Members of the University of Houston Community:

Membership in the UH Community provides each student with an unparalleled opportunity to learn, develop, and excel as an individual. By accepting this opportunity, each student has the responsibility to conduct themselves in a manner that conforms to the rules of the University and respects the rights of others in the Community.

To this end, the University has developed the policies contained herein designed to support student success, create and maintain an educational atmosphere, allow for the effective functioning of the institution without undue disruption, and protect the health, safety, welfare, property, and rights of all members of the University Community.

It is my hope that you will become familiar with these policies in order to avoid student discipline and support your successful functioning as a UH student.

Sincerely,

William F. Munson
Associate Vice President for Student Affairs and Dean of Students

Cover photo: the bronze statue that graces the entrance courtyard of the Law Center honors Albertus Magnus, or Albert the Great, a medieval theologian and "Man of Universal Knowledge."
University of Houston

Student Conduct Policies

Contents

Introduction ................................................................. 3

Student Code of Conduct .............................................. 5

Alcohol Policy .............................................................. 23

Distribution of Alcoholic Beverages ......................... 24

Hazing ........................................................................... 27

Interim Sexual Assault Policy ................................. 32

Interim Sexual Harassment Policy ......................... 35
University of Houston

Student Code of Conduct

Introduction

The University of Houston, as an educational institution, has a special set of interests and purposes essential to its effective functioning. These include; (a) the opportunity for students to attain their educational objectives, (b) the creation and maintenance of an intellectual and educational atmosphere throughout the University, and (c) the protection of the health, safety, welfare, property, and human rights of all members of the University, and the property of the university itself. In the area of student conduct, the University has a clear responsibility to protect and promote the pursuit of its goals. The Student Code of Conduct emphasizes the University’s commitment to promote the freedom, intellectual development, and personal responsibility of its students.

The Student Code of Conduct sets forth those acts that constitute unacceptable conduct for students of the University. All alleged violations of the Student Code of Conduct may result in referral to the Dean of Students Office for disciplinary action.

The University of Houston supports the concept of educational discipline - educating the student through appropriate sanctioning when circumstances permit; but should the student demonstrate an unwillingness to obey the rules governing conduct, the student will be treated in the same manner as one who has failed academically. Students are expected to adhere to, and will be held accountable for adhering to, all federal, state, and local laws in addition to all University policies and regulations not mentioned herein.

A student admitted to the University of Houston accepts the responsibility to conform to all University of Houston rules and regulations. Proven failure to meet this obligation will justify appropriate disciplinary action including, but not limited to, expulsion, suspension, disciplinary probation, reprimand or warning. Although the University will make every reasonable effort to make the rules and regulations available, students are responsible for becoming familiar with them.

The University of Houston student conduct process is the responsibility of the Dean of Students Office. The Associate Dean of Students, under the direction of the Dean of Students, will supervise the implementation of the student conduct process and procedures.
**Policy**

1. **Application and Jurisdiction**

1.1 Students may be disciplined by the University for violating any of the conduct standards on University grounds or off University grounds when the incident occurs in connection with a University sponsored or affiliated activity or program, when the incident has a substantial connection to the interests of the University, when the incident poses a threat of serious harm to any member of the University community, or when the behavior is prohibited by University policy regardless of where it occurs, even if the student is or may be penalized by civil or criminal authorities for the same act.

1.2 University disciplinary action may be instituted against a student charged with conduct that potentially violates both criminal law and University policy without regard to pending civil litigation or criminal arrest and prosecution. At the discretion of the Dean of Students, University disciplinary proceedings may be carried out prior to, simultaneously with, or following criminal proceedings. Determinations made and/or sanctions imposed as a result of University disciplinary proceedings will not be subject to change because criminal charges arising out of the same facts that resulted in the violation of University rules were dismissed, reduced, or resolved in favor of or against a criminal law defendant.

1.3 Students are subject to University disciplinary action for prohibited conduct that occurs while the student is participating in off-campus activities sponsored by or affiliated with the University including, but not limited to, field trips, retreats, and study abroad programs.

1.4 Students are subject to University disciplinary action if the student withdraws from classes while a conduct matter is pending.

1.5 Any conduct that is a potential violation of the University’s Sexual Misconduct Policy or Discrimination and Harassment Policy will be exclusively processed, investigated and addressed pursuant to those policies and not this Student Code of Conduct. However, if a student is found to be in violation of the University’s Sexual Misconduct Policy or Discrimination and Harassment Policy, and s/he wishes to appeal any sanction(s) imposed by the Dean of Student’s Office, his/her appeal shall be brought pursuant to the appeal section of this Student Code of Conduct.

2. **Definitions**

2.1 “Appellate Officer” includes the Dean of Students, Associate Dean of Students, Associate Director of Residential Life and/or their respective designees.

2.2 “Associate Dean” means the Associate Dean of Students.

2.3 “Assistant Dean” means the Assistant Dean of Students.

2.4 “Board” means the University Hearing Board.
2.5 “Business Day” means Monday through Friday during regular University business hours.

2.6 “Code” refers to the UH Student Code of Conduct.

2.7 “Handbook” means the official UH Student Handbook.

2.8 “Hazing” means those activities defined in the Texas Education Code Sec. 37.151 et seq., the Prohibited Conduct Section of the Student Code of Conduct regarding Hazing, and the UH Hazing Policy.

2.9 “Hearing Officer” includes the Associate Dean of Students, Assistant Deans of Students, the Associate Director for Residential Life, the Assistant Director for Residential Life, Residence Life Coordinators, and the University Hearing Board.

2.10 “Notice” means correspondence sent to the addressee by the means identified in Section 5 of the Student Code of Conduct regarding Notice.

2.11 “Preponderance of the evidence” is the standard of review in the student discipline process which evaluates whether it is more likely than not that the student did violate a Code provision and/or University policy.

2.12 “Procedures” means the Student Disciplinary Procedures.

2.13 “Record” means correspondence referenced herein relating to the Student Disciplinary Procedures and all hard copy or electronic documents, forms, copies, reports, statements, recordings, or tangible evidence presented in a disciplinary hearing or conference.

2.14 “Referral Notice” refers to the notice initiating disciplinary action.

2.15 “Respondent” means accused student.

2.16 “Sanction” means penalty for violation of the Prohibited Conduct Section of the Student Code of Conduct.

2.17 “Student” means a person who; (a) is currently enrolled at the University; (b) is accepted for admission or readmission to the University; (c) has been enrolled at the University in a prior semester or summer term and is eligible to continue enrollment in the semester or summer term that immediately follows; (d) is attending an additional program sponsored by the University while that person is on campus; or (e) has engaged in prohibited conduct at a time when he/she met the criteria of (a), (b), (c), or (d).

2.18 “University” means the University of Houston.

2.19 “University officials” means those persons in an official university capacity or those who have been given the authority and the responsibility by the appropriate agency or person, including regents, officers, faculty, and administrative staff.

2.20 “University grounds” means property owned, leased, controlled, used, or occupied by the University including property physically removed from campus.

2.21 “Will” and “shall” are used in the imperative sense.
3. Prohibited Conduct

The following examples of prohibited conduct are defined by the University to be unacceptable. Being under the influence of drugs and/or alcohol does not diminish or excuse a violation of the Student Code of Conduct. The list should not be viewed as all inclusive or exhaustive. Further, the University expects its students to exhibit a higher standard of conduct than the minimum needed to avoid discipline.

3.1 Aiding and Abetting - Assisting, hiring, or encouraging another person to engage in a Code violation.

3.2 Complicity – A student shall not, through act or omission, assist another student, individual, or group in committing or attempting to commit a violation of this Code of Conduct. A student who has knowledge of another committing or attempting to commit a violation of the Code of Conduct is required to remove him or herself from the situation and failure to do so when reasonable under the circumstances may be the basis for a violation of this policy.

3.3 Destruction of Property - Intentionally or recklessly damaging, destroying, defacing, or tampering with University property or the property of any person or business on campus.

3.4 Discrimination - Intentional discrimination against a person or group of people on the basis of race, color, religion, national origin, sex, age, disability, veteran status, or sexual orientation except where such distinction is allowed by law.

3.5 Disruption/Obstruction - Obstructing or interfering with University functions or any University activity. Disturbing the peace and good order of the University by, among other things; fighting, quarreling, and disruptive behavior or excessive noise, including but not limited to, a disruption by the use of all types of cameras, electronic tablets, cell phones, and/or communication devices.

3.6 Disruptive Classroom Conduct – Disruptive classroom conduct means engaging in behavior that substantially or repeatedly interrupts either the instructor’s ability to teach or student learning. The classroom extends to any setting where a student is engaged in work toward academic credit or satisfaction of program-based requirements or related activities.

3.7 Failure to Appear - Failing to appear at the request of any Hearing Officer or failure to schedule an appearance with a Hearing Officer as directed by University police or any other University official.

3.8 Failure to Comply or Identify - Failure to comply with directions of University officials, police, or any other law enforcement officers acting in the performance of their duties, or failing to identify oneself to these persons when requested to do so.

3.9 Failure to Report or Respond - Failure to report or respond as directed by the Dean of Students or designee on any matter including, but not limited to, a
request to meet concerning an issue or a notice alleging a violation of the Student Code of Conduct.

3.10 False Conduct Allegation - Making a prohibited conduct allegation against a member of the University community that is knowingly false.

3.11 False Report of Emergency - Causing, making, or circulating a false report or warning of a fire, explosion, crime, or other catastrophe.

3.12 False Statements - Being party to falsification; giving or providing false statements, written or oral; and/or providing false information during any University proceeding or to any University official.

3.13 Falsification of Records - Altering, tampering, forging, or knowingly using falsified documents or records of the University, including, but not limited to, UH parking permits and student IDs. Falsifying, attempting to falsify, conspiring to falsify or knowingly using falsified academic records including, but not limited to, altering or assisting in the alteration of any official record of the University and/or submitting false information or omitting information that is required for or related to any academic record. Academic records include, but are not limited to, applications for admission, application for the awarding of a degree, registration materials, grade change forms, and other documents or forms used by the Office of the Registrar. A former student who engages in this prohibited conduct may be subject to a bar against readmission, the revocation of a degree, and/or the withdrawal of a diploma under the Student Disciplinary Procedures.

3.14 Forcible Entry or Trespass - Forcible or unauthorized entry to any University building, structure, or facility and/or unauthorized entry to or use of University grounds.

3.15 Gambling, Wagering, and/or Bookmaking - Gambling, wagering, and/or bookmaking as defined by federal, state, and/or local laws on University grounds or by using University equipment or services.

3.16 Hazing - Any intentional, knowing, or reckless act, occurring on or off the University of Houston campus, by one or more 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 any organization whose members are or include students of the University.

3.17 Mental or Bodily Harm - (a) Intentionally inflicting mental or bodily harm upon any person; (b) taking any action for the purpose of inflicting mental or bodily harm upon any person; (c) taking any reckless, but not accidental, action from which mental or bodily harm could result to any person; (d) engaging in conduct, including, but not limited to stalking, that causes a person to believe that the offender may cause mental or bodily harm; (e) any act which demeans, degrades, or disgraces any person and that causes, or would be reasonably likely to cause, mental or bodily harm. “Any person” as used in this section may include oneself.
3.18 Misuse of Identification - Transferring, lending, or borrowing University identification.

3.19 Misuse of Safety Equipment - Unauthorized use or alteration of fire fighting equipment, safety devices, or other emergency equipment.

3.20 Misuse or Abuse of Computers - Unauthorized use or misuse of any University computer, computer system, service, program, data, network, cable television network, or communication network. The inappropriate or disproportionate use of an information technology resource owned or controlled by the University or use of an information technology resource for an illegal, threatening, harassing, abusive, or intentionally destructive purpose. Failure to comply with laws, license agreements, and contracts governing network, software and hardware use. Abuse of communal resources. Use of computing resources for unauthorized commercial purposes or personal gain. Breach of computer security, harmful access or invasion of privacy.

3.21 Photographing or Videotaping - Photographing, videotaping, filming, digitally recording, or by any other means, secretly viewing with or without a device, another person without that person's consent in any location where the person has a reasonable expectation of privacy, or in a manner that violates a reasonable expectation of privacy. This section does not apply to lawful security surveillance filming, or recording that is authorized by law enforcement or authorized University officials.

3.22 Possession of Dangerous Weapons - Unauthorized possession of a firearm, weapon, dangerous chemicals, or any explosive device of any description including: compressed air guns, pellet guns, BB guns, shotguns, or illegal knives, or the ammunition of any firearm or other dangerous weapon or explosive device on University grounds. Possessing a dangerous weapon in your vehicle constitutes a violation of this section.

3.23 Possession of Stolen Property - Possessing property known to the possessor to be stolen and that may be identified as property of the University or any other person or business.

3.24 Public Intoxication - Presenting a threat to oneself or others due to being under the influence of alcoholic beverages or other drugs.

3.25 Sexual Misconduct - Violation of the UH Student Sexual Misconduct Policy including, but not limited to, engaging in or attempting to engage in sexual assault, sexual exploitation, sexual intimidation, and/or sexual harassment.

3.26 Theft - Theft, or attempted theft, of property or services from any person or any business on University grounds.

3.27 Unauthorized Use of Alcoholic Beverages - Possession, distribution, or consumption of alcoholic beverages except during events or in circumstances authorized by University officials and/or failure to comply with state or University regulations regarding the use or sale of alcoholic beverages.
3.28 Unauthorized Use of Property or Service - Unauthorized use of property or services or unauthorized possession of University property or the property of any other person or business.

3.29 Unauthorized Use of University Keys - Unauthorized use, distribution, duplication, or possession of any key(s), access card(s), or access code(s) issued for any building, laboratory, facility, room, or other University property.

3.30 Use, Manufacture, Distribution, Sale, Offer for Sale, or Possession of Controlled Substances or Drug Paraphernalia - The use, manufacture, distribution, sale, offer for sale, or possession of any controlled substances, including but not limited to, barbiturates, hallucinogens, amphetamines, cocaine, opium, heroin, or marijuana. Controlled Substances and Drug Paraphernalia are defined by Texas law.

3.31 Violation of Campus Recreation Policies - Violation of the published policies, rules, and/or regulations of the Department of Campus Recreation.

3.32 Violation of Established University Policies and Procedures - Violation of established University policies and procedures including, but not limited to, those published in the UH Student Handbook.

3.33 Violation of Probation - Violation of the Code while on disciplinary probation, or violation of the terms of disciplinary probation.

3.34 Violation of established Student Housing and Residential Life Policies, Procedures and/or License Agreements - Violation of the terms of a University housing License Agreement or the published policies, rules and/or regulations of the Department of Student Housing and Residential Life including, but not limited to, the following:

   a. Alcohol – Violation of established Student Housing and Residential Life policies regarding the possession, distribution and consumption of alcoholic beverages including:
      1. Consuming or transporting open alcoholic beverages in residence hall common areas including, but not limited to, hallways, balconies, lounges, stairways, courtyards, and/or community bathrooms.
      2. Possessing alcohol paraphernalia including, but not limited to, empty alcoholic beverage containers, beer bongs, and/or kegs.
      3. Providing open access to alcohol including, but not limited to, access to bulk or common source alcohol containers, access to more open containers present than the number of legal age persons present, or access to devices or games used in or intended for the rapid consumption of alcoholic beverages.

   b. Smoking – Smoking in a residence hall or within 25 feet of a residential structure.
c. **Health and Welfare** – Failing to maintain living space and common areas in original condition; clean, unaltered, hazard-free.

d. **Unauthorized Occupancy/Use of Residential Facilities** – Unauthorized occupancy of a living space or use of residential facilities including, but not limited to; cohabitation, subletting, altering the physical structure of the room/apartment without approval, remaining present if maintenance work is occurring after temporary space has been assigned, and/or providing laundry facility access to non-residents.

e. **Pets/Animals** – Unauthorized possession of a pet (other than fish), service, or comfort animal.

f. **Trash/Recycling** – Improperly storing or disposing of trash and/or recycling.

g. **Wheeled Transportation** – Unauthorized parking, securing, storing, indoor transport, use, or abandonment of a skateboard, bicycle, motorcycle, or scooter.

h. **Decorations** – Displaying pornographic or discriminatory literature or other materials or any materials that cause, or would be reasonably likely to cause, mental harm to another.

i. **Gatherings** – Assembling ten (10) or more people (residents included) in a residential room, suite, or apartment.

j. **Guests** – Unauthorized, unattended, and/or hosting an excessive number of guests; failure of guests to comply with University policies and procedures.

k. **Hall Sports** – Engaging in games and sports intended for outdoor play including, but not limited to, water guns/balloons, rollerblading, and bouncing and throwing balls.

l. **Living with Roommates** – Failing to follow a Roommate Agreement, creating an inhospitable environment, or not maintaining personal care.

m. **Courtesy/Quiet Hours** – Making excessive noise and/or engaging in disruptive behavior that causes sound to be heard beyond the confines of a room, suite, or apartment.

n. **Posting/Advertising** – Unauthorized display, distribution, or removal of flyers, posters, banners, or other advertisements.

o. **Soliciting/Operating a Business** – Operating a business, selling or promoting a service or product from a residence hall room, suite, apartment, or common area.

p. **Fire Alarm Activation** – Intentional false activation of the fire alarm system, or activation through forbidden activity (e.g. smoking, candles, open flame cooking equipment).

q. **Fire Evacuation Procedure** – Failing to evacuate after the activation of the fire alarm and/or following the directives of University and/or emergency personnel.
r. **Open Flames, Burning Embers & Flammable Materials** – Possession of, but not limited to, candles, incense, marijuana smelling smoking substances, smoking, fireworks, “Christmas Trees” (live or cut down), lighter fluid, gas/propane, charcoal briquettes, and/or burning of any materials.

s. **Projectiles** – Throwing, dropping, or projecting, objects from a residential structure.

t. **Appliances, Electronics, and Furniture** – Possessing an appliance with an open heat source and/or no thermostat control (i.e. toaster ovens, hot plates, space heaters, etc.); using a multi-outlet extension cord; unauthorized movement of University furniture, and/or possessing a waterbed or self-manufactured loft.

### 3.35 Violation of University Center Policies

Violation of the published policies, rules, and/or regulations of the University Center.

### Student Disciplinary Procedures

The purpose of these procedures is to provide for the orderly administration of the Student Code of Conduct consistent with the principles of due process of law. Reasonable deviations from these procedures will not invalidate a decision or proceeding.

#### 4. Disciplinary Action Initiated

Any member of the University community may submit a written allegation of violation of the Prohibited Conduct Section of the Student Code of Conduct. The individual alleging a violation must include sufficient facts which would enable the Dean of Students or designee to decide if further fact finding is necessary. An allegation of violation must include the name of the complainant and should include pertinent facts including, but not limited to, a description of the alleged violation, the date of the alleged violation, the name(s) of the students involved, the time that the alleged violation took place, and the location of the alleged violation.

#### 5. Notice

**5.1** Students who are the subject of prohibited conduct allegations will be notified by the appropriate Hearing Officer. Such notice will contain information regarding the student conduct involved and a statement of the Code provision(s) and/or University policy alleged to have been violated.

**5.2** All written notices to students will be considered received upon the occurrence of one or more of the following: placing the written notice addressed to the student’s
current local or permanent address as listed in the Registrar’s records in the United States Postal Service mail or campus mail, sending written correspondence to the student’s official University email address, or hand delivering written notice to the student. Receipt will constitute full and adequate notice.

5.3 The student’s failure to provide and maintain current addresses with the Registrar, refusal to accept delivery of a letter, or failure to receive an email message because the mailbox is full or the message is inappropriately forwarded will not constitute good cause for failure to comply with written notices.

5.4 Failure to respond to notices delivered via Item 5.2 shall constitute a separate violation of this Code. Failure of the accused student to respond to the initiation of charges or schedule a procedural interview shall in no way prevent the University from scheduling and conducting a University Hearing Board hearing or a Disciplinary Conference with the Hearing Officer in the absence of the accused student.

5.5 The Dean of Students may bar or cancel the enrollment of a student who fails to comply with notices sent in accordance with Item 5.2.

6. Procedural Interview

6.1 Students alleged to have violated the Prohibited Conduct Section of the Code must contact the Hearing Officer to schedule a Procedural Interview within five business days of receiving written notice.

6.2 Students who fail to contact the Hearing Officer to schedule the Procedural Interview within the five business day period outlined in Item 6.1 will be considered to have elected to proceed with a Disciplinary Conference under the Student Disciplinary Procedures. Students who fail to appear for a scheduled Procedural Interview will be considered to have elected to proceed with a Disciplinary Conference.

6.3 Copies of the following documents will be made available to the student at the time of the Procedural Interview:

   a. A copy of the Student Code of Conduct.

   b. A copy of the referral notice and/or incident report.

   c. A copy of the Students’ Rights and Responsibilities Respondent Information and Acknowledgement Form.

Students who fail to contact the Hearing Officer to schedule the Procedural Interview or who fail to attend a scheduled Procedural Interview will be provided access to copies of these documents in advance of the Disciplinary Conference.

7. Hearing Selection

7.1 Within five business days of the Procedural Interview, the student shall choose either a hearing before the University Hearing Board or a Disciplinary Conference with the Hearing Officer. The student shall indicate their choice of hearing in writing to the Hearing Officer.
7.2 The Hearing Officer shall notify the student of the time, date, and place of the Disciplinary Conference or hearing before the University Hearing Board.

7.3 Students who fail to select either a hearing before the University Hearing Board or a Disciplinary Conference with the Hearing Officer within the five business day period outlined in Item 7.1 will be considered to have elected to proceed with a Disciplinary Conference.

8. Disciplinary Conference

The following procedural guidelines shall be applicable in Disciplinary Conferences with the Hearing Officer:

8.1 Written notice of the alleged violation(s) at least five business days prior to the scheduled conference, unless the respondent requests to proceed with the Disciplinary Conference at an earlier time.

8.2 The respondent is entitled to be accompanied and assisted by an advisor. An advisor may be an attorney, but who sits in an advisory capacity and who addresses the Hearing Officer only upon permission of the Hearing Officer. Respondents who wish to have an attorney attend the Disciplinary Conference as their advisor shall notify the Hearing Officer of the attorney’s name and contact information at least three business days prior to the Disciplinary Conference. If the respondent’s advisor is an attorney, the University may have a University attorney present at the Disciplinary Conference. An advisor may not appear in lieu of a respondent.

8.3 The right to have access to the case file at least three business days prior to and during the conference.

8.4 If a respondent fails to appear for a scheduled Disciplinary Conference, the Hearing Officer will proceed with investigating the complaint.

8.5 The Hearing Officer will investigate the complaint, including but not limited to; reviewing incident reports, reviewing witness statements, and interviewing witnesses. Before a decision is rendered, the respondent will be given an opportunity to respond to any new information obtained by the Hearing Officer during the investigation. If a respondent fails to appear for this meeting, the Hearing Officer will decide the case based upon the information obtained in the investigation.

8.6 The Hearing Officer will notify the respondent of the decision in writing within ten business days of the close of the investigation. The Hearing Officer will also make a copy of the decision available to the respondent in the Dean of Students Office.

9. University Hearing Board

9.1 The University Hearing Board shall be composed of five students appointed by the Student Government Association, five students appointed by the Residence Halls Association, three faculty members appointed by the Faculty Senate, and three staff
members appointed by the Staff Council.

9.2 There will be at least ten alternate members: at least three student alternates appointed by the Student Government Association, at least three student alternates appointed by the Residence Halls Association, at least two faculty alternates appointed by the Faculty Senate, and at least two staff alternates appointed by the Staff Council.

9.3 A quorum shall consist of five persons, at least three of which shall be students and one shall be faculty or staff. If a quorum is not met and at least three people are present with one being a student, the respondent may request that the hearing proceed with those members present.

9.4 The Chair must be a selected from the student members present at a scheduled hearing. The student selected by the Board to serve as Chair shall serve for the duration of the scheduled hearing.

9.5 All members of the board must be in good standing with the University.

9.6 The Associate Dean of Students may remove a Board member for justifiable cause. A Board member may appeal their removal to the Dean of Students.

9.7 If a Board member resigns, cannot serve, or is removed from office, the Associate Dean of Students will select one of the alternates to fill the vacancy.

10. Hearing Procedures

The following procedural guidelines shall be applicable in disciplinary hearings:

10.1 At least three business days prior to the hearing, the Hearing Officer will make available to the respondent(s) copies of documents relevant to the case and a list of witnesses.

10.2 The respondent is entitled to be accompanied and assisted by an advisor. An advisor may be an attorney, but who sits in an advisory capacity and who addresses the Board only upon permission from the Chair. Respondents who wish to have an attorney attend the hearing as their advisor shall notify the Hearing Officer of the attorney’s name and contact information at least three business days prior to the hearing. If the respondent’s advisor is an attorney, the University may have a University attorney present at the disciplinary hearing. An advisor may not appear in lieu of a respondent.

10.3 In the event that the University chooses to proceed through legal counsel, the respondent will be notified at least three business days prior to the hearing and shall also have the right to proceed through counsel. Counsel for a respondent may not appear in lieu of a respondent.

10.4 Hearings of the University Hearing Board will be closed to the public except when the respondent requests an open hearing and such a request is approved. This request must be made in writing to the Hearing Officer at least three business days prior to the hearing.
10.5 If a respondent fails to appear, the University Hearing Board will decide the case in the charged student's absence.

10.6 The Hearing Officer or designee may present the case for the University or the complainant.

10.7 Prospective witnesses, other than the complainant and respondent, will be excluded from the hearing during the testimony of other witnesses. All participants shall be excluded during Board deliberations.

10.8 The hearing will be held in two parts:
   a. Determination of violation.
   b. Determination of sanction; if a finding of “in violation” is determined.

10.9 The Chair will exercise control over the proceedings. Any person disrupting a hearing or who fails to adhere to the rulings of the Chair may be removed or excluded from the proceedings.

10.10 Any party may challenge a Board member on the grounds of personal bias. Board members may be disqualified upon a majority vote of the remaining members of the Board. Disqualification votes must be conducted by secret ballot.

10.11 The burden of proof shall be on the complainant or University, whichever is applicable, to prove the case by a preponderance of the evidence standard.

10.12 The Chair shall determine what evidence is admissible. Formal rules of evidence shall not apply.

10.13 The respondent, the complainant, and/or the Board members may examine the written evidence offered and may question all witnesses.

10.14 The respondent will not be forced to testify against himself or herself and their silence shall not be used to their detriment.

10.15 Individuals referred to in any written statements or testimony of respondent, complainant, and/or witnesses may be called as witnesses by the University Hearing Board. The Chair shall determine the length of any such witness testimony and when it shall be heard during the hearing.

10.16 At the conclusion of the presentations, the Board shall deliberate the violation stage of the proceeding in closed session. After deliberation and a vote, the decision of the Board will be announced to the participants.

10.17 The Board may hear evidence concerning sanctioning if the respondent is found to have violated the Prohibited Conduct Section of the Student Code of Conduct. The Board may consider the respondent’s prior disciplinary record during the sanctioning phase of the proceedings in order to recommend the appropriate sanction(s).

10.18 Decisions by the Board shall be by majority vote. In the event of a tie, the Chair will vote to break the tie.

10.19 Hearings will be recorded and, upon written request, the respondent will be
afforded access to the recording of the hearing. The only recording devices allowed in the hearing are those provided by the Hearing Officer.

10.20 The Board’s recommendation will be forwarded to the Hearing Officer for further action. The Hearing Officer will notify the respondent of the decision in writing within seven business days of the hearing. The Hearing Officer will also make a copy of the decision available to the respondent in the Dean of Students Office.

11. Sanctions

Factors to be taken into consideration when issuing sanctions include, but are not limited to: the respondent's motivation for displaying the behavior; the respondent's disciplinary history; the extent to which the behavior jeopardizes the safety and security of the University of Houston community; and, the likelihood of the behavior occurring again. Upon written request, the Hearing Officer will disclose the results of campus disciplinary proceedings to the victim of a non-forcible sex or a violence related policy violation.

Upon a finding of a violation of the Prohibited Conduct Section of the Student Code of Conduct, one or more of the following sanctions may be imposed:

11.1 Expulsion permanently separates the student from the University and prohibits the student from ever attending the University, enrolling in any University courses and/or from being present on University grounds without the permission of the Dean of Students Office. Expulsion will be noted on the student’s permanent record.

11.2 Suspension prohibits the student from attending the University, enrolling in any University courses and from being present on University grounds without the permission of the Dean of Students Office for a specified period of time. A student suspended for prohibited conduct is not guaranteed readmission to the University, but shall petition the Dean of Students to review the student's eligibility for readmission. Suspension will be noted on the student’s permanent record.

11.3 Deferred Suspension allows a sanction of suspension to be deferred to a specific date in the future. If a student is found in violation of any University rule while under the sanction of deferred suspension, the suspension sanction may be implemented immediately and additional conduct sanctions appropriate to the new violation(s) may be imposed. Students under the sanction of deferred suspension may be subject to additional restrictions identified by the Dean of Students Office. Failure to comply with the additional restrictions established by the Dean of Students Office will be considered additional conduct violations.

11.4 Disciplinary Probation is a sanction in which students are considered “not in good standing” with the University. Any further misconduct while on probation may result in additional disciplinary action up to and including expulsion from the University. Students under the sanction of probation may be subject to additional restrictions identified by the Dean of Students Office. A sanction of probation
is imposed for a definite period of time. Probation will be noted on the student’s permanent record during the period of probation.

11.5 Revocation of Admission and/or Degree may be imposed for fraud, misrepresentation, or other violations of University rules in obtaining admission or a degree, or for other serious violations committed by an applicant or by a student prior to the awarding of the degree.

11.6 Educational Programs or Assignments are sanctions designed to develop and/or expand a student’s understanding of a University rule or policy and/or support the student’s learning in relation to the rule or policy that was violated.

11.7 Reprimand is an official written notification retained in a student’s disciplinary file designed to inform the student that their behavior has been unacceptable.

11.8 Restitution or compensation for loss, theft, deception, damage or injury which may take the form or appropriate service and/or monetary or material replacement.

11.9 Warning is a sanction which advises a student that they have engaged in behavior that is unbecoming of a member of the University community. This sanction remains in effect for a specified period of time, after which, it may be removed from the student’s conduct record at the student’s request. Any further misconduct during a sanction of warning may result in additional disciplinary action.

11.10 Other Sanctions may include, but are not limited to, disenrollment, imposition of mandatory counseling requirements, no contact orders, restrictions from specific areas in University buildings and/or on University grounds, restrictions from participating in intercollegiate athletics, extracurricular activities, and residential life activities; monetary fines; community service; disciplinary room change for residence students, and/or ban or removal from University housing facilities. Students may also be required to meet periodically with a person designated by the Hearing Officer.

12. Interim Suspension

12.1 The Dean of Students or designee may immediately suspend a student on an interim basis prior to a hearing when the Dean of Students or designee has reasonable cause to believe that the student’s presence on University premises or at a University-related or registered student organization activity poses a significant risk of substantial harm to the safety or security of themselves, others, or to property, the student may be immediately suspended from all or any portion of University premises, University-related activities or registered student organization activities. This temporary suspension will be confirmed in writing and shall remain in effect until the conclusion of a Disciplinary Conference or Hearing Board hearing, without undue delay, in accordance with the Student Disciplinary Rules.

12.2 The Hearing Officer will notify the student(s) of the interim suspension. This notice will include a statement of the regulation(s) that the student allegedly violated,
a specific statement of the facts constituting the alleged violation, and will direct the student(s) to contact the Dean of Students Office to schedule a Procedural Interview with the Hearing Officer within five business days of the notice. The notice will also include a copy of the Student Code of Conduct and/or the web address of the code.

12.3 An extension to the requirement to schedule a meeting with the Hearing Officer within a five business day period may be granted by the Hearing Officer for good cause.

12.4 Students who fail to schedule the Procedural Interview within the five business day period outlined in Item 6.1 will be considered to have elected to proceed in the Student Disciplinary Procedures with a Disciplinary Conference.

12.5 If the sanction for a confirmed violation of the Code of Conduct is to suspend or expel the student, the sanction takes effect from the date of the interim suspension.

13. Interim No Contact Orders

The Dean of Students or designee may immediately issue a no contact order on an interim basis prior to a hearing if it is believed necessary to protect a person’s safety and/or preserve a safe environment. A no contact order prohibits a student’s or a student organization’s contact with a specific individual or individuals.

14. Withholding of Transcripts, Grades, Diploma, or Degree

The Dean of Students or designee may withhold an official transcript, grade, diploma, or degree of a student alleged to have committed a violation of a University of Houston rule and/or the Prohibited Conduct Section of the Student Code of Conduct. The Dean of Students or designee may take such action pending a Hearing Board hearing or Disciplinary Conference, and/or the exhaustion of the student’s appellate rights.

15. Counseling Referrals

The Hearing Officer may refer any student who exhibits behavior that interferes with the student’s normal functioning to Counseling and Psychological Services (CAPS) or the University Health Center. Counseling and Psychological Services (CAPS) or the University Health Center may, with written permission of the student, discuss the results of the referral with the Hearing Officer. The student may refuse to attend a session with CAPS or the University Health Center without penalty at which time the disciplinary process will continue as if no referral were made.

16. Reporting at the Request of the Dean of Students

A request to meet with or respond to the Dean of Students or designee shall be heeded by all students. The request of the Dean of Students or designee shall have
priority over all other duties of the student. The student will respond at the time and place set by the Dean of Students or designee unless arrangements are made because of extraordinary circumstances. Failure to report or respond as directed by the Dean of Students or designee on any matter shall constitute a separate violation of this Code and may result in disciplinary action.

17. University Hearing Board Appearances

The Dean of Students or designee shall have the authority to require a student to appear before the University Hearing Board at a designated time and place when the student’s presence is necessary to resolve a question which is before the Board. The Dean of Students or designee shall have the authority to require the student to produce such items as are relevant to the adjudication.

18. Official Withdrawal from the University of Houston

The Dean of Students Office may place a disciplinary hold on the records and future enrollment of any student who withdraws from the University prior to the resolution of pending disciplinary action. The Dean of Students Office may also place a notation on the student’s official transcript indicating that, “Disciplinary proceedings are pending at the University of Houston.” Students remain subject to the jurisdiction of the Student Disciplinary Procedures even if they withdraw from the University while disciplinary proceedings are pending.

19. Appeals

19.1 An appeal is not an opportunity to re-hear the original conduct case and will not be granted based on a respondent’s disagreement with the outcome of the original conduct case.

19.2 An appeal may only be based upon the following grounds:

a. New information, not available at the time of the original hearing, was discovered and such new information could affect the decision rendered in the original conduct case.

b. Procedural error that resulted in material harm or prejudice to the student (i.e., by preventing a fair, impartial, or proper hearing). Deviations from the designated procedures will not be a basis for sustaining an appeal unless material harm or prejudice results.

c. The sanction imposed as the result of the original hearing was excessively severe in relation to the violation that the student was found to have committed. Appeals submitted on a claim that the sanction was excessively severe do not have bearing on the finding of “in violation” and relate only to the sanctions imposed.
19.3 The Dean of Students will serve as the Appellate Officer for all conduct cases in which a sanction of expulsion, suspension, eviction, and/or revocation of admission or degree was issued as a result of the original conduct hearing.

19.4 The Associate Dean of Students or designee will serve as the Appellate Officer for all conduct cases occurring outside of the areas under the control of Student Housing and Residential Life in which a sanction other than expulsion, suspension, eviction, and/or revocation of admission or degree was issued as a result of the original conduct hearing.

19.5 The Associate Director for Residential Life or designee will serve as the Appellate Officer for all conduct cases occurring in areas under the control of Student Housing and Residential Life in which a sanction other than expulsion, suspension, eviction, and/or revocation of admission or degree was issued as a result of the original conduct hearing.

19.6 The Appellate Officer will review requests for appeal to determine if acceptable grounds for appeal have been demonstrated.

19.7 Respondents may appeal the decision of the Hearing Officer by filing a written appeal, including a detailed explanation of the reason for the appeal consistent with the grounds for appeal outlined in Section 19.2, with the appropriate Appellate Officer within ten business days after receiving written notification of the decision.

19.8 The Appellate Officer will render a decision and notify the respondent in writing within ten business days of receipt of the appeal.

19.9 The decision of the Appellate Officer shall be final.

20. Disciplinary Records

20.1 The University shall maintain a permanent written disciplinary record for every student assessed a sanction of suspension, expulsion, denial or revocation of a degree, and/or withdrawal of diploma.

20.2 A disciplinary record shall reflect the nature of the charge, the disposition of the charge, the sanction assessed, and any other pertinent information. Disciplinary records shall be maintained by the Dean of Students Office. Disciplinary records will be treated as confidential and shall not be accessible to or used by anyone other than the Dean of Students or University officials with legitimate educational interests; except upon written authorization of the student or in accordance with applicable state or federal laws or court order or subpoena.

20.3 Disciplinary records of students who were not assessed a sanction of suspension, expulsion, denial or revocation of a degree, and/or withdrawal of a diploma will be maintained by the Dean of Students Office for six years after the final disposition of the case in accordance with the University’s Records Retention Schedule.
Disciplinary warning records are maintained as active conduct records by the Dean of Students Office for the specified period of warning. Students issued a warning sanction may request that the record be expunged once the period of warning has expired or when they have graduated from the University.

21. Student Groups and Registered Student Organizations

21.1 Student groups and registered student organizations are subject to the same behavioral expectations as individual students and as such, may be charged with violations of the Prohibited Conduct Section of the Student Code of Conduct. The same Student Code of Conduct procedures afforded individual students are applicable to student groups and registered student organizations.

21.2 Student groups and registered student organizations, their members, as well as other students may be held collectively and/or individually responsible for violations that occur on University grounds, on premises used or controlled by the group or organization, and/or at University sponsored activities on or off campus. The disciplinary jurisdiction set forth in Item 1.1 applies to individual students, student groups and registered student organizations.

21.3 Student groups and registered student organizations and their officers may be held collectively and/or individually responsible for violations of the Code when the organization's leaders, officers, or spokespersons have given tacit or overt consent or encouragement for the prohibited conduct.

21.4 Student group and registered student organization leaders, officers, and/or spokespersons may be directed by the Dean of Students or designee to take action to prevent or end violations of the Code by members of the organization or by any persons associated with the organization. Failure to make reasonable efforts to comply with the directives of the Dean of Students or designee shall be considered a violation of the Code by the leaders, officers, and spokespersons of the organization as well as by the organization.

21.5 Sanctions for student group and/or registered student organization misconduct may include revocation or denial of registration as well as other appropriate sanctions cited in Sections 11 and 12 of the Code.

Approval: August 23, 2012
Dr. Richard Walker
Vice Chancellor/Vice President for Student Affairs

Review/Responsibility:
Annually by Dr. William F. Munson
Associate Vice President for Student Affairs and Dean of Students
Alcohol Policy

As an institution interested in the intellectual, physical, and psychological well-being of the campus community, the University of Houston deems it important to curtail the abusive or illegal use of alcoholic beverages. All members of the University of Houston community and guests are required to comply with federal, state, and local laws regarding the distribution, possession, and consumption of alcoholic beverages. Such laws include the following:

a. An individual under 21 years old commits an offense if he purchases, consumes, or possesses alcohol.

b. A person commits an offense if he purchases, gives, or knowingly makes alcohol available to an individual under 21 years.

c. A person under 21 years commits an offense if he falsely states that he is 21 years of age or older or presents any document that indicates that he is 21 years of age or older to a person selling or serving alcoholic beverages.

d. A person commits an offense if he appears in public under the influence of alcohol to the degree that the person may endanger himself or another.

e. A person commits an offense if he is intoxicated while driving or operating a motor vehicle in public.

f. The sale of any type of alcoholic beverage is prohibited unless the seller possesses a valid license or permit. Selling includes, but is not limited to, including the price of alcoholic beverages in the admission price, and/or giving away the alcoholic beverage but charging for the food.

g. Civil liability may attach to a social host serving alcohol to an intoxicated individual who later injures himself or another.

It is university policy that the possession, consumption, and/or distribution of any alcoholic or intoxicating beverage in an open receptacle or a container which has been opened is prohibited in any public area of the University of Houston campus except at:

1. Events for students (including events planned by staff or faculty for students and events sponsored by students or student organizations) authorized by the Dean of Students Office in accordance with the Alcohol Distribution Policy in the official UH Student Handbook;

2. Faculty/staff events authorized by the President, Vice Presidents, Associate or Assistant Vice Presidents, Deans or Academic Department Chairs; and

3. The Hilton University of Houston Hotel and on-campus restaurant or food service areas where alcohol is legally distributed or sold.

The term public area is defined as campus parking lots, campus grounds or any outside enclosed area or portion thereof, to which the public is invited or given general unrestricted access, as well as the inside classrooms, lobbies, lounges, corridors and restrooms of the campus buildings.
An individual or group which sponsors an event at which alcoholic beverages are made available is responsible for adherence to the applicable laws and applicable university policies.

**Distribution of Alcoholic Beverages**

Recognizing an educational responsibility, the University has developed these and other regulations to promote students’ responsible decision-making and behavior relative to the use of alcoholic beverages. Distribution procedures must be followed for on-campus events by student organizations and others sponsoring the events for students. The Dean of Students is responsible for interpreting these procedures and for developing guidelines for its implementation. Registering to distribute alcoholic beverages on the campus of the University of Houston is a privilege granted to registered student groups and departments. Failure to adhere to University procedures may result in the denial of future registration and disciplinary action.

**Procedures for Distribution of Alcoholic Beverages at Student Events**

1. Departments or registered campus organizations desiring to serve or consume any type of alcoholic beverage on campus must register their event in advance by means of the Registration of Alcoholic Beverage Distribution Form. Forms may be obtained from the Dean of Students Office and must be completed and filed in the Dean of Students Office at least 15 business days in advance of the event in order to permit time to clarify issues and to distribute copies of the registration to other university officials. Registration forms must be reviewed by the Dean of Students or designate. A signature from the Dean of Students or designate must be received prior to advertising the event. Individuals within the department or organization must identify themselves as responsible for compliance with the University of Houston’s policies on the distribution of alcoholic beverages as well as federal, state and local laws. A copy of the signed registration form for alcoholic beverage distribution must be available at the event as proof that registration was made.

2. Alcoholic beverages may be distributed in areas approved for programming within designated hours. Space and facilities for the event must be reserved through the appropriate university channels. Alcoholic beverages may be dispensed at campus events between 5 p.m. and 12 a.m. on Monday through Friday and between noon and 12 a.m. on Saturday and Sunday. For special campus-wide events, the Dean of Students or designate may permit earlier distribution.

3. Any event at which alcoholic beverages are to be consumed pursuant to this policy may not have that consumption be the main focus of the event. Any publicity for the event may refer to such beverages only as incidental to the event. Advertising will not portray drinking as a solution to personal or academic problems. Also, it may not promote gimmicks or games (i.e., “one charge for all you can drink,” “chugging contests,” “drink and drown contests,” etc.), which enhance irresponsible drinking.
4. Persons responsible for distributing alcoholic beverages must:
   a. Be 21 years of age or older.
   b. Check a valid driver’s license or Texas ID for proof of age and identify legal 
age drinkers by the use of a hand stamp or a wristband.
   c. Post a sign at the point of distribution indicating “No alcoholic beverages 
may be consumed by anyone under age 21.”
   d. Have nonalcoholic beverages available and displayed throughout the event 
as prominently as the alcoholic beverages. If the alcoholic beverages are 
being distributed free, a nonalcoholic beverage other than water must be 
available at no charge.
   e. Stop serving alcoholic beverages one hour before the event’s scheduled 
   conclusion or at 12 a.m., whichever is the earlier time.
   f. Cease serving alcoholic beverages to any person who appears to be under 
the influence of alcohol or any other intoxicating substance, to the degree 
that he or she may endanger himself or another.
   g. Take other appropriate steps they may identify to encourage the responsible 
use of alcoholic beverages at their event.
   h. Post a sign announcing their willingness to call a cab for those under the 
   influence of alcohol or any other intoxicating substance.
   i. Provide food items in sufficient amounts for the number of persons 
   attending the function.

5. Students shall not:
   a. Use false identification cards in order to receive alcoholic beverages;
   b. Provide alcoholic beverages to a minor;
   c. Consume alcoholic beverages on campus except in approved food 
establishments, at events where such beverages are being distributed legally 
and in approved areas in the residence halls;
   d. Bring alcoholic beverages into or out of an event where such beverages are 
   being distributed legally.

Students will be held responsible for their guests’ compliance with University 
regulations.
The Executive Director of Student Housing and Residential Life and the Assistant 
Vice President for Student Life may impose additional regulations in the residence 
halls and in the University Center and UC Satellite respectively.
For additional information, including a summary of state law, resources for assistance, 
and educational guidelines or programming, contact the Department of Campus 
Activities, the Health Center, the UC Conference and Reservation Services (CARS) 
Office, Counseling and Psychological Services (CAPS) or the Dean of Students 
Office.
The Distribution of Alcoholic Beverages Policy for Calhoun Lofts residence facility 
is currently under review and does not currently apply to events and/or activities 
held in Calhoun Lofts. Residents of Calhoun Lofts should contact the Calhoun Lofts
manager's office for policies concerning the consumption and distribution of alcoholic beverages.

The Distribution of Alcoholic Beverages Policy does not apply to football game tailgating activities. Football tailgates are governed by the General Rules for Tailgating administered by the Athletics Department. Tailgate sponsors should register with and secure the General Rules for Tailgating from the Athletics Department.
Hazing

UH Philosophy Regarding Hazing

• The University of Houston believes that true human development can best occur in an atmosphere of social and ethical responsibility.
• The university views responsible pre-initiation activity as a positive educational approach to preparation for student organization membership.
• The university views hazing activities as not contributing to the positive development or welfare of the individual.
• Therefore, the University of Houston recognizes acts of hazing as irresponsible, intolerable and inconsistent with the principles of higher education and basic human development and may be illegal.

UH Hazing Policy

I. Hazing Defined
Hazing is defined as any action taken or situation created which, regardless of intent or consent of the participants:

a. Produces or is reasonably likely to produce, bodily harm or danger, mental or physical discomfort, embarrassment, harassment, fright, humiliation or ridicule, or otherwise compromises the dignity of an individual;

b. Compels an individual to participate in any activity which is unlawful and/or contrary to the rules, policies and regulations of the University;

c. Will, unreasonably or unusually, impair an individual’s academic efforts, and/or

d. Occurs on or off campus.

All students are strictly prohibited from engaging in any hazing activity.

II. Examples of actions and activities which are explicitly prohibited include but are not limited to the following:

a. Compelling individuals to consume alcohol or drugs.

b. Paddling in any form, shoving or otherwise striking individuals.

c. Compelling individuals to wear or carry unusual, uncomfortable, degrading or physically burdensome articles or apparel.

d. Compelling individuals to engage in sexual behaviors, sexual or racial harassment or slurs, or exhibitionism.

e. Depriving individuals of the opportunity for sufficient sleep, decent edible meals or access to means of bodily cleanliness.

f. Activities which impair an individual’s academic efforts by causing
exhaustion, loss of sleep or reasonable study time, or by preventing an individual from attending class.

**g.** The creation of excessive fatigue by participation in physically demanding activities (calisthenics, runs, etc.).

**h.** Compelling individuals to eat or drink unusual substances or compelling the consumption of undue amounts or odd preparations of food.

**i.** Having substances thrown at, poured on or otherwise applied to the bodies of individuals.

**j.** Morally degrading or humiliating games or any other activities which make an individual the object of amusement, ridicule or intimidation.

**k.** Transporting individuals against their will, abandoning individuals at distant locations, or conducting any “kidnap,” “ditch” or “road trip” that may in any way endanger or compromise the health, safety or comfort of any individual.

**l.** Causing an individual to be indecently exposed or exposed to the elements.

**m.** Requiring an individual to remain in a fixed position for a long period of time.

**n.** Compelling an individual to be branded or tattooed.

**o.** “Line-ups” involving intense shouting of obscenities or insults.

**p.** Compelling individuals to participate in activities (pranks, scavenger hunts, etc.) which encourage the defacement of property; engage in theft; harass other individuals, groups of individuals or organizations; or disrupt the normal activities of the University.

**q.** Tests of courage, bravery, stamina or sexuality.

**r.** Intentionally deceiving members, prior to initiation, to make them believe they will not be initiated.

**s.** Intentionally deceiving new members (pledges, associates, initiates, etc.) to make them think they will be struck or hurt.

**t.** Excluding an individual from social contact for prolonged periods of time.

**u.** Compelling an individual to engage in acts of personal servitude.

# III. Consent Is No Defense

Any of the activities described above upon which the initiation or admission into, or affiliation with, or continued membership in an organization is directly conditioned, shall be presumed to be “compelled activities,” the willingness of an individual to participate not withstanding.

# IV. Burden of Acceptability

The burden to ensure that student organization activities are acceptable under this policy rests with the student organization. This is a preliminary test for hazing: If you are not sure whether an activity is hazing, it probably is. Therefore, the activity should
be dropped or discussed with the appropriate University official. Questions regarding the acceptability of a proposed student organization activity should be discussed with an activities advisor in the Center for Fraternity and Sorority Life or the Center for Student Involvement.

V. Applicability of Community Standards
The terms and concepts (e.g., humiliating, degrading, unusual, uncomfortable, embarrassing, demeaning, etc.) cited in this policy shall be interpreted by university officials in relation to acceptable and applicable community standards.

VI. Enforcement
a. The president or Chair of each registered student organization is responsible for informing the members (pledges, associate members, initiated members, affiliates, etc.) of the organization of the UH policy regarding hazing. It is suggested that the president or Chair read and distribute a copy of this policy to each member of the organization during the first meeting of each semester.

b. The president or Chair of each registered student organization is responsible for informing guests and alumni members of this policy and is additionally responsible for controlling the actions of guests and alumni members relative to this policy.

c. It is the responsibility of any and all individuals who have firsthand knowledge of the planning or actual occurrence of a hazing activity to promptly report said knowledge to the Dean of Students Office.

Summary of the Texas Education Code Regarding Hazing

I. Definition of Hazing
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 any organization whose members are or included students at an educational institution.

The term includes but is not limited to: any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body or similar activity; 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 or harm or that adversely affects the mental or physical health or safety of the student; any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug or other substance which subjects the student to an unreasonable risk or harm or
which adversely affects the mental or physical health or safety of the student; any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame or humiliation, or 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 subsection; any activity that induces, causes or requires the student to perform a duty or task which involves a violation of the Penal Code.

II. Personal Hazing Offense
A person commits an offense if he or she engages in hazing; solicits, encourages, directs, aids or attempts to aid another in engaging in hazing; recklessly permits hazing to occur; or has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report said knowledge in writing to the Dean of Students Office or other appropriate official/office of the institution.

Penalties
1. Failure to report hazing - fine up to $2,000; jail up to 180 days; or both.
2. Hazing without serious bodily injury - fine up to $2,000; jail up to 180 days; or both.
3. Hazing with serious bodily injury - fine up to $4,000; jail up to one year; or both.
4. Hazing resulting in death—fine up to $10,000; jail not less than 180 days nor more than two years; or both.

* In cases which do not result in death, community service may be imposed in lieu of a jail sentence.

III. Organization Hazing Offense
An organization commits a hazing 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.

Penalties
1. Hazing that does not result in personal injury, property damage or loss: fine of not less than $5,000 nor more than $10,000.
2. Hazing that results in personal injury, property damage or loss: fine of not less than $5,000 nor more than double the amount lost or expenses incurred because of such injury, damage or loss.
IV. Consent Not A Defense
It is not a defense to prosecution of an offense that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

V. Immunity From Prosecution
The court may grant immunity from prosecution to each person who is subpoenaed and does testify for the prosecution. Any person reporting a specific hazing incident to the Dean of Students Office or other appropriate official/office and/or participates in any judicial proceeding as a result of the report is immune from liability, civil or criminal. Medical practitioners reporting treatment of students who have been subjected to hazing activities shall be immune from civil or other liability. Persons reporting in bad faith or with malice are not protected.

VI. Offenses In Addition To Other Penal Provisions
The educational institution may enforce its own penalties against hazing.
INTERIM SEXUAL ASSAULT POLICY

Interim Sexual Assault Complaint Procedure

Sexual assault is a non-consensual sexual act involving force, manipulation, or coercion; it is an act of aggression, violence and power. The perpetrator can be a stranger, relative, acquaintance, or date. The University of Houston is committed to providing a working and learning environment free from sexual assault. A sexual assault is an illegal criminal act which can devastate victims physically, violate their sense of safety and trust, and interfere with personal and educational goals; as such, it can damage the educational atmosphere for the entire university community. Sexual assault is a serious and flagrant violation of the university rules of conduct for faculty, staff and students and will not be tolerated. The University will vigorously investigate all allegations of sexual assault; it will treat victims with respect, make their legal rights and options clear, and fully cooperate with them in their exercising of those rights. The University will continue to sponsor programs to educate faculty, staff, and students about sexual assault: myths, prevention, treatment services, legal remedies, date rape, and other forms of sexual misconduct. Procedures protecting the rights of sexual assault victims and those accused of sexual assault have been established, are readily available, and will be enforced rigorously.

Definition

A stranger or acquaintance commits sexual assault through forcible sodomy, forcible sexual penetration, however slight, of another person's mouth, anal or genital opening with any object. These acts must be committed without the victim's consent either by force, threat of force or violence, intimidation or through the use of the victim's mental or physical helplessness of which the accused was aware or should have been aware. Sexual assault also includes the touching of an unwilling person's intimate parts (defined as genitalia, groin, breast or breasts, or buttocks or clothing covering them) or forcing an unwilling person to touch another's intimate parts. These acts must be committed either by force, threat, intimidation or through the use of the victim's mental or physical helplessness of which the accused was aware or should have been aware.

Rape is a form of sexual assault involving sexual intercourse without the victim's consent. It includes being coerced through force or threats of force, or having sexual intercourse with someone who is unconscious or incapable of giving consent.

Comments and Statutory References

Sexual assault is non-consensual acts involving psychological manipulation, physical force, or coercion. It is an act of aggression and violence, and a crime punishable under the laws of the State of Texas by fines and incarceration up to 20 years of
confinement. The UH definition of sexual assault captures the essence of the Texas criminal definition, found in Section 22.011 of the Texas Penal Code. The perpetrator can be a stranger, relative, acquaintance, or a date. Sexual assault is not limited to non-consensual sexual intercourse, but involves touching of various body parts without consent. Under the definition sexual assault has occurred if there is not consent. Accompanying another to a dorm or bedroom is not affirmative consent, nor is voluntary hugging or kissing affirmative consent to sexual intercourse. Voluntary undressing could indicate consent, but even such consent does not deprive the person of the right to change his or her mind and halt the activity; failure to acquiesce to the expressed desire to stop would constitute a sexual assault. Sexual misconduct without physical contacts as defined above is not deemed sexual assault but may violate university regulations and state criminal laws. Similarly, sexual misconduct which is lewd, exhibitionistic, voyeuristic, or similar such conduct which does not involve physical contact may violate university student life policies or state and university prohibitions against sexual harassment.

If you are Sexually Assaulted

- GET TO A SAFE PLACE AS SOON AS POSSIBLE.
- TRY TO PRESERVE ALL PHYSICAL EVIDENCE.
- SEEK MEDICAL ATTENTION as soon as possible through the Student Health Center 713.743.5151. It is important to seek immediate and follow-up medical attention for several reasons:
  a. to assess and treat any physical injuries you may have sustained;
  b. to determine the risk of sexually transmitted diseases, HIV, Hepatitis B or pregnancy and to take appropriate medical measures; and
  c. to gather evidence which would aid criminal prosecution. Physical evidence should be collected immediately, ideally within the first 24 hours. It may be collected later than this, but the quality and quantity of evidence may be diminished.
- SEEK COUNSELING by calling Counseling and Psychological Services (CAPS) at 713.743.5454, the Women’s Resource Center at 832.842.6191, the Rape Crisis Center at 713-528-RAPE, 528-7373 or the Houston Area Women’s Center at 713.528.6798. Whenever Counseling and Psychological Services is closed, an on-call clinician can be reached through the university police dispatcher at 713.743.3333. The clinician will help explain your options, give information, and provide emotional support.
- CONTACT THE OFFICE OF AFFIRMATIVE ACTION/EEO at 713.743.8835. This office has staff specially trained in how to advise victims of sexual misconduct.
- CONTACT SOMEONE YOU TRUST to be with you for support.
Counseling and Emotional Support

Counseling and Psychological Services (CAPS) has clinicians available during working hours. Call 713.743.5454. Whenever CAPS is closed, an on-call clinician can be reached through the university police dispatcher at 713.743.3333. Sexual assault can have a significant psychological and emotional impact on a survivor. (note: last sentence deleted; redundant)

Campus Academic and Residential Accommodations

Due to the trauma associated with sexual assault the student victims may need to cease or alter campus employment, withdraw from courses, change their on-campus living arrangements, and/or leave college altogether. Such changes may require exceptions to university academic and financial policies. Staff and faculty who are victims may have the same need for a leave of absence or changes in their work environment. To enhance the feeling of safety for victims, the University will try to accommodate all reasonable requests. Requests of this nature should be directed to the Office of Affirmative Action/EEO at 713.743.8835 which will assist the victims ensuring approval from the appropriate university official. Student victims may also contact the Dean of Students Office at 713.743.5470.

If you are Accused of Sexual Assault Consider the Following Options

- CONTACT AN ATTORNEY. Accusations of sexual assault can invoke criminal and administrative processes which can lead to criminal confinement, fine and administrative sanctions including expulsion from college. Thus, a person accused of sexual assault should contact his or her attorney. If the accused has no attorney, referrals can be received from the UH Law Center clinic at 713.743.2094 or the Houston Bar Association Lawyer Referral Service at 713.237.9429.
- DO NOT TALK TO UNIVERSITY STAFF ABOUT THE FACTS SURROUNDING THE ALLEGATIONS until you have fully considered the fact that those staff persons can all be forced to testify as to what you said should there be a criminal prosecution.
- DO LEARN ABOUT THE UNIVERSITY PROCEDURES for handling allegations of sexual assault on campus through campus disciplinary procedures. This information can be acquired from several offices, in particular, the Office of Affirmative Action/EEO at 713.743.8835.

Sexual Assault Complaint Procedures

The University of Houston provides procedures by which victims may file a complaint and seek administrative sanctions against an accused perpetrator. These procedures apply where the accused is a UH student, faculty or staff member. Sexual assault complaints directed to the Office of Affirmative Action/EEO (OAA/EEO) will be addressed utilizing the sexual harassment procedures. The sexual
harassment procedures are outlined below. Allegations of student-to-student sexual assault should be directed to the Dean of Students Office. Student-to-student sexual assault complaints will be adjudicated via the Student Disciplinary Policies and Procedures outlined on page 65. The Dean of Students Office will inform and consult with the OAA/EEO regarding student-to-student sexual assault complaints. Sexual assault complaints may defer, if necessary, to any criminal investigations.

**Interim Sexual Harassment Policy**

The President of the University of Houston has authorized an interim sexual harassment policy and procedures subject to change based on review by the Faculty Senate, Staff Council, the Student Government Association and other appropriate officials. The policy is summarized as follows:

**Policy**

The University of Houston is committed to providing a professional working and learning environment free from sexual harassment. Sexual harassment is a form of sex discrimination and is illegal. Sexual harassment on a university campus most often exploits a relationship between individuals of unequal power and authority (as, for example, between an employee and supervisor or between a student and teacher), but may also occur between student peers or employees of equal rank. At a university, sexual harassment also constitutes unprofessional conduct which compromises the University’s commitment to the integrity of the learning process.

As such, the University of Houston will not tolerate any form of sexual harassment. Failure to investigate allegations of sexual harassment or failure to take timely corrective action is considered a violation of the University’s sexual harassment policy and may also violate federal and state laws.

**Definition**

Sexual harassment consists of the following:

1. unwelcome sexual advances,
2. requests for sexual favors,
3. verbal and written comments of a sexual nature, and/or
4. physical conduct of a sexual nature; when such conduct:
   a. Is made, either explicitly or implicitly, a term or condition of instruction, employment, or participation in a university activity;
   b. Is used to be a basis for evaluation in making academic or personnel decisions affecting an individual; or
   c. Has the effect of creating an intimidating, hostile, or offensive university environment; or has the purpose or effect of substantially interfering with an individual’s employment or learning.
In relation to the foregoing statements, sexually harassing behavior may include, but is not limited to, the following:

1. unwelcome sexual flirtations, advances, propositions, or leering; favoritism based on a sexual relationship (or adverse impact on other members of a group);
2. verbal remarks of a sexual nature whether directed to an individual or a group, or in the guise of humor, including sexually explicit derogatory remarks, suggestive comments, demands, or jokes found to be offensive or objectionable to the recipient;
3. use of sexually oriented photos, posters, cartoons, materials, or themes unrelated to instruction and/or the pursuit of knowledge;
4. graphic or degrading verbal, written, or electronic comments of a sexual nature about an individual or the individual’s appearance;
5. any suggestive or unwelcome physical contact; any aggressiveness such as touching, pinching, or patting; or
6. actual or threatened physical assault.

Sexual harassment, it must be understood, is not limited by gender of either party, nor by superior-subordinate relationships. The fact that the parties may have had a previous consensual sexual relationship is not a defense against a complaint based on subsequent unwelcome sexually harassing behavior.

The University of Houston’s Sexual Harassment Policy does not proscribe all conduct of a sexual nature on the campus; thus, it is important to clearly define sexual harassment: only unwelcome sexual conduct constitutes a violation. Conduct is unwelcome if the recipient did not solicit or incite it and regarded the conduct as undesirable or offensive. In other words, it is not the intent behind the sexual behavior that controls rather, it is the impact on the recipient, i.e., the unwelcomeness of the behavior that matters.

**Reporting Sexual Harassment**

If a student believes that he/she or someone else is a victim of sexual harassment, that student should inform an academic office and/or the Office of Affirmative Action/EEO immediately. The Office of Affirmative Action/EEO is located in Student Service Building II, Suite 154, 713.743.8835.

**University Action**

The University is prepared to take preventive and corrective action in cases of sexual harassment; individuals who engage in such misconduct and/or retaliation are subject to appropriate disciplinary action, up to and including termination of employment, removal of tenure and/or expulsion from the University.
Responsibility of University Employees

University policy commits the institution to preventing and eliminating sexual harassment in the university community. University supervisors, administrators, and faculty have the responsibility of preventing and eliminating sexual harassment within the areas they oversee. In addition, the University may be legally liable if a person with supervisory responsibility knows or should have known about the alleged sexual harassment and fails to take any action to stop it. University procedures do not require a grievant to file a formal complaint in order to trigger the University’s responsibility to take some kind of action.

University supervisors, administrators, and faculty must report immediately any and all incidents or complaints of sexual harassment to an administrative officer or to the Office of Affirmative Action/EEO, even if such complaints or incidents have been resolved within the department.

University employees are encouraged to report immediately any and all incidents of sexual harassment to an administrative officer or to the Office of Affirmative Action/EEO.

References

Harassment on the basis of sex may be discrimination in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000e, and Title IX of the Educational Amendments of 1972, 20 U.S.C. Sec. 1681. In addition, sexual harassment by a public servant may be a criminal offense under Texas Penal Code Sec. 39.02, and sexual harassment by any individual may constitute assault, sexual assault, public lewdness, or indecent exposure under Chapters 21 and 22 of the Texas Penal Code or sexual assault under the University of Houston’s Interim Sexual Assault Policy. For the complete Sexual Harassment Policy, please visit the Office of Affirmative Action/EEO’s website at www.uh.edu/ogc/oa/aaeoo-policies.html or call 713.743.8835.

Additional avenues for filing a complaint at any time before, during, or after use of the University Sexual Harassment Procedures, but within time limits required by law, include but are not limited to, the Equal Employment Opportunity Commission; the Texas Workforce Commission Civil Rights Division, the Office of Federal Contract Compliance Programs and, for students, the Office of Civil Rights, and the U.S. Department of Education.

Enforcement

Students who violate this policy shall be subject to discipline under the university’s student life or residential life disciplinary procedures as set forth in the Student Handbook. Persons who smoke in areas where smoking is prohibited by state law (i.e., an elevator, enclosed theater or movie house, library, hospital or transit system bus) are subject to fines not to exceed $500 (Texas Penal Code, Section 48.01).
Title IX Grievances and Other Discrimination Complaints

The University of Houston prohibits discrimination on the basis of race, color, religion, national origin, sex, age, disability, veteran status, or sexual orientation except where such distinction is allowed by law. The University of Houston’s Title IX Grievances and Other Discrimination Complaints is the process by which students may file discrimination grievances on the basis mentioned above. The procedure does not replace the Interim Sexual Harassment Policy, which shall be utilized for all sexual harassment complaints.

For the complete Title IX Grievances and Other Discrimination Complaints Policy, please visit the Office of Affirmative Action/EEO’s website at www.uh.edu/ogc/oaa/aaeeo-policies.html or call 713.743.8835.
The University of Houston is the largest and most comprehensive university in the University of Houston System, a public system of higher education that also includes: UH–Clear Lake, UH–Down-town, and UH–Victoria.

The University of Houston is an Affirmative Action/Equal Opportunity institution. The university provides equal treatment and opportunity to all persons without regard to race, color, religion, national origin, sex, age, disability, or veteran status or sexual except where such distinction is required by law. Additionally, the System prohibits discrimination on the basis of sexual orientation, gender identity or gender expression.

This University of Houston Student Conduct Policies and related policies do not constitute a contract of any kind. The University of Houston reserves the right to change, amend, or abandon any of the policies or statements contained in this Manual at any time without notice.