level rigor. **(DOES NOT APPLY TO UTEP)**

1. What challenges have institutions faced with dual credit prior to and as a result of the pandemic? **(DOES NOT APPLY TO UTEP)**
2. How have institutions addressed these challenges? **(DOES NOT APPLY TO UTEP)**
3. What changes, if any, are needed to ensure that students have opportunities to earn college credit which fulfills the criteria outlined above? **(DOES NOT APPLY TO UTEP)**

SB 18, which relates to the protection of expressive activities at public institutions of higher education. Monitor the process by which institutions of higher education implement policies to protect the expressive rights of persons guaranteed by the constitutions of the United States and of this state.

What have institutions done to protect the expressive rights of persons while also maintaining an orderly and safe learning environment?

UTEP is committed to adhering to policies consistent with the expressive rights of students guaranteed under the First Amendment of the United States Constitution, while maintaining a safe and orderly environment for its student population. To balance these goals, UTEP has coordinated with The University of Texas System to ensure compliance of new regulations and shared best practices associated with communication, compliance, adjudication, and reporting. The University has been fully transparent with adoption of policies regarding student's rights and responsibilities related to freedom of expression; these policies are available in the Handbook of Operating Procedures and are available on the campus' website. Additionally, UTEP has launched an on-going education campaign for campus community related to freedom of expression and assembly and have made available trainings for students, faculty, and staff to support persons or student organizations wanting to partake in freedom of expression and assembly. For on-campus operations, UTEP has ensured availability of outdoor areas deemed traditional public forums and implemented a grievance process for addressing complaints related to violations of these policies.

SB 25, which relates to measures to facilitate the transfer, academic progress, and timely graduation of students in public higher education. Monitor the process by which the Higher Education

Coordinating Board adopts rules via negotiated rulemaking. Monitor the progress of institutions developing recommended course sequences and the progress of the feasibility study to implement statewide meta majors.

In what ways can data collection and sharing between THECB and TEA improve and assist institutions with college credit transferability?

Universities do not use or depend on data from TEA for purposes of determining the transfer of credit from one college to another. UTEP enrolls HS graduates with dual credit. In most instances, the dual credit is documented on the El Paso Community College (EPCC) college transcript, which UTEP receives at admissions. This information does not come from the HSs or TEA.

What role can school counselors and advisors play in the success of transferable credits? Are there ways in which the state can utilize their expertise and student relationships more effectively?

School counselors and advisors are critical to providing high school (HS) students information about the transfer of credits. The information that counselors and advisors provide to students needs to be transparent, especially as it relates to the applicability of credit. This awareness should be provided early and in the context of professional and career conversations. There is an opportunity to offer school counselors and advisors joint professional development opportunities with college advisors. Some of these efforts are in place but they are mostly adhoc. The State might consider continued investment in the [Texas Oncourse Platform](#) which helps HS counselors become better college advisors. The State should further consider bringing college advisors and high school counselors to use the same platform (Texas Oncourse) to advise high school students on issues of college transfer.