Policy on Requirement for Vaccination Against Bacterial Meningitis for Entering Students

Section: II: Student Affairs
Chapter: 10
Date Updated: April 23, 2020

10.1 STATEMENT OF POLICY

The University of Texas at El Paso (University) complies with Texas Education Code § 51.9192, “the Jamie Schanbaum Act and Nicolis Williams Act”, which requires all entering students of any Texas institution of higher education, including transfer students, new graduate students, and certain dual enrollment students, to show evidence of immunization for bacterial meningitis prior to the tenth day of the first semester of enrollment.

10.2 SCOPE OF POLICY

This policy applies to all entering University students who have been admitted to the University.

10.3 STATUTORY & REGULATORY REFERENCES

Texas Education Code, Subchapter Z, Chapter 51, Section 51.9192, Bacterial Meningitis Vaccination Required for Certain Students; Exceptions

19 TAC Part 1, Texas Higher Education Coordinating Board, Chapter 21, Student Services. Subchapter T, The Vaccination Against Bacterial Meningitis for Entering Students at Public and Private or Independent Institutions for Higher Education.

10.4 DEFINITIONS. For purposes of this policy:

10.4.1 “Enrolled” means that a student is Registered for classes on the semester’s Census Day and is otherwise eligible to attend classes during the semester.

10.4.2 “Entering Student” means any student admitted to the University on or after January 1, 2014 for the first time; including a transfer student from any other institution including another UT System institution, a dual enrollment student other than a high school student described in subsection 10.4.2.3 of this section, a new graduate student, or a returning student who previously attended the University and who is re-enrolling on or after January 1, 2014 following
a break in enrollment of at least one fall or spring semester. For purposes of this policy, the term Entering Student does not include:

10.4.2.1 a student who is twenty-two (22) years of age or older on the first class day of the semester;

10.4.2.2 a student who is enrolled only in online or other distance education courses at the University;

10.4.2.3 a high school student who is concurrently enrolled at the University as a dual-enrollment student in dual credit courses held at a Texas high school;

10.4.2.4 a student participating in a Texas Higher Education Coordinating Board approved continuing education program or course that consists of less than 360 contact hours; or an individual attending a continuing education program or course offered by the University that does not require approval by the Texas Higher Education Coordinating Board.

10.4.2.5 the student is incarcerated in a Texas prison.

10.4.3 “Justifiable Circumstances” means circumstances over which an Entering Student has no control that prevented the Entering Student from providing proof of Required Vaccination or an exception set forth in Section 10.7 prior to enrollment. Neither failure to receive the notice required by Section 10.7 of this policy nor a claimed general lack of knowledge of the Vaccination Requirement shall be considered to constitute Justifiable Circumstances.

10.4.4 “Online or other distance education course” means a course in which students receive web-based instruction or a correspondence course. A course that requires any face-to-face contact, such as meeting in a testing lab or for a special presentation, is not an “online or other distance education course”.

10.4.5 “Register”, “Register for Classes”, means the act of Registration.

10.4.6 “Registration”, “Registration for Classes” means the official process by which a student signs up to take a class or classes offered by the University for the semester. It may include either online registration or in-person registration.

10.4.7 “Required Vaccination” means an initial vaccination or booster dose recognized by the U.S. Center for Disease Control as effective for the immunization of an individual against bacterial meningitis.

10.4.8 “Responsible Party” means the Head of Admissions and Recruitment designated by the University President to receive documentation required under this policy of Required Vaccination by each Entering Student, or that person’s designee.

10.4.9 “Semester” means the first semester, or a term of enrollment used in lieu of a semester by the University, in which an Entering Student is enrolled at the University.
10.5 General Requirements

10.5.1 No Entering Student shall be considered enrolled for the semester until the Entering Student provides or causes to be provided upon his or her behalf, written documentation acceptable to the Responsible Party that establishes that the Entering Student has either:

10.5.1.1 received a Required Vaccination during the five year period prior to but no later than 10 days prior to the first day of the semester; or

10.5.1.2 meets one of the exceptions set forth in Section 10.7 of this policy.

10.5.2 An Entering Student may, upon a submission of a written application that establishes Justifiable Circumstances acceptable to the Responsible Party, be granted an additional period of time, which shall not exceed the tenth day of the semester, in which to provide either documentation of Required Vaccination Documentation or that she or he meets an exception set forth in Section 10.7. All decisions as to whether an Entering Student has established the existence of Justifiable Circumstances are final and are not subject to appeal.

10.5.3 Failure to submit documentation of a Required Vaccination or an exception set forth in Section 10.7 of the policy does not alleviate the Entering Student’s responsibility under any contractual relationship between the University and the Entering Student relating to payment of on-campus Housing or other similar responsibilities.

10.5.4 Documentation of the Required Vaccination or an exception set forth in Section 10.7 of this policy must be approved by the Responsible Party or the Responsible Party’s designee for approval before an Entering Student will be considered enrolled for classes for the semester.

10.6 Documentation of Required Vaccination; Form, maintenance:

10.6.1 Acceptable documentation is:

10.6.1.1 the signature or stamp of a physician or the physician’s designee or the public health official that administered the vaccination that shows the month, day and year the Required Vaccination was administered;

10.6.1.2 an official immunization record issued by a state or local health authority; or

10.6.1.3 an official record received by the University directly from a school official.

10.6.2 Form of Documentation. The documentation submitted must:

10.6.2.1 state the name and other information sufficient to identify the individual who received the Required Vaccination; and

10.6.2.2 clearly indicate that the Required Vaccination was administered to the individual.
10.6.3 The University will accept copies of documentation of a Required Vaccination that meets the requirements of this Section 10.6 directly from a school official or another institution of higher education at which an Entering Student was previously enrolled that is willing to provide official records of the Required Vaccination to the University upon the request of an Entering Student. An Entering Student who wishes to comply with this policy by exercising this option is solely responsible for requesting the documentation from and providing any necessary consent to effectuate the Entering Student’s request directly to the previous institution.

10.6.4 The documentation shall be securely maintained by the Responsible Party on behalf of the University in compliance with applicable state and federal confidentiality laws and regulations, including the Family Educational Rights and Privacy Act.

10.7 Documentation of Permitted Exceptions.

10.7.1 An Entering Student is exempted from the requirements of this policy if the Entering Student submits one of the following to the Responsible Party:

10.7.1.1 an affidavit or certificate signed by a physician licensed to practice medicine in the United States that indicates that the physician is of the opinion that the Required Vaccination would be injurious to the health and well-being of the Entering Student. This type of affidavit is valid for one year. The student must submit a new affidavit after one year if the student has not met the age requirement outlined in this policy.

10.7.1.2 an affidavit using the “Conscientious Exemption Form” promulgated by the Texas Department of State Health Services that is signed by the Entering Student stating that the Entering Student declines to have the Required Vaccination based on reasons of conscience, which may include the Entering Student’s religious beliefs. The form must be submitted to the Responsible Party no later than the 90th day after the date the affidavit is notarized. The affidavit provides an exemption for two years and must be submitted before its expiration if the student has not met the age exemption at time of expiration. The exemption form specific to two-year schools will not be accepted by the Responsible Party as an acceptable exemption.

This exception will not be available, at the discretion of the University, during a disaster or public health emergency, hostile or paramilitary action, or extraordinary law enforcement emergency declared by an appropriate official or authority from the Texas Department of State Health Services affecting the University.

10.7.2 Documentation supporting the requested permitted exception must be approved by the Responsible Party or the Responsible Party’s designee before an Entering Student will be considered enrolled for classes for the semester.

10.7.3 The University shall not recognize or grant any other exceptions to the vaccination requirements of this policy.
10.7.4 The documentation submitted in support of an exception under this Section 10.7 shall be securely maintained by the Responsible Party on behalf of the University in compliance with applicable state and federal confidentiality laws and regulations, including the Family Educational Rights and Privacy Act.

10.8 The Office of Admissions and Recruitment shall include as part of the materials provided to individuals applying for admission to the University:

10.8.1 written or electronic notice of the right of a student, or if a student is a minor, the right of the minor student’s parent or guardian, to claim an exemption from the Required Vaccination as provided in Section 10.7 of this policy; and

10.8.2 written or electronic notice of the importance of consulting with a physician about the need for immunization against viral meningitis to prevent the disease.