**Baylor Policy**

**Current Policy**

**STUDENTS CALLED TO ACTIVE MILITARY DUTY**

An enrolled student who withdraws as a result of being called into active military duty (reserves or National Guard) may choose to:

1. Receive a refund of tuition and fees paid toward the current term, or
2. Be given full credit of tuition and fees paid toward the current term to apply toward a future term’s charges for enrollment, or
3. If late enough in the term, request an “incomplete” so that the remainder of the work could be completed at a later date and receive no refund or credit of tuition and fees.

If the student has met the academic requirements for the term, a grade will be assigned and no tuition refund or credit will be granted. Board charges are refunded on a pro rata basis on the date of the student’s withdrawal. Room charges are refunded on a pro rata basis based on the date a student officially vacates on-campus housing. Students having federal/state financial aid will be withdrawn according to the published withdrawal policy. Any refund or credit for a student being called into active military duty who has such financial aid will be considered on a case-by-case basis.

**Proposed Additional Policy:**

**EXCUSED ABSENCE FOR REQUIRED MILITARY SERVICE**

Baylor University recognizes the commitment and sacrifice of its students who are members of the Reserves or National Guard. The University has established a policy that provides reasonable accommodations to students who are called to required military service while ensuring they can meet their academic requirements.

1. Students should inform their professors at the beginning of the semester of potential absences due to required military orders and provide updates as soon as possible if their schedule changes.
2. Failure to inform professors in a reasonable and timely manner may forfeit the protections of this policy. Determination of “reasonable and timely” will be made by the professor.
3. If a student is called to required military service, they may not be penalized for the absence to include necessary travel time to and from their orders. They shall be allowed to complete an assignment or take an examination missed within a reasonable time after they return. Instructors and students may instead choose to arrange assignments or exams *before* the absence, while ensuring equal access to course materials and advantages for all students are still available.
4. Students should not be expected to be able to complete any academic work while on these Federal Orders as often access to time and resources is limited or non-existent.
5. Absences for military obligations may still count as absences in determining minimum attendance for the course at the professor’s discretion. If a student is absent for a longer duration requiring withdrawal from the course, please see Baylor University’s policy on “*Students Called to Active Military Duty*”. Baylor’s ‘General Attendance Policy’ applies in these circumstances as well.

Baylor University is committed to supporting its students who are members of the Reserves or National Guard and will work with them to fulfill their academic requirements and military obligations.

**Baylor’s General Attendance Policy:** [Class Attendance (baylor.edu)](https://www.baylor.edu/risk/doc.php/342472.pdf)

**State Law**

Full law that this was pulled from can be found here: [EDUCATION CODE CHAPTER 51. PROVISIONS GENERALLY APPLICABLE TO HIGHER EDUCATION (texas.gov)](https://statutes.capitol.texas.gov/Docs/ED/pdf/ED.51.pdf)

Sec. 51.9111.AAEXCUSED ABSENCE FOR REQUIRED MILITARY SERVICE. (a) In this section:

(1)AA"Institution of higher education" has the meaning assigned by Section 61.003. *(Technically, Baylor, as a Private Institution, does not fall under this definition and therefore is not technically governed by this State Law. However, it is my belief, that it is generally good practice to fall in line with Texas State Law as it sets a general precedent for best practice and bench mark for what has been deemed equitable.)*

(2)AA"Required military service" includes required military service performed by a member of the Texas National Guard or the Texas State Guard.

(b)AAThis section applies only if:

(1)AAa student enrolled in an institution of higher education fails to attend classes or engage in other required activities because the student is called to required military service that is of a reasonably brief duration, as determined by rule adopted under Subsection (d); and

(2)AAthe student chooses not to withdraw as authorized by Section 54.006(f).

(c)AAAn institution of higher education shall excuse a student from attending classes or engaging in other required 197 activities, including examinations, in order for the student to participate in required military service to which the student is called, including travel associated with the service.

AAA student whose absence is excused under this subsection may not be penalized for that absence and shall be allowed to complete an assignment or take an examination from which the student is excused within a reasonable time after the absence.

AAAn instructor may appropriately respond if the student fails to satisfactorily complete the assignment or examination within a reasonable time after the absence.

(d)AAThe Texas Higher Education Coordinating Board, in consultation with institutions of higher education, shall adopt rules as necessary to administer this section. *(see below for link to THECB rules)*

AAThe rules must establish a maximum period for which a student may be excused under this section.

AAIn establishing that period, the board shall consider the maximum period a student may be absent without significantly interfering with the student ’s ability to learn the course material, complete course assignments, and succeed academically during the applicable semester or other academic period.

\*\*\* Further clarification of established rules from the THECB can be found here *(essentially, there is a lot of discretion left up to the institution to adopt clarifying policy – for which Baylor does not have any to my knowledge – likely because these provisions do not technically apply to Baylor as a Private University)*: [Texas Administrative Code (state.tx.us)](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=19&pt=1&ch=4&rl=8)

**Principles of Excellence Considerations:** The VA has instituted updated regulations requiring all universities that receive GI Bill funding to sign off on the Principles of Excellence. Among these requirements is a requirement to “Allow for military students to be gone for both long and short periods of time due to service obligations (service you must fulfill) for active-duty members and Reservists.” POEs can be found here: [Principles Of Excellence Program | Veterans Affairs (va.gov)](https://www.va.gov/education/choosing-a-school/principles-of-excellence/)

**Considerations for Faculty:**

How early of notice do Reserve or National Guardsmen receive orders for drill duty?

\*\*\*Note – while rules around advanced notice exist, there is lots of room in these rules for units to be able to circumvent these rules. It is not unheard of for some units to give significantly less advanced notice of orders or amend orders for extended days with little notice.

**Notification, when possible, requires units to communicate activation orders at least 30 days prior to activation.**

[551694.pdf (army.mil)](https://api.army.mil/e2/c/downloads/551694.pdf)

b. Notification Requirement. The Secretary of Defense will approve, or be notified of, all RC activations under 10 USC sections 12301(a), 12302, 12304, and 12304(b) depending upon the situation. For activations under involuntary activation authorities, formal approval and notification occurs with SECDEF / USD(P&R) concurrence as appropriate. -- DoDI 1235.12, Encl 3, 6.b., Feb 17.

<http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/123512p.pdf>

The DoD standard for approval of an activation order under involuntary activation authorities is at least 180 days before the activation date in support of base Global Force Management Allocation Plan (GFMAP), rotational, and pre-planned requirements, and 120 days before the activation date for standard emergent requirements.

(1) Minimum 30 Day advance notice: Public Law 110-181, Section 515 Mobilization of Reserve members will be given a minimum 30 days’ formal notification to prepare for activation.

(a) ADVANCE NOTICE REQUIRED. “The Secretary of a military department shall ensure that a member of a reserve component under the jurisdiction of that Secretary who will be called or ordered to active duty for a period of more than 30 days in support of a contingency operation (as defined in section 101(a)(13) of title 10, United States Code) receives notice in advance of the mobilization date. In so far as is practicable, the notice shall be provided not less than 30 days before the mobilization date, but with a goal of 90 days before the mobilization date.”

In certain situations RC forces may be required immediately. Most RC forces will be given at least 30 days’ formal notification to prepare for activation. However, should the operational situation warrant it, and upon approval of the Secretary of Defense, an RC member may be ordered to active duty on the same day his or her orders are approved and issued. -- DoDI 1235.12, Encl 3, 6.d., Feb 17

(b) REDUCTION OR WAIVER OF NOTICE REQUIREMENT. “The Secretary of Defense may waive the requirement of subsection (a), or authorize shorter notice than the minimum specified in such subsection, during a war or national emergency declared by the President or Congress or to meet mission requirements. If the waiver or reduction is made on account of mission requirements, the Secretary shall submit to Congress a report detailing the reasons for the waiver or reduction and the mission requirements at issue.” Public Law 110-181, Section 515

(2) Notification requirements for mobilization under § 12304(a) are exempt.

c. Dwell Requirement. Dwell is defined as the period of time between the release from active duty under 10 USC sections 12302, 12301(a), 12304 or 12304(b) and the reporting date for a subsequent tour of active duty under Title 10 U.S. Code 12302, 12301(a), 12304 or 12304(b).

d. Waiver Process. IAW DoDI 1235.12, a Service Member may waive notification and or dwell requirements on a voluntary basis and must consent to the pending deployment. The SECDEF may order that individual through the SECDEF Orders Book Process (SDOB). Waivers can be secured through HQDA G-3/5/7 (DAMO-ODO). Format provided at the end of this chapter.

1–3. Reserve Component Orders ARMY MOBILIZATION AND DEPLOYMENT REFERENCE 2019 1-3 Military Services will issue orders to RC members ordered to active duty in the most expeditious manner possible to facilitate members' notification to employer and family, and other planning considerations. Below are some of the key guidance on how to mobilize RC Soldiers for involuntary mobilization in support of Contingency Operations:

a. Mobilization orders should reach Soldiers at least 30 days prior to their effective report date. The specific order writing guidance will be followed to include the following:

(1) A statement "support of a contingency operation" for those activations under 10 USC 12302 or for specified contingencies under 10 USC§ 12304.

(2) The name of the operation being supported (e.g., ENDURING FREEDOM).

(3) The applicable legal authority (statute) under which the member is serving. 10 USC § 12302 (for members called to active duty involuntarily), and reference to "Executive Order 13223, dated September 14, 2001. 10 USC § 12301(d) (for members servingvoluntarily)

(4) The period of service under 10 USC § 12302 is exempt from the five-year limit as provided in 38 USC 4312(c)(4)(A).

(5) The Secretaries of the Military Departments have each determined the period of service under 10 USC 12301(d) as exempt from the five-year limit as provided in 38 USC § 4312(c)(4)(B).

(6) It is not necessary to include the terms "voluntary" or involuntary" active duty within these orders.

(7) Unit and individual orders will contain the statement "Call 1-800-336-4590 (National Committee for Employer Support of the Guard and Reserve) or check ESGR online if you have questions regarding your employment/reemployment rights."

b. Headquarter authorities will issue mobilization orders in accordance AR 600-8-105 for Reserve Component individuals, units, or DUIC units and will include the information in the above section.