

2022

Annual Security and Fire Safety Report

University of Houston

University of Houston at Sugar Land

University of Houston at Katy

University of Houston–San Antonio

University of Houston–

College of Pharmacy Rio Grande Valley Satellite Program



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Message from the President

Dear Cougar Community,

At the University of Houston, our top priority is our students' success, so maintaining a safe environment that is conducive to learning is of the utmost importance. While no college campus is free of conflict, accidents and crime, UH makes every effort to effectively respond to such issues when they do occur. This year's Annual Security and Fire Safety Report indicates that UH is taking this responsibility seriously, but I also wish to emphasize that we are always striving to do better. We remain firmly committed to working with our faculty, staff, students and the community to improve the safety and security of our campus. I am proud of the dedicated individuals in law enforcement, fire safety, emergency managements and all of our first responders who are on the forefront of each incident to ensure our safety and well-being. Together, we are doing our best and planning to do even better.

Renu Khator

Renu Khator
President



Message from the Chief of Police

Dear UH Community,

The University of Houston Police Department (UHPD) proudly serves the University of Houston community in our mission to offer nationally competitive and internationally recognized opportunities for learning, discovery and engagement. To this end, UHPD focuses on making our campus a safe environment to learn, work or live for all students, faculty, staff and visitors.

UHPD is comprised of well-trained, dedicated professionals who work hard to proactively build and strengthen community partnerships to improve the sense of safety experienced by our community, and reduce the opportunity to commit crime on campus. Our ultimate goal is to provide high-quality, efficient and consistent law enforcement and to do so in a professional manner.

As we welcome students and other UH community members back to campus, it would be inconceivable to ignore the rise in mass shootings on campuses across the country. As the nation continues to grapple with this tragic reality, our highest priority is to foster a safe campus environment. The UHPD Crime Prevention Unit maintains a catalog of active shooter trainings and prevention resources (<https://www.uh.edu/police/safety-security/active-shooter/>). By utilizing these resources, community members can feel prepared and empowered to take proactive measures to reduce the risk of harm to themselves or others.

It is in this same spirit that Congress enacted The Crime Awareness and Campus Security Act, later renamed the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act" or Clery Act. The Clery Act is designed to assist the campus community in making decisions which affect their personal safety by requiring institutions of higher education to provide certain campus security information to current and prospective students and employees annually.

With this in mind, I would like to personally say thank you for taking the time to review our 2022 Annual Security and Fire Safety Report. This year's report may be downloaded as a PDF at <https://www.uh.edu/police/records-reports/annualreport/>. Printed Copies are available at our Police Department building located at 4051 Wheeler Street, Houston, TX 77204.

In addition to this report, UHPD maintains a daily log of crimes reported on campus, which is available for review on our website (<https://uh.edu/police/records-reports/dcl/>) or in the lobby of the Police Department building.

Sincerely,

A handwritten signature in black ink that reads "C. Moore". The signature is fluid and cursive, with a long horizontal line extending from the end.

Ceaser Moore, Jr.
Chief, University of Houston Police Department
police@uh.edu • 713.743.3333



Message from the UH System Clery Act Compliance Coordinator

On behalf of the University of Houston System Police Operations, Clery Act Compliance team, I would like to sincerely thank you for taking the time to review the 2022 UHS Annual Security and Fire Safety Report. This report is prepared by the University of Houston Police Department (UHPD) in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act and is intended to disseminate important information to the University System communities, including specific Clery Act crime data. The crime statistics contained in this report include those crimes reported to campuses within the UH System, law enforcement agencies located within Clery geography, and designated campus security authorities or (CSAs).

The University of Houston is committed to providing a safe campus/learning environment and a key component in this endeavor is maintaining transparency with the UHS community and potential future Coogs as well. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or “Clery Act” was named after Jeanne Clery, who was raped and murdered in her dorm room by a fellow student on April 5, 1986. Jeanne’s parents Connie and Howard Clery went on to champion the Clery Act legislation. Connie and Howard once said that “The best education in the world is useless if a student doesn’t survive with a healthy mind and body” and while UHPD does everything we can do to ensure that the campus is safe and secure, it is a shared responsibility which is why UHPD has implemented a number of services available to the UH community from security escorts and blue light emergency phones, to widespread security alerts just to name a few.

As we begin to turn the corner on the devastation left behind by the COVID-19 pandemic, we face the reality that its impact is having a residual effect on students, family members, and the community. Although we have faced several challenges and will undoubtedly continue to face challenges in the future, UH is resilient; “We change and adapt, transform and are creative to meet the ever-changing needs for the University and society.” As an institution of higher education, we are beholden to the preservation of Jeanne’s legacy and all of those who have suffered a similar fate.



Wiley A. Graham, J.D.
System Clery Act Compliance Coordinator
University of Houston System

UNIVERSITY OF HOUSTON CENTRAL
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Clery Act Compliance Coordinator
UH Police Department • Police Operations
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**UNIVERSITY OF HOUSTON
SUGAR LAND/KATY CAMPUSES**
Senior Police Officer Lessie D. Wilkins,
Clery Compliance Officer
14000 University Boulevard, Sugar Land, TX 77479
22400 Grand Circle Boulevard, Katy, TX 77449
713.743.0715 • lbroussa@central.uh.edu



Annual Security Report and Disclosure of Crime Statistics

In 1990, George H.W. Bush, the 41st President of the United States, signed into law The Crime Awareness and Campus Security Act. The Act was designed to assist a campus community in making decisions which affect their personal safety by requiring institutions of higher education to provide certain campus security information to current and prospective students and employees annually on October 1st.

The Higher Education Act of 1998 and the subsequent amendments of the implementing regulation (34 C.F.R. 668.46) significantly expanded institutions' obligations under the Act. The Act was also renamed the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act," in honor of a student slain in her dorm room in 1986. The Act is now generally referred to as the Clery Act.

In 2008, the Higher Education Opportunity Act (HEOA) reauthorized and expanded the Higher

Education Act of 1965. The HEOA amended the Clery Act and created additional safety and security related requirements for institutions.

In 2013, Barack H. Obama, the 44th President of the United States, signed into law a reauthorization of the Violence Against Women Act (VAWA), and included in the reauthorization the Campus Sexual Violence Elimination Act (Campus SaVE Act). These additional measures amended and strengthened the Clery Act and provided additional rights to victims of sexual assault, dating violence, domestic violence, and stalking.

The decades long continued refinement and strengthening of policies meant to protect a university's community, and to ensure transparency in all matters that effect the safety and security of students, employees, and visitors is the aim of the Clery Act.

Creation of The Annual Security Report

Each year, the University of Houston Police Department, under the supervision of the University of Houston System Clery Act Coordinator, collects, classifies, and counts crime reports, crime statistics, and disciplinary referrals for crimes as specified in the Clery Act, that occur (1) on campus; (2) in campus residential housing facilities; (3) within public property, including thoroughfares, streets, sidewalks, and

parking facilities, that is within the campus or immediately adjacent to and accessible from the campus; and/or (4) on certain non-campus property.

Once the crime statistics have been gathered from internal university sources, and external law enforcement agencies, the crime statistics for the last three calendar years are included in the annual security report containing safety and security policy statements.

Notice of Availability

Annual Campus Security and Fire Safety Report

On October 1st of each year, email notification will be sent to all enrolled university students, faculty, staff, and guests with a university email address. The email will include a single-click link to the most recent Annual Campus Security and Fire Safety Report titled for the year of its publishing. The report will include

certain crime statistics for the three previous calendar years for crimes reported to have occurred on-campus property, on-campus residential housing, certain public property, and at certain non-campus property and buildings owned or controlled by the university.

The report also includes information regarding pertinent university policies regarding campus safety and security. Further, the report includes information regarding fire protection systems, fire prevention

policies, and reported fire statistics in all university residential housing for the three previous calendar years.

A copy of the annual report may also be obtained by contacting the University of Houston Police Department at 4051 Wheeler Avenue, Houston, TX 77204, calling 713.743.3333, or by emailing the UHPD non-emergency email address police@uh.edu.

In addition to publishing the October 1 annual report, the University of Houston reports annual crime and fire statistics to the Department of Education. The statistical information reported is available to the public through the Department's website: <https://ohe.ed.gov/campusafety/>.

About the University of Houston Police Department

The University of Houston Police Department (UHPD) is composed of commissioned police officers who are granted the authority and responsibility to investigate all crimes occurring on the property owned or controlled by the University. As with any University police agency in the State of Texas, our police officers have jurisdiction in any county within the State in which the University has property that is owned, leased, rented, or otherwise under the control of the institution. UHPD officers are fully empowered by the state to stop vehicles, make arrests and enforce all state laws. UHPD officers provide the same level of service offered by a municipal police department, as well as other services unique to an academic institution. The department operates 24 hours a day, 365 days a year. The department works closely with administrators, students, faculty and staff to create and maintain a safe environment.

The University of Houston Police Department has earned accreditation through the prestigious International Association of Campus Law Enforcement Administrators (IACLEA) since 2014. IACLEA is an association that represents campus public safety leaders at more than 1,000 higher education institutions in 14 countries and offers accreditation to colleges and university law enforcement, security, and public safety departments. IACLEA accreditation signifies an agency's ongoing commitment to excellent, state-of-the-art performance in every aspect of its operations. As an accredited agency, UHPD demonstrates to personnel, the UH campus community, and outside experts our professionalism and mission focus.

Crime Prevention Programs

The University of Houston offers multiple programs to help inform and assist students and employees about security and safety both on and off campus. Crime prevention and awareness programs are sponsored by

various university departments throughout the year. These programs include general crime prevention and awareness programs and programs specifically aimed at the prevention of sexual offenses, dating violence, domestic violence, and stalking.

In 2021, the UHPD offered several programs to students, faculty, and staff to meet the goal of community awareness and crime prevention:

- **Coffee With A Cop** – a monthly, open agenda meeting on campus in an informal setting, to allow student-law enforcement interaction and facilitate crime prevention discussions
- **CRASE** – course teaching Civilian Response to Active Shooter Events (on-demand course)
- **Bike Registration** – online and in-person bicycle registration for community members that aids in the recovery of stolen property
- **Rape Aggression Defense (RAD)** – teaches self-defense tactics to minimize victimizations (on-demand course)
- **Cougar Ride** – The Cougar Ride (<https://www.uh.edu/af-university-services/parking/cougar-ride/After-Hours>) Shuttle Service is a new program from Parking and Transportation Services that provides rides to and from all on-campus shuttle stops, as well as MD Anderson Library and Cougar Village/Moody Towers. The service is part of the multi-faceted approach of the Transportation & Security Work Group. See “**Stay Cougar S.A.F.E.!**” <https://uh.edu/cougarsafe/>

Other departments that provided programming to the university community include:

Equal Opportunity Services:

EOS stands behind the motto “We are a community that cares.” All Coogs play an integral role in shaping UH's campus community and creating an environment

free of discrimination, harassment, and sexual misconduct. EOS works with departments, student groups, and other on- and off-campus partners to sponsor a variety of events throughout the year. EOS offers trainings in diversity & inclusion, workplace civility, and the Americans with Disabilities Act (ADA) as well.

- **“Coogs Get Consent”** – New student orientation program which addresses issues of affirmative consent and provides information about the UHS Sexual Misconduct Policy, the type of behavior covered, bystander intervention, how to report incidents, evidence preservation, and where to get help
- **Crossroads** – An online sexual misconduct prevention and awareness training program for students. The goal of Crossroads is to make students aware of concepts commonly associated with sexual misconduct. All new students are required to complete the training. More information is available at <https://uhssystem.edu/crossroads/>
- **New Hire Orientation** – New employee orientation training which provides information about the UHS Sexual Misconduct Policy, the type of behavior covered, bystander intervention, how to report incidents and appropriately respond to disclosures, and where to get help
- **Annual Online Sexual Misconduct Training** – All UH System employees take annual online training which includes information about the UHS Sexual Misconduct Policy, the type of behavior covered, how to report incidents, and where to get help
- **UH Registered Student Organization Sexual Misconduct Awareness Training** – Presented in collaboration with the Sexual Misconduct Support Services (SMSS) and Sexual Violence Prevention and Education (SVPE) departments, this training addresses incapacitation, Title IX, and the UHS Sexual Misconduct Policy and the type of behavior prohibited
- **Custom Training** – Any department or student group on campus may request custom sexual misconduct training by utilizing the training request form available at: <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/>
- **Title IX and Equal Opportunity Services** in the Workplace for New Employee Orientation, <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/>, eos@uh.edu, and 713.743.8835.

Women and Gender Resource Center:

<https://www.uh.edu/wgrc/> and 832.842.6191

- **Bystander Intervention Workshop** – A video-based training which discusses safe and positive options for intervening in a sexual assault. This training also discusses intervention when alcohol is involved. The training discusses how to choose the safest way to intervene, directing intervention at perpetrators or victims, barriers to intervention including cultural and social norms, recognizing when there is an issue, and how to apply these techniques and take action in a variety of situations
- **Reporting 101 and Compassionate Response 101** – An annual training for Housing Resident Advisors and Staff on making reports of sexual misconduct and compassionately supporting survivors through the reporting process. (conducted in conjunction with Equal Opportunity Services)
- **Sexual Assault Awareness Month Resource Fair** – A resource fair highlighting campus and community partners who address sexual misconduct
- **Take Back the Night** – A sexual assault and domestic violence awareness event, including survivor speakers, candlelight vigil, campus march, and a resource fair
- **COMPASS Training** – The University of Houston is dedicated to creating a culture of support in which all members of the community receive the resources they need. To ensure equitable access to resources and to keep our community safe, the University and state law require Responsible Employees to report sexual misconduct. COMPASS training is designed to equip staff and faculty with skills and knowledge to respond to disclosures of sexual misconduct in a compassionate and compliant way. At the end of training, attendees will be certified COMPASS Navigators.

UH Wellness:

<https://uh.edu/wellness/>

- **Bystander Intervention Coffee Hours** – Casual, student-led discussions in residence halls about bystander intervention and sexual violence prevention and education resources
- **Let’s Talk About Sex** – An annual training for Housing Resident Advisors and Staff on consent, relationships, and communication.

Counseling and Psychological Services:

- **Crisis Intervention** – Crisis counseling available 24/7 by calling 713.743.5454
- **Individual Psychological Counseling** – Short-term, trauma-informed confidential counseling for students
- **“Let’s Talk”** – Informal mental health consultation services for students, faculty, and staff.

Daily Crime Log

The UHPD maintains a daily log of all alleged crimes and criminal incidents reported to the university police department. This daily logs are maintained at all on-campus police department reception areas, and are available for review 24 hours a day on the following websites:

- **UH Central:**
<https://uh.edu/police/records-reports/dcl/>
- **UH at Sugar Land:**
<https://uh.edu/sugarland/campus-services/campus-security/daily-crime-log/>
- **UH at Katy:**
<https://uh.edu/katy/campus-and-academic-services/campus-security/daily-crime-log/>

Local Non-University Law Enforcement Agencies

The UHPD maintains a close working relationship with multiple police agencies throughout the greater Houston area. These agencies include, but are not limited to, Houston Police Department (HPD), Harris County Sheriff’s Office, Texas Southern University Police Department, Houston Metro Police Department, Houston Community College Police Department, Houston Independent School District Police Department, Harris County Constable Offices, Fort Bend County Sheriff’s Office, Sugar Land Police Department, the University of Texas Police Department, and the University of Houston Downtown Police Department. UHPD officers and personnel communicate regularly with these and other police departments in the greater Houston area regarding incidents that occur in and around the University of Houston campuses, and coordinate investigative support and resources as needed. Written memoranda of understanding between UHPD and multiple outside law enforcement agencies are in place to outline the relationship between agencies for the investigation of alleged criminal offenses. If investigating alleged criminal activities at non-campus locations of student organizations, local non-university law enforcement agencies will coordinate responses with university police.

Reporting Crimes and Other Emergencies

Reporting Suspected Crimes to Campus Law Enforcement

All community members, students, faculty, staff, and guests are encouraged to accurately and promptly report all crimes and public safety-related incidents to the UHPD, particularly when the victim of a crime elects to, or is unable to, make such a report. Reports can be made to UHPD personnel at each campus location. All reports will be fully investigated to ascertain whether a crime occurred and if there remains a serious or continuing threat to the university community. If such a determination is made, the UH Alert System will be activated to notify all impacted portions of the university community.

- **Equal Opportunity Services/Title IX**, 4367 Cougar Village Drive, Bldg 526, Houston, TX 77204,

-eos@uh.edu, 713.743.8835, <https://www.uh.edu/equal-opportunity/title-ix-sexual-misconduct/>

- **University of Houston Central Campus**
4051 Wheeler Street, Houston, TX 77204
713.743.3333 or 911 from a campus phone
police@uh.edu.
- **University of Houston at Katy**
22400 Grand Circle Boulevard, 110, Katy, TX 77449
Security – Front Desk
713.743.3333 or 911 in an emergency
- **University of Houston at Sugar Land**
14000 University Boulevard,
Sugar Land, TX 77479
Security – Brazos Hall Room 174
713.743.3333 or 911 in an emergency

- **University of Houston – College of Pharmacy
Rio Grande Valley Satellite Program**

Located within Doctor's Hospital at Renaissance
5501 S. McColl Road, Edinburg, TX 78539
956.739.0717 for Hospital Security or 911 in
an emergency.

Voluntary, Confidential Reporting for Inclusion in Annual Security Report

- Any individual, university student, employee, or guest may file a confidential report of a suspected Clery Act crime at any time through the University of Houston Police Department's Clery Officer. Voluntary, confidential reports received will be included in the annual security report
- Reporters can submit a Clery Incident Report Form. See Enclosure 1.

Reporting Discrimination and Sexual Discrimination (Title IX)

Consistent with its commitment to addressing Sexual Misconduct, the University complies with Title IX of the Education Amendments of 1972 ("Title IX"), which prohibits discrimination on the basis of sex in Education Programs or Activities, as defined in this Policy, Title VII of the Civil Rights Act of 1964 ("Title VII"), which prohibits sex discrimination in employment, Section 304 of the Violence Against Women Reauthorization Act of 2013 (also known as the Campus Sexual Violence Elimination Act (SaVE Act) and applicable state law, including Texas Education Code §51.259 and §51.295 and Texas Labor Code §21.142. The University also prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking as defined by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act."

[https://www.uh.edu/equal-opportunity/
make-a-report/](https://www.uh.edu/equal-opportunity/make-a-report/)

- The Office of Equal Opportunities Services (EOS) supports the University of Houston's values by enforcing Anti-Discrimination and Sexual Misconduct/Title IX Policies, in addition to facilitating reasonable workplace accommodations, assisting campus partners in recruiting a diverse workforce, and providing tools and resources to

ensure all University of Houston information and services are accessible to our community members.

Please see Enclosure 3 for contact information.

Reporting Non-Criminal Emergency Matters

Report to:

- **University of Houston Central Campus**
4051 Wheeler Street, Houston, TX 77204
713.743.3333 or 911 from a campus phone
police@uh.edu
- **University of Houston at Katy**
22400 Grand Circle Boulevard, 110, Katy, TX 77449
Security – Front Desk
713.743.3333 or 911 in an emergency
- **University of Houston at Sugar Land**
14000 University Boulevard,
Sugar Land, TX 77479
Security – Brazos Hall Room 174
713.743.3333 or 911 in an emergency
- **University of Houston – College of Pharmacy
Rio Grande Valley Satellite Program**
Located within Doctor's Hospital at Renaissance
5501 S. McColl Road, Edinburg, TX 78539
956.739.0717 for Hospital Security or 911 in
an emergency.

Reporting to Campus Security Authorities

Campus Security Authority is a Clery Act-specific term that encompasses four groups of individuals and organizations associated with an institution:

- A campus police department or a campus security department of an institution
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property)
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses

- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

All Campus Security Authorities are required to promptly report all Clery Act crimes affecting the university community to UHPD using the Clery Incident Report Form. See Enclosure 1.

Confidential Reporting

There are two types of individuals who, although they may have significant responsibility for student and campus activities, are not campus security authorities under the Clery Act.

Campus Pastoral Counselors and Campus Professional Counselors, when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics. The rule-making committee defines counselors as:

Pastoral Counselors – A.D. Bruce Religion Center at the University of Houston. An employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor, 713.743.5050 or adbrc@uh.edu.

Professional Counselors – Counseling and Psychological Services (CAPS) at the University of Houston. An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her license or certification. CAPS can be reached by

phone 24/7 for services and assistance in all matters related to counseling and psychological services at 713.743.5454.

Additionally, university students, staff, and faculty impacted by sexual violence may also utilize confidential sexual misconduct support services through the Women and Gender Resource Center, located in room N201 of the Student Center North building. Services offered include crisis assessment and emotional support; understanding rights, responsibilities, and the conduct process under the Sexual Misconduct Policy; reporting options; referrals to campus and community-based resources; creating a safety plan; and assisting with interim accommodations (on-campus housing, academic classes, etc.). More information can be found by contacting the Woman and Gender Resource Center (WGRC) at 832.842.9472/wgrc@uh.edu, Sexual Misconduct Support Services (SMSS) at 832.842.6191/smss@uh.edu, or by visiting <https://www.uh.edu/wgrc/sexual-misconduct-support-services/>.

Anonymous Reporting

We encourage victims of sexual misconduct to report incidents to the University. For victims who do not wish to be identified, anonymous reports may be made by victims and individuals with information about incidents of sexual misconduct. Individuals may submit a report through the **Fraud & Non-Compliance Hotline**, which allows the option of anonymity. Reports received through this site will be reviewed and investigated if sufficient information is provided to conduct an investigation. The University will work with anyone who is identified via an anonymous report or subsequent investigation to provide confidentiality to the full extent possible under the **UHS Sexual Misconduct Policy**. Anonymous reports can be made at:

<https://uh.edu/compliance/compliance-hotline/>
Convercent, the anonymous reporting system can also be reached by telephone at 800.461.9330.

Sex Offender Registration

The Adam Walsh Child Protection and Safety Act of 2006 was named after Adam Walsh who was abducted from a shopping center in a Florida mall and later

found murdered. Section 121 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921) creates a national sex offender registry and

instructs each state and territory to apply identical criteria for posting offender data on the internet. The Texas Department of Public Safety Sex Offender Website may be accessed by any member of the community at <https://publicsite.dps.texas.gov/SexOffenderRegistry>.

Local sex offender information can also be found at: https://www.houstontx.gov/police/sex_offender_databases/index.htm

The University of Houston, as an institution of higher education is required to advise the university

community where information of registered sex offenders may be obtained.

In addition, sex offenders who are required by law to register in a state of residence, and are employed by the university, conduct contract work for the university, or are enrolled as a student, are required to provide notice to the UHPD. The Family Educational Rights and Privacy Act of 1974 (FERPA) clarifies that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.

Timely Warnings

UH ALERT Emergency Notification System is the official emergency notification system for the University of Houston. UH ALERT Emergency Notification System is used to provide prompt notification to students, faculty, and staff in the event that there is a condition which may threaten the health or safety of those on campus.

The University of Houston works diligently to keep members of our community safe. Students, faculty, staff, and visitors are encouraged to report all crimes and emergencies to the UHPD in a timely manner to aid in providing accurate and timely warning notices

to the university community when necessary. When a reported criminal act poses an ongoing threat to the safety of the university community, a UH ALERT may be issued to all members of the university community. UH Alert is the official emergency notification system of the University of Houston. UH Alert is used to provide prompt warnings and notifications to students, faculty, and staff if there is a condition which may threaten the health or safety of those on campus. UH Alerts will be distributed via text message, email, and on the UH Alert website at www.uh.edu/emergency.

Emergency Notifications

In the event of a significant emergency or dangerous situation occurring on campus that involves an immediate threat to the health or safety of the campus community, the university has various systems in place for issuing an Emergency Notification to communicate information quickly. The UH ALERT Emergency Notification System utilizes the following channels to send emergency messages:

- The UH ALERT website: www.uh.edu/emergency
- E-mail
- Text Message
- UH ALERT Facebook: <https://www.facebook.com/UHAlert/>
- UH ALERT Twitter: <https://twitter.com/UHAlert>
- UH homepage: <http://uh.edu>
- Digital Signage
- UHGo Mobile App (push notifications)

- Outdoor Warning Sirens (if shelter-in-place action is required)

Archived alerts: <https://alerts.uh.edu/alert-archive/>

Registering for Emergency Notifications

In order to receive text messages from UH ALERT, students, faculty and staff must provide their cell phone number in MyUH or PASS using the instructions found at <https://alerts.uh.edu/update-contact-information/>. UH ALERT will never send out unsolicited messages and all personal contact information provided for purposes of the emergency notification system is kept confidential and is not subject to disclosure under Section 552.021, Government Code.

Parents and members of the public are encouraged to download the UHGo Mobile App (<https://www.uh.edu/go/index>) to receive UH ALERTs. The UHGo App will push emergency

notifications directly to the user through UHGo. When utilizing UHGo for emergency notifications, the mobile device must enable "push notifications" for the app on the mobile device. For more information, please visit the General Public information page <http://alerts.uh.edu/update-contact-information/>

UH ALERT Responsibilities

UH Police Department: The UH Police Department has the primary responsibilities for the following functions assigned to UHPD dispatch as supervised by the Chief of UHPD or designee. These emergency functions and tasks include:

- Receive information on emergency situations
- Alert Key UH personnel of emergency situations
- Disseminate UH ALERT information and instructions to the University through available warning systems.

University Media Relations (UH PIOs): The following secondary communications functions are assigned to UH PIOs from University Media Relations. These emergency functions and tasks include:

- Identify the external communication systems needed within the local area
- Develop plans and procedures for coordination of the various communications systems available external and internal
- Respond to media inquiries

- Determine and implement means of augmenting communications during emergencies
- Provide updates to the campus community as directed
- Update the main UH webpage (uh.edu) by distributing updates through the UH ALERT System, when needed.

Office of Emergency Management: The following secondary communications functions are assigned to the UH Office of Emergency Management. These emergency functions and tasks include:

- Assist in coordinating communications between response agencies and UH PIOs for updates during emergencies
- Serve as a back-up to UHPD and UH PIOs in the event assistance is needed in sending a UH ALERT.

University Information Technology: The following secondary communications functions are assigned to the University Information Technology. These emergency functions and tasks include:

- Maintain the UH ALERT emergency notification system to ensure that alerts are distributed when the alert system is activated.

2021-2022 UH Emergency Management Plan link:

<https://www.uh.edu/emergency-management/planning-and-response/emergency-management-plan/>

Please see Enclosure 4–Rediness levels chart

Emergency Response And Evacuation Procedures

The Emergency Management Plan, also known as the EMP, is a campus-wide plan that provides the basic framework and outlines how any emergency would be managed on the University of Houston campus. It describes the roles, responsibilities, and procedures for departments, units, faculty, staff, and students during any incident.

<https://www.uh.edu/emergency-management/planning-and-response/emergency-management-plan/>

It is essential that the campus community be prepared to respond appropriately in the face of emergencies such as fires, explosions, and chemical releases. The following procedures are to be used by supervisors and managers to assist employees and students in thoroughly understanding the methods of an evacuation.

The key to a successful evacuation is planning. Each employee and student must familiarize themselves with the university's emergency procedures and evacuation plan. Employees and the student must also become familiar with the buildings in which they work, including the location of exits, fire alarms, and fire extinguishers. All employees and students must know their responsibilities. Practice drills should be conducted to maintain preparedness.

I. Pre-emergency responsibilities

- A. Knowing at least two exits other than the elevators.
- B. Knowing the location and operation of the fire alarm system.

- C. Keeping the University Police emergency phone numbers conspicuously posted.
- D. Participating in all fire drills and taking them seriously.
- E. Knowing how to use fire extinguishers. Become familiar with the locations and types of fire extinguishers.
- F. Knowing the location outside the building where members of your department must congregate upon exiting.
- G. Advising personnel that they are to begin evacuating at the first sign of smoke or fire alarm.
- H. Assigning one person and a backup to assist with evacuating each disabled individual.

II. Duties during an Emergency.

- A. Activate the fire alarms and dial 911.
- B. Confine the fire by closing all doors and windows.
- C. Alert people on the floor so they can begin evacuation.
- D. Take your personal belongings and exit the building.
- E. Remain outside the building until allowed back in by the University Police.
- F. Congregate at the pre-designated location outside the building so that a headcount of the department may be taken.

III. Emergency Procedures for Disabled Personnel

- A. If the fire is not on the same floor as the disabled person, close all doors and wait for assistance.

- B. One person should stay with the disabled individuals while another person reports to the University Police.
- C. Hearing-impaired and visually impaired persons need only one person assigned to assist them during an evacuation. They must be notified of fire alarms and guided to safe escapes routes.
- D. If needed, after the other employees and students have been evacuated, disabled employees and students may be assisted to the stairwell landings to wait for emergency personnel. All doors to the stairwell must be kept closed to reduce the buildup of smoke.

<https://www.uh.edu/emergency-management/planning-and-response/building-department-preparedness/>

UH Pandemic Influenza Plan

The purpose of the University of Houston Pandemic Influenza Plan is to provide guidance in preparing for, identifying, and responding to pandemic influenza. The objectives of this plan are to reduce the impacts caused by an outbreak of influenza on the students, staff, and faculty of the University of Houston community. This plan provides a framework for pandemic influenza preparedness and response activities and serves as a foundation for further planning, drills, and emergency preparedness activities.

2019-2020 UH Pandemic Influenza Plan link:
<https://www.uh.edu/emergency-management/planning-and-response/emergency-management-plan/uh-pandemic-influenza-plan-2019-final>

Security of and Access to Facilities

On-Campus Academic Buildings

Access – General hours of operation (opening/closing) of Campus Academic Buildings is determined by stakeholders from each college, the Registrar's Office, and Plant Operations based on the scheduling of classes and other considerations. When classes are not scheduled, each building is closed using access-control systems, and can be accessed by authorized persons by using a Cougar Card, or by lock and key for keyholders.

Security – Security is provided 24 hours a day by UHPD personnel on patrol throughout the campus, and by officers assigned to designated buildings. For authorized access, call Dispatch at 713.743.3333

On-Campus Non-Academic Buildings

Access – General hours of operation (opening/closing) of Campus Academic Buildings is determined by stakeholders from each department and Plant Operations based on the scheduling of classes/events, work within the building, and other considerations. Whenever

scheduled activities are completed for the day, each building is closed using access-control systems, and can be accessed by authorized persons by using a Cougar Card, or by lock and key for keyholders.

Security – Security is provided 24 hours a day by UHPD personnel on patrol throughout the campus, and by officers assigned to designated buildings. For authorized access, call Dispatch at 713.743.3333

On-Campus Residential Housing Facilities

Access – Resident students access their University of Houston housing building and room through their Cougar Card. Cougar Cards are used to identify the individual identified by name with a corresponding photo. Resident students are advised not to permit strangers or new acquaintances into their residence hall or room. Resident students should avoid using their Cougar Card to allow entrance to any individual waiting for access without their own Cougar Card.

If a student needs assistance in obtaining a new Cougar Card, please contact:

UH Main Cougar Card Office, Welcome Center
4434 University Drive, Suite 151
832.842.CARD (2273); cougarcard@uh.edu; or visit
<https://uh.edu/af-university-services/cougarcard/>

Security – The University of Houston Police Department provides 24 hour patrol services to all on-campus locations, including residence halls. In addition, University of Houston Police Department security personnel provide onsite 24 hour security service at each university residence hall location.

Security Considerations in Maintenance of Campus Facilities

Plant Operations maintains all buildings, grounds, and utility systems, including custodial and regular maintenance services throughout the University of Houston. Students, faculty, and staff are encouraged to report maintenance problems such as missing or

burnt out lights, doors and other accessways that do not secure properly, and out of service elevators.

Plant Operations can be reached during normal business hours at 713.743.4948. After normal business hours, please report any such safety issues or concerns to UHPD at 713.743.3333. Residence halls have maintenance personnel available 24 hours a day, 7 days a week.

Residence hall staff make regular rounds of their assigned residence hall to check for maintenance problems and other potential safety hazards.

Students can submit “**Fix It**” work orders, requests for technological support and laundry support. For service personnel to resolve a request accurately, it is important to include all five components - name, contact information, building/location room/area, and clear description. Once submitted, a staff member will visit the location. In most cases, requests are addressed and resolved within 2 business days. To ensure that those requests are resolved in this time frame, maintenance staff have permission to enter a student’s space between the hours of 9am-9pm each day and emergency access is expected 24 hours per day if an issue of life safety or further structural damage may occur.

Student Housing and Residential Life requires that all service personnel adhere to the following customer service standards: wear a university-issued uniform including a UH ID card, knock loudly at least three times, announce their presence before keying-in/entering any private spaces and be able to verify their presence if asked to do so. Once work is completed, service personnel are expected to leave the area clean and place a written leave behind notice in plain sight if the original requestor is not present.

<https://www.uh.edu/housing/current-and-returning-residents/maintenance-request-and-fixit/index> to the end of the last paragraph under Security Considerations in Maintenance of Campus Facilities

Missing Student Notification

The University of Houston is committed to creating and maintaining an institutional environment that promotes the safety and well-being of its students. To this end, the university has established a policy and procedure designed to identify and assist enrolled UH students who reside in on-campus housing and who

have been reported missing for more than 24 hours. This policy is enacted in compliance with the requirements outlined in the Higher Education Opportunity Act of 2008.

If a member of the university community has reason to believe that a student who resides in on-campus

residential housing has been missing, he or she should immediately notify UHPD at 713.743.3333 or 911 from a campus phone. Upon such a report, UHPD will investigate the claim. If the individual is unable to be located, UHPD personnel will coordinate to notify the student's emergency contact of record no later than 24 hours after a determination that the student is missing. In addition, UHPD will ensure local law enforcement agencies with jurisdiction are notified unless that agency originated the missing student report.

If the missing student is under the age of 18 and is not an emancipated minor, UHPD will also coordinate to notify the individual's parent or legal guardian no later than 24 hours after a determination that the student is missing.

In addition to registering an emergency contact, on-campus student residents have the option to identify, confidentially, a point of contact that can be contacted in the event the student is determined to have been missing for more than 24 hours. UHPD will coordinate contacting the confidential contact no later than 24 hours after a determination that the student is missing. Students interested in creating a confidential point of contact will coordinate registration with Student Housing and Residential Life. The confidential contact's information will only be accessible to authorized campus officials and law enforcement personnel.

<https://www.uh.edu/housing/current-and-returning-residents/housing-resource-guide/missing-student-notification.php>

Drug and Alcohol Policies

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. The University is committed to enforcing all federal, state, and local laws regarding purchases, consumption, or possession of alcohol, including enforcement of all underage drinking laws.

The University of Houston's complete alcohol policies and procedures can be accessed and reviewed at <https://uh.edu/dos/resources/alcohol-policy/index>.

Drug Policy

The unlawful use of drugs or alcohol is inconsistent with the behavior expected of members of the University community. The University is committed to the development and maintenance of a drug-free environment on the campus as well as an environment that prohibits the abuse of other drugs and alcohol and has a drug and alcohol abuse prevention system in operation, accessible to all members of the University community. The University is committed to the further expansion of that system and the dissemination of drug awareness information to the members of the

University community. In addition, the University is committed to enforcing the provisions of the Drug Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989, believes that these acts and their implementation regulations provide a proper framework for the drug and alcohol abuse policies of the University.

The University of Houston prohibits the unlawful possession, use, sale, manufacture, or distribution of illicit drugs and alcohol in the workplace, on the campus, or at any University activities off-campus. Penalties for violations of the University's policy may include disciplinary action, termination of employment and referral for criminal prosecution.

The University of Houston's complete drug policies and procedures can be accessed and reviewed at <https://uh.edu/human-resources/policies/Drug-and-Alcohol-Abuse-Prevention-Policy-2018.pdf>.

For more information on the range of penalties, refer to the Dean of Students website at https://uh.edu/dos/_files/drugpenalties2008.pdf

Substance Abuse Education Programs

In accordance with the Drug-Free Schools and Communities Act, The University of Houston reviews its programs, services, and policies to prevent unlawful possession, use, or distribution of alcohol and illicit drugs. The results of the biennial review are published at:

https://www.uh.edu/wellness/about_us/strategic_goals/biennial-review/

The University offers the following drug and alcohol abuse information, counseling, assistance, and services:

Information and Referral

All members of the University community are eligible to consult with professional staff of Counseling and Psychological Services (CAPS) regarding referrals for substance use treatment and recovery support groups. University faculty and staff are also encouraged to consult with their Employee Assistance Program for additional referrals or treatment options.

- **CAPS (Counseling and Psychological Services)** – provided Individual Psychological Counseling – short term, confidential individual counseling for students. available 24/7 by calling 713.743.5454
 - **Individual Counseling** – Currently enrolled students can be seen for short-term counseling and crisis intervention for assistance with substance use problems. However, CAPS will make a referral for long-term substance use and detox. Faculty and staff are eligible for an initial consultation and referral for such services. CAPS can be reached at 713.743.5454
 - **Cougars in Recovery** – Cougars in Recovery is a program that assists and serves students and employees with substance use issues at the University of Houston. The unique program offers five Alcoholics Anonymous and Morning Meditation meetings, that are open to the UH Community. More information can also be found at: <http://www.uh.edu/cir/>
 - **Psycho-Educational Programs** – On a periodic basis, workshops focusing on the development of strengths and skills related to the effective management of substance related problem areas are offered by Counseling and Psychological Service and UH Wellness. These programs are open to University of Houston students, faculty, and staff at no charge. UH Wellness can be reached at 713.743.5420, and more information can be found at: <http://www.uh.edu/wellness/>
 - **UH Health Center** – Campus community members can visit the UH Health Center and speak with medical professionals about any drug and alcohol questions in a safe and friendly environment.
- Appointments can be made online (<http://www.uh.edu/healthcenter/>) or via a walk-in. The UH Health Center can be reached at 713.743.5151
- **Student Organizations** – Individuals can be assisted in forming groups like Alcoholics Anonymous and Alanon. If you are interested in starting a new student organization and want to understand the registration process, please reach out to the Center for Student Involvement at 832.842.6245
 - **Employee Assistance Program** – Through the EAP, benefits eligible employees and their dependents can access free, convenient, and confidential short-term counseling services and/or referrals for all types of concerns including Alcohol/Drug Problems, Stress & Anxiety, Depression, Parenting & Family Concerns, Couples & Relationship Issues, Grief or Bereavement, Anger Management, Change & Life Transitions, Work Conflicts, Communication Skills and more. Included in the program are several Work/Balance resources including telephonic and web-based resources, newsletters, trainings, self-assessments, and online webinars. To learn more, please visit <http://www.uh.edu/human-resources/wellness/employee-assistance-program/>
 - **IMAGE (Intent and Motivation: Alcohol Group Exercise)** – a program designed to be undertaken by student groups with commonality (athletic teams, student housing floors, etc.), incorporating group discussions of drinking behaviors, assessment of effectiveness, interactive discussion, and normative feedback
 - **Minors in Possession** – a standardized curriculum from the state of Texas that covers social values, advertising, alcohol and young people, accidents, laws, drinking patterns, and decision-making. Aimed at those being sanctioned by the university for alcohol-related conduct
 - **Healthy U** – presented by UH Wellness during new/transfer student orientations twice a year. Provides information on campus resources, but also speaks to the effects of alcohol in college
 - **Cub Camp** – hosted by UH Wellness before each fall semester, in which freshmen participate in a competition and trivia game on a wide variety of wellness topics, including alcohol safety, alcohol poisoning, and available resources regarding substance abuse

- **BASICS (Brief Alcohol Screening and Intervention for College Students)** – is a nationally recognized and evidence-based program to reduce harmful alcohol use. The program addresses problem drinking, excessive drinking, and binge drinking by utilizing motivational interviewing techniques and enhancing motivation to change. The BASICS program is open to all students, but is primarily used as an educational sanction in the conduct process
- **CASICS (Cannabis Screening and Intervention for College Students)** – is a nationally recognized and evidence-based program to reduce smoking use. The CASICS program is open to all students, but is primarily used as an educational sanction in the conduct process
- **Healthy Tailgating** – the Dean of Students coordinates volunteers to act as “tailgate monitors” during

the hours preceding each home football game. These monitors have the authority to immediately and appropriately address concerns that arise, to ensure a healthy, safe, and fun atmosphere for those participating in tailgating activities

- **Cougars in Recovery** – provides a continuum of support that bolsters success in recovery from substance use disorders, academics, and professional pursuits that prepare students to confidently enter into the workforce
- **Resident Advisor, Community Mentor, and Residential Life Coordinator Training** – UH Student Life and Residential Housing departmental training on alcohol and drug issues.

Additional information can be found at the National Institute on Drug Abuse, <https://www.drugabuse.gov/drug-topics>.

Sexual Misconduct

The University of Houston is committed to maintaining a strengthening an educational, working and living environment where students, faculty, staff, and visitors are free from sex discrimination of any kind. Sexual misconduct, a form of sex discrimination, is antithetical to the standards and ideals of the University. The University will take appropriate actions to eliminate sexual misconduct from officing, prevent its recurrence, and address its effects.

Prevention and Awareness

The University aims to eradicate sexual misconduct through education, training, policies, and serious consequences for violations of its policies. The University will conduct educational programs, including ongoing prevention and awareness campaigns, designed to promote awareness and prevent sexual misconduct. Primary and continuing prevention and awareness programs include:

- Rape – Aggression – Defense (R.A.D) classes offered multiple times per year
- New Employee Sexual Misconduct Orientation
- New Student Sexual Misconduct Orientation
- Sexual Assault Prevention Month, Spring each year.
- Department specific staff meetings regarding sexual misconduct prevention

Safe and Positive Options for Bystander Intervention

One method for preventing sexual assault is bystander intervention. Research shows when individuals undergo training and feel empowered, they are more likely to intervene in stopping potential crimes. There are many situations that occur prior to sexual misconduct that are appropriate and safe for intervention. Bystander intervention training teaches people to recognize those situations as inappropriate, assume responsibility, identify options for intervention, overcome barriers to intervening (including cultural or social structures that promote violence), and take action.

Ways to intervene:

Direct

- Staying with someone who may be in trouble
- Letting a friend know that their behavior could hurt someone else and help them reconsider
- Telling someone their language is problematic or offensive.

Delegate

- Getting help from a Resident Advisor or Desk Assistant in Student Housing

- Asking the party host if they'll tell someone to leave
- Grabbing a friend and intervening together.

Distract

- Suggesting a way out for a person in a potentially dangerous situation (ex. "Want to go grab dinner somewhere else?")
- Spilling a drink
- Telling the person engaging in abusive behavior that they're needed in another room.

On-Demand Training – The Office of Equal Opportunity Services (EOS) facilitates trainings, workshops, and classroom discussions for the UH community. Training topics include: Title IX/Sexual Misconduct, Diversity & Inclusion, Workplace Civility, Title IX Reporting Responsibilities, Mentorship & Healthy Boundaries, the ADA Process, and Digital Accessibility. EOS can also work with campus partners to create custom trainings to fit their specific needs."

<https://www.uh.edu/equal-opportunity/request-training/>

Cougar Peer Educators – Every semester, Cougar Peer Educators learn about health and wellness issues and educate UH students on how to make healthier choices and safer environments. These Peers would focus on Sexual and Dating Violence prevention, Bystander Intervention, and Safer Sex. Students who are chosen will be enrolled in a training program called the Certified Peer Educator Student Leadership Empowerment Training.

Step UP – This evidence-based program educates students to effectively and safely intervene in instances of potential harm. The goal is to educate students more on these topics, raise awareness of helping behaviors, increase motivation to help, develop skills and confidence when responding to problems, and ensure the wellbeing of all UH students.

COMPASS: Sexual Misconduct Response Training – COMPASS, previously known as Code Red Assist Training, is a day-long program (9AM - 5PM) offered by the WGRC's Sexual Misconduct Support Services (SMSS) Program. This training is designed to equip staff and faculty with skills and knowledge to respond to disclosures of sexual misconduct in a compassionate and compliant way.

Information of Risk Reduction

The University of Houston System engages in risk reduction strategies that emphasize the collective responsibility of the UHS community to reduce the risk of sexual misconduct. As part of that effort, all new students and employees within the University of Houston System attend prevention and education programs about sexual misconduct. Students receive an in-person training (Coogs Get Consent) during orientation as well as a second online training. These programs incorporate risk reduction strategies and bystander intervention training that enable community members to take a role in preventing and interrupting incidents of sexual misconduct. The programs also provide resources, including information on the UHS Sexual Misconduct Policy, how to report, and confidential resources.

"Risk reduction" is the name for behaviors that *might potentially* reduce the risk of sexual misconduct from occurring. Many of us probably already engage in risk reduction often: we might walk in groups at night, make sure we don't leave our drink unattended at a bar or party, and/or try to avoid being alone with people we don't know. While risk reduction is valid, remember that there are no surefire ways to prevent sexual misconduct from occurring. The only people who can truly prevent sexual misconduct are the people who commit sexual abuse against others. Sexual misconduct doesn't happen because of what someone was drinking or saying or doing or wearing/not wearing. It happens for one reason only: because someone decided to commit abuse against someone else. If someone experiences sexual abuse and they did not engage in risk reduction, that does not mean that the abuse could have been avoided or that it is their fault. Again, it is only ever the fault of the person who decided to commit abuse against someone else.

Situational awareness and trusting one's instincts can potentially reduce one's risk of being subjected to sexual misconduct. UH is dedicated to helping the community know that while risk reduction is encouraged, victims/survivors of sexual misconduct are not at fault if they do not employ such techniques. Risk reduction strategies include, but are not limited to, the following:

- If you consume alcohol, consider doing so in moderation

- Avoid leaving your beverage unattended or accepting a drink from an open container
- When you are with someone, communicate clearly to ensure they know your limits (both verbal and nonverbal body language communication can be used to ensure the message is understood)
- If you go out alone on a date with someone, including someone that you do not know very well, tell a close friend or family member what your plans are
- Know that you have the right to say “no” or change your mind about engaging in sexual activity with a partner(s), even if you initially said “yes.” You can revoke consent at any time, even if you have engaged in sexual activity with this partner(s) before
- Always have someone you can call if you need help and have alternative transportation plans
- If you feel uncomfortable, scared, or pressured, communicate that by saying “stop,” leaving, or calling for help
- Consider going to parties or other outings with a group of friends; you can arrive together, watch out for each other, and make sure everyone leaves together
- Be aware of your surroundings at all times
- Avoid being isolated with a person you do not know or trust
- When possible, travel with a friend or in a group
- When possible, walk only in lighted areas after dark
- Keep the doors to homes and cars locked
- Know where a phone is located. If relying on a mobile phone, be sure to carry a charging device with you
- If you see someone in need, intervene if possible. If not, call 911
- Listen and respect the wishes of your partner. If you are unclear if you have consent, assume you do not and clarify with your partner
- If someone says no, do not interpret that as a need for further persuasion or convincing
- Be aware that you cannot obtain consent from someone who is mental or physically incapable. This can include someone who is rendered temporarily incapacitated by drugs or alcohol

- Resist pressure from friends to participate in violence.

Some Ways to Reduce Risk of Sexually Abusing Others

- Listen and respect the wishes of your partner. If you are unclear if you have consent, assume you do not and clarify with your partner
- If someone says no, do not interpret that as a need for further persuasion or convincing
- Be aware that you cannot obtain consent from someone who is mental or physically incapable. This can include someone who is rendered temporarily incapacitated by drugs or alcohol
- Resist pressure from friends to participate in violence.

Sexual Misconduct Policy Information

On September 1, 2021, the University of Houston System published an update to the Sexual Misconduct Policy which meets the requirements of Texas Education Code §51.259 and §51.295, Texas Labor Code §21.142, and the updated Department of Education Title IX guidance on hearing procedures. The following excerpts from the Policy will assist the reader in understanding basic rights, responsibilities, rules, and procedures under the Policy. The entire UHS Sexual Misconduct Policy is an Enclosure to this report. See Enclosure 2.

The Sexual Misconduct Policy provides the exclusive mechanism for the University of Houston System and its universities to manage the non-criminal reporting of Sexual Misconduct, as defined in the Policy, by providing a prompt, fair, and impartial investigation and resolution process.

Consistent with its commitment to addressing Sexual Misconduct, the University prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking as defined by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

The University is committed to maintaining and strengthening an educational, working and living environment where students, faculty, staff, visitors, and applicants for admission or employment are free from sex discrimination of any kind. Sexual Misconduct, a form of sex discrimination,

is antithetical to the standards and ideals of the University. The University will take appropriate action in an effort to eliminate Sexual Misconduct from occurring and prevent its recurrence, including, but not limited to, taking immediate and appropriate corrective action when a violation occurs which impacts an individual's employment. Likewise, the University will address its effects by conducting educational programs, including ongoing prevention and awareness campaigns, designed to promote awareness, reduce risk, and prevent Sexual Misconduct.

Consent as Defined Under the Sexual Misconduct Policy

An informed and freely and affirmatively communicated willingness to participate in a particular sexual activity by a capacitated and legally competent person.

Consent can be expressed either by words or by clear and unambiguous actions, as long as those words or actions create mutually understandable permission regarding the conditions of each instance of sexual activity.

It is the responsibility of the person who wants to initiate a sexual activity to ensure that they have the consent of the other(s) to initiate each instance of sexual activity before they initiate the sexual activity.

Consent is active, not passive, and cannot be inferred from the absence of a "no." Without words or actions demonstrating permission, silence, lack of protest, or lack of resistance cannot be assumed to show Consent.

The existence of a dating relationship or a previous sexual relationship between the persons involved does not provide the basis for an assumption of consent to future sexual activity.

Being under the influence of drugs and/or alcohol is never a defense for not obtaining consent.

A person cannot consent if physical force or violence is used or threatened.

Sexual Misconduct can occur between strangers or acquaintances.

Alcohol or other drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and effectively given. Consent is difficult to discern when a person has ingested alcohol and/or other drugs. Anyone wanting to initiate sexual

activity is strongly encouraged to err on the side of caution when either they or the person(s) they want to initiate the activity with appear(s) to be intoxicated or there is reasonable cause to believe any individual is intoxicated.

For "What if..." scenarios, please visit:

<https://uhsystem.edu/crossroads/consent/what-if/>

Incapacitation under the Sexual Misconduct Policy

A person is incapacitated (not legally competent) and cannot consent to sexual activity if the person is unconscious or otherwise unable to resist, is unaware that sexual activity is occurring, and/or does not have the legal capacity to consent.

A person may be unable to consent when they are mentally or physically incapacitated because of the influence of drugs, alcohol, or medication and as a result are rendered temporarily incapable of understanding, appraising, or controlling their conduct.

A person's incapacity to understand, appraise, or control their conduct may be analyzed based on surrounding factors including, but not limited to, hallucinations, blackouts, seizures, vomiting, slurred speech, disorientation, or lack of physical or mental coordination.

When a Respondent has been accused of engaging in sexual activity with an incapacitated person, the perspective of a reasonable person will be applied to determine whether the Respondent knew or should have known about the Complainant's inability to give consent.

Medical Assistance

An individual who experiences any form of Sexual Misconduct is encouraged to seek immediate medical care. Preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Victims can undergo a medical exam to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, individuals who have experienced a sexual assault may have a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) within 120 hours of the incident. With the examinee's consent, the physical evidence collected during this medical exam can be

used in a criminal investigation; however, a person may undergo a SAFE even without contacting, or intending to contact, the police. To undergo a SAFE, please go to the nearest hospital that provides SAFE services. For more information about the SAFE, see the University of Houston System's webpage dedicated to resources and reporting information related to sexual misconduct.

The cost of the forensic portion of the exam is covered by the law enforcement agency that is investigating the assault or, in cases in which a report will not be made to the police, the Office of the Attorney General. This does not include fees related to medical treatment that are not a part of the SAFE. An individual who experiences any form of sexual, domestic, or dating violence is encouraged to seek immediate medical care because they may be prescribed medications to prevent sexually transmitted infections and/or pregnancy even if the police are not contacted or if a SAFE is not performed.

For more information about the SAFE, see <https://uhsystem.edu/crossroads/>

Sexual Misconduct policy:
https://uhsystem.edu/compliance-ethics/_docs/sam/01/1d8.pdf

Police Assistance

The University strongly encourages victims of dating violence, domestic violence, sexual assault or stalking to immediately seek police assistance.

Because the prohibited actions outlined in the Sexual Misconduct Policy may also constitute a criminal act(s), individuals seeking emergency assistance or who want to file a criminal report may contact their University police department or the appropriate local law enforcement agency. In addition to any possible criminal action, the University Police will forward notice of the report to the Title IX Coordinator. Reporting to the police helps maintain future options regarding criminal prosecution. Generally, when the victim reports the incident, a police officer will take a statement from the victim regarding what happened. An adult victim can request that their identity be kept confidential. Anyone wishing to file a report with University police can make a report to their University's Police Department as noted below.

In cases of sexual assault, preservation of evidence is crucial. It is highly recommended that victims/

survivors follow these guidelines immediately after the assault, even if they are not yet certain they wish to file criminal charges.

- Do not bathe or shower
- Do not wash clothing worn or linens used
- Do not disturb the scene of the assault by cleaning up or throwing items away
- Gently place clothing and linens touched by the victim or suspect(s) during the assault in a cardboard box or paper bag – DO NOT use plastic bags of any kind, as these will damage DNA evidence. Package each item separately if at all possible
- Do not delete or erase any phone, text, or social media messages sent to you by the suspect, no matter if sent before or after the assault
- DO get a forensic medical exam within 120 hours of the assault—you have the right to this exam WITHOUT notification of law enforcement, and free of charge (forensic portion only – medical treatment such as birth control, disease prevention, etc. is the responsibility of the survivor but may later be reimbursed by the state Crime Victims Compensation fund).

Reporting Dating Violence, Domestic Violence, Sexual Assault, Stalking, or other Sexual Misconduct

Any person, regardless of whether they are the alleged victim, may report Sexual Misconduct to the Title IX Coordinator in person, by mail, by electronic mail, by telephone, or by the University's electronic reporting system. The web address for the Fraud and Non-Compliance Hotline is:

<https://app.convercent.com/en-us/LandingPage/b3d1c670-e06c-e711-80cf-000d3ab0d899>. Reports received through this site will be reviewed and investigated if sufficient information is provided to conduct an investigation. Mailing and electronic mailing address:

- **University of Houston Central Campus**
4051 Wheeler Street, Houston, TX 77204
713.743.3333 or 911 from a campus phone
police@uh.edu
- **University of Houston at Katy**
22400 Grand Circle Boulevard, 110, Katy, TX 77449

Security – Front Desk
713.743.3333 or 911 in an emergency

- **University of Houston at Sugar Land**
14000 University Boulevard,
Sugar Land, TX 77479
Security – Brazos Hall Room 174
713.743.3333 or 911 in an emergency
- **University of Houston – College of Pharmacy
Rio Grande Valley Satellite Program**
Located within Doctor's Hospital at Renaissance
5501 S. McColl Road, Edinburg, TX 78539
956.739.0717 for Hospital Security or 911 in
an emergency.

Options for the Involvement of Law Enforcement and Campus Authorities

Complainants have the option to notify proper law enforcement authorities including on campus and local police; to be assisted by campus authorities in notifying law enforcement authorities; and the option to decline to notify such authorities.

Orders of Protection

The University of Houston will honor any order of protection, no-contact order, restraining order, or similar lawful order issued by any criminal, civil or tribal court.

Confidentiality

The University of Houston will protect the anonymity of all individuals involved in a report or a complaint by refusing to disclose their identifying information to anyone outside the University of Houston to the maximum extent permitted by law.

The University of Houston will protect the confidentiality of Complainants and other necessary parties while ensuring Clery Act statistical reporting requirements, specifically, such statistical reporting will be done without inclusion of personally identifying information about a complainant.

The University of Houston will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.

Assistance to Complainants

Counseling Assistance: A person who has experienced sexual violence is strongly encouraged to seek medical and psychological care even if they do not plan to request a Sexual Assault Forensic Exam (SAFE) or report the assault to the police.

Complainants will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available both within the University and in the community.

Once an individual alerts the University of an alleged violation of the Sexual Misconduct Policy, the Complainant will be provided with written information including the Sexual Misconduct Policy, their rights, reporting options, and support resources regardless of whether the incident(s) occurred on or off campus.

Supportive Measures

The University will treat the parties equitably by offering Supportive Measures to Complainants and Respondents. Supportive Measures are offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent. Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent regardless of whether a Formal Complaint has been filed.

Once the Title IX Coordinator receives a report of an alleged act of Sexual Misconduct, the Title IX Coordinator will promptly contact the Complainant and Respondent in writing to discuss the availability of Supportive Measures, consider the Complainant's and Respondent's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without filing a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint.

The University's Supportive Measures are designed to restore or preserve equal access to the University's Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational, living, and working environment, or to deter Sexual Misconduct.

Supportive Measures may include, but are not limited to:

- Counseling for a Complainant or Respondent through a University-affiliated counseling center while the processes outlined in this Policy are ongoing
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus escort and transportation services
- Mutual restrictions on contact between the parties
- Changes in work or housing locations
- Leaves of absence, or
- Increased security and monitoring of certain areas of the campus.

Emergency Removal and Leave During Investigation

Once the Title IX Coordinator receives a report of an alleged act of Sexual Misconduct, the Title IX Coordinator will undertake an individualized safety and risk analysis to determine whether an immediate threat to the physical health or safety of any student, employee, or other individual arising from the allegations of Sexual Misconduct justifies emergency removal or Leave During Agency Investigation pending further

investigation. At the conclusion of the safety and risk analysis, the Title IX Coordinator will make a recommendation for removal to the appropriate office. The appropriate office will provide Respondent with notice and an opportunity to challenge the decision immediately following their removal.

Procedures for Institutional Disciplinary Action of Sexual Misconduct

When a report of a violation of the University of Houston System's Sexual Misconduct Policy is received, the Equal Opportunity Service Office will take reasonable measures to contact the Complainant and Respondent to notify them of their rights and options under the policy, implement any appropriate supportive measures, and conduct a preliminary investigation, as appropriate.

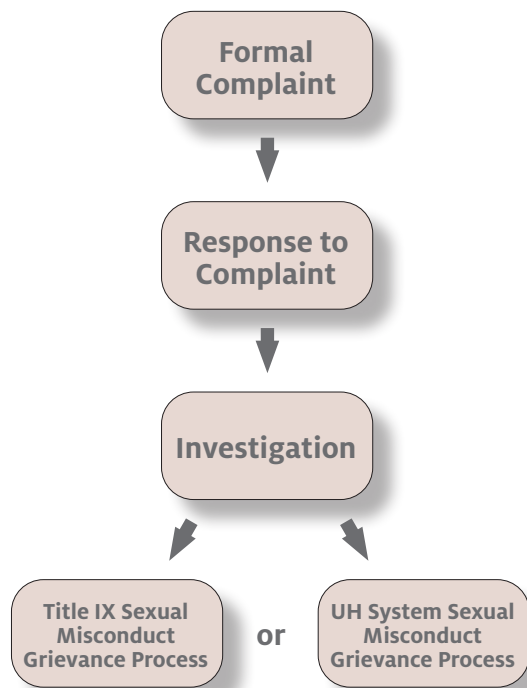
Anyone who reports Sexual Misconduct will be notified of their right to speak to the appropriate law enforcement agency and file a report for possible criminal prosecution.

The complaint and investigation process is separate from any criminal proceeding related to the reported behavior and may occur while criminal proceedings are ongoing. Proceedings under the Sexual Misconduct Policy will not be dismissed or delayed because criminal prosecution is pending, criminal charges have been dismissed, or the criminal charges have been reduced.

Formal Complaint and Investigation Procedures

If the Title IX Coordinator initiates a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party. The decision for the Title IX Coordinator to file a Formal Complaint is not taken lightly and will be determined based on various factors including, but not limited to, the type of actions alleged in the report, prior reports received, the potential for repeated behavior, and/or the potential on-going risk to the non-participating Complainant and/or the University community. If the Title IX office determines that the Formal Complaint does not contain alleged conduct that constitutes Sexual Misconduct as defined in this Policy, the Title IX office will endeavor to determine whether other codes of conduct or University policies might have been implicated by the alleged conduct and refer accordingly.

If a Complainant wishes to pursue official University action against a Respondent for alleged Sexual Misconduct, they may follow the steps described below to file a Formal Complaint, which will initiate an investigation. At the end of the investigation, the Title IX Coordinator will make a determination on which grievance process is appropriate based on jurisdictional requirements.



This graphic explains the formal complaint progress. A Complainant files a formal complaint, the Respondent(s) have an opportunity to provide a written or verbal Response, the Title IX office performs an investigation, and the Title IX office will inform the parties of which grievance process will apply based on jurisdictional requirements.

Step 1: Filing a Formal Complaint

A Complainant may file a Formal Complaint alleging Sexual Misconduct with the Title IX Coordinator in person, by mail, by electronic mail, or by the University's electronic reporting system.

The University does not limit the timeframe for filing a report or Formal Complaint of Sexual Misconduct, although the University's ability to take any action may be limited because of the passage of time.

Even in the absence of a Formal Complaint, some circumstances may require the Title IX Coordinator to initiate a Formal Complaint in order to protect the University community.

Once a Formal Complaint is filed, if the Complainant decides that they want to withdraw the Formal Complaint, the University's investigation may still proceed.

The University may consolidate Formal Complaints as to the allegations of Sexual Misconduct against more than one Respondent, or by more than one Complainant against one or more Respondents, where the allegations of Sexual Misconduct arise out of the same facts or circumstances.

Step 2: Written Notice to the Parties

After receipt of a Formal Complaint, the Title IX Coordinator will provide written notice to the parties within five (5) business days, which will include, but is not limited to:

- Notice of the University's Title IX Grievance Procedure, if applicable, including information about the Informal Resolution process
- Notice of the allegations that may constitute Sexual Misconduct
- Sufficient details, including the identities of the parties involved in the incident, the conduct allegedly constituting Sexual Misconduct, and the date and location of the alleged incident, if known
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process
- Notice that the parties may have a Personal Advisor of their choice who may be, but is not required to be, an attorney
- Notice that the parties may inspect and review evidence, in accordance with applicable policies; and
- Notice of any provision of the University's code of conduct or other policy that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

Step 3: Response to a Formal Complaint

A Respondent's response to a Formal Complaint is due to the Title IX office within five (5) business days from the date the Title IX office sent it to the Respondent. The Title IX office may grant an extension for good cause.

The response should address and respond to the specific allegations made in the Formal Complaint and can include any other rebuttal information or evidence.

A response may be provided in writing or through an in-person interview with the investigator(s).

While a Respondent is not required to provide a response to the Formal Complaint or answer questions related to the investigation, this will not stop the Formal Complaint process. Failure to acknowledge receipt of the Formal Complaint may be considered a violation of University policy and could result in additional action.

Step 4: (Optional) Informal Resolution

If a Formal Complaint alleges a violation of this Policy, the Title IX Coordinator may choose to offer the parties an informal process that resolves the Formal Complaint without completing the grievance process. The option to informally resolve a Formal Complaint depends on whether the University determines that informal resolution may be appropriate and whether both parties voluntarily agree to attempt informal resolution.

Informal resolution may **not** be used to resolve Sexual Misconduct allegations where a University employee is alleged to have engaged in Sexual Misconduct against a student. Under certain circumstances, a student may be considered an employee.

Step 5: Investigation

Absent extenuating circumstances, a Sexual Misconduct investigation will begin upon receipt of a Formal Complaint of alleged Sexual Misconduct. A preliminary investigation may begin prior to receiving a response from a Respondent.

Both Complainant and Respondent will be provided equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source.

Step 6A: Title IX Sexual Misconduct Grievance Procedure

Upon completion of the investigation report by a Title IX investigator and a determination that the alleged Sexual Misconduct is considered Title IX Sexual Misconduct, the University will hold

a hearing during which both parties' Hearing Advisors will have the opportunity to present relevant evidence and ask questions of the parties and witnesses.

Absent extenuating circumstances, the Title IX Coordinator will schedule a hearing within fifteen (15) business days from the conclusion of the investigation.

No later than five (5) business days prior to the hearing, all materials that will be used at the hearing must be submitted to the Title IX Coordinator.

Standard of Evidence – In all cases before a Hearing Officer, the standard of proof is a preponderance of evidence. A finding of responsibility by a preponderance of the evidence means that it is more likely than not, based on all the reasonable evidence presented, that the Respondent violated this Policy. The burden of proof is on the University. By law, it is presumed that the Respondent is not responsible for the alleged conduct unless a determination regarding responsibility is made at the conclusion of the grievance process.

Written Determination – The Hearing Officer will provide a Written Determination of responsibility and sanction(s), if applicable, simultaneously to the Title IX Coordinator and the parties.

Sanctions – The sanctions for a finding of a violation of the Sexual Misconduct Policy will be commensurate with the offense and may include, but are not limited to, the following:

- Probation (including disciplinary probation)
- Temporary or permanent ban from campus locations (such as residence hall communities)
- Educational programs such as state-certified batterer's intervention
- Ban from participating in campus organizations or activities
- Disqualification from employment or student leadership positions
- Withholding of transcripts, grades, diploma, or degree
- Partial or full criminal trespass warning
- Suspension from employment and/or enrollment
- Revocation of admission

- Termination of employment
- Expulsion.

If a student is issued a sanction that makes them ineligible to reenroll in the University, the University will include on the student's transcript a notation stating that the student is ineligible to reenroll in the University for a reason other than an academic or financial reason.

On the student's request, the University may remove the notation from a student's transcript if the student is eligible to reenroll in the University or the University determines that good cause exists to remove the notation.

In accordance with Texas law, the University must terminate an employee who is found to have knowingly failed to make a report of Sexual Misconduct when the Responsible Employee was required to do so or knowingly made a false report of Sexual Misconduct with intent to harm or deceive. Knowingly failing to make a report and knowingly making a false report are criminal offenses under Texas law.

Remedies – Regardless of the finding(s), and in addition to sanctions that may be imposed pursuant to the appropriate disciplinary policy, the University will take appropriate action(s) to resolve Formal Complaints of Sexual Misconduct, prevent any recurrence and, as appropriate, remedy any effects. These actions may include, but are not limited to the following:

- Ensuring the Complainant and Respondent do not share classes, working environments, or extracurricular activities
- Making modifications to the on-campus living arrangements of a Respondent or Complainant (if the Complainant requests to be moved)
- Providing comprehensive, services including medical, counseling, and academic support services such as tutoring
- Determining whether the Sexual Misconduct adversely affected the Complainant's University standing and providing a remedy for same
- In conjunction with University leaders, conducting a University climate check to assess the effectiveness of efforts to ensure that the University is free from Sexual Misconduct, and using that

information to inform future proactive steps that the University will take; and

- Providing targeted group training.

These remedies are separate from, and in addition to, any Supportive Measures that may have been provided before the end of the University's investigation. If the Complainant did not take advantage of a specific service (e.g., counseling) when offered as a Supportive Measure, the Complainant should still be offered, and is still entitled to, appropriate final remedies that may include services the Complainant declined as a Supportive Measure.

Appeals – The Complainant and the Respondent(s) both have the right to appeal to the appropriate administrator a Title IX dismissal or Written Determination by submitting their written appeal to the Title IX Coordinator within five (5) business days from the date they receive the Title IX dismissal or Written Determination. The appealing party may appeal the dismissal, finding, sanction, or remedy. The non-appealing party will be notified of the appeal and be permitted to submit a written statement in response within five (5) business days of receiving notice of the appeal.

Final Determination – A Written Determination will become final upon the earlier of when:

- The parties are notified of the appropriate administrator's decision on the appeal; or
- The time to file an appeal has passed with neither party appealing.

Step 6B: UH System Sexual Misconduct Grievance Procedure

At the conclusion of an investigation of a Formal Complaint and a determination that the alleged Sexual Misconduct is considered UH System Sexual Misconduct, as defined in this Policy, the investigative report will contain the Title IX investigator's finding(s) and recommendation. The Complainant and Respondent(s) will have the opportunity, but are not required, to respond to the investigative report in writing in advance of the Title IX investigator's finding. The Complainant and Respondent(s) should be provided updates on the progress of the investigation and issuance of the report.

The finding(s) will be determined using a preponderance of the evidence standard; that is, whether it is more likely than not that a Respondent violated this Policy.

If it is determined that this Policy was violated, appropriate university action will be recommended in an effort to eliminate Sexual Misconduct, prevent its recurrence, and address its effects.

The Complainant and the Respondent(s) will be simultaneously notified in writing of the finding(s) and appeal rights under this Policy.

A hearing request to challenge the Title IX investigator's finding(s) must be submitted in writing to the Title IX Coordinator within five (5) business days of receiving the finding(s).

The Complainant and the Respondent(s) both have the right to request a hearing to challenge a finding for any error or procedural defect occurring during the investigation that could have significantly impacted the finding. The individual requesting a hearing will be referred to as the moving party.

Absent extenuating circumstances, the Title IX Coordinator will schedule a hearing to be held within fifteen (15) business days from the filing of the request.

No later than five (5) business days prior to the hearing, all materials that will be used at the hearing must be submitted to the Title IX Coordinator, who will forward the materials to the Hearing Panel/ Non-affiliated Hearing Officer and will simultaneously make available for inspection or provide the materials to both parties.

At any time after a finding has been made that a Respondent has violated the Policy, the University may implement an interim sanction against the Respondent while the Formal Complaint is being further adjudicated.

Sanctions – The sanctions for committing an act of UH System Sexual Misconduct will be commensurate with the offense and may include, but are not limited to, the following:

- Probation (including disciplinary probation)
- Temporary or permanent ban from campus locations (such as residence hall communities)
- Educational programs such as state-certified batterer's intervention

- Ban from participating in campus organizations or activities
- Disqualification from employment or student leadership positions
- Withholding of transcripts, grades, diploma, or degree
- Partial or full criminal trespass warning
- Suspension from employment and/or enrollment
- Revocation of admission
- Termination of employment: For faculty members, the recommendation for termination of employment and/or revocation of tenure will be referred to the Provost's Office for handling in accordance with the policies and procedures pertaining to the dismissal of faculty members
- Expulsion.

If a student is issued a sanction that makes them ineligible to reenroll in the University, the University will include on the student's transcript a notation stating that the student is ineligible to reenroll in the University for a reason other than an academic or financial reason.

On the student's request, the University may remove the notation if the student is eligible to reenroll in the University or the University determines that good cause exists to remove the notation.

In accordance with Texas law, the University must terminate an employee who is found to have knowingly failed to make a report of Sexual Misconduct when the Responsible Employee was required to do so or knowingly made a false report of Sexual Misconduct with intent to harm or deceive. Knowingly failing to make a report and knowingly making a false report are criminal offenses under Texas law.

Appeals – Any appeal must be filed in writing within five (5) business days of the Hearing Panel/ Non-affiliated Hearing Officer's decision. If no appeal is filed by the deadline, the Hearing Panel/ Non-affiliated Hearing Officer's recommendation(s) become final.

Final Determination – If the appropriate administrator accepts or rejects the Hearing Panel/ Nonaffiliated Hearing Officer's recommendation(s), the decision becomes final.

Retaliation Prohibited

The University takes reports of Sexual Misconduct very seriously and will not tolerate retaliation against those who in good faith make such reports or participate in the investigation or adjudication process.

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any rights or privilege secured in this Policy or because the individual has made a report or Formal Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy.

Any person who believes that they have been subjected to retaliation should immediately report this concern to the Title IX Coordinator.

If an individual makes a materially false statement in bad faith during the course of a grievance procedure under this policy, this conduct may constitute a violation through a separate University policy. A finding through a separate policy does not constitute retaliation prohibited in this section. However, a determination of responsibility under the Sexual Misconduct, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Immunity

To encourage reporting, the University will not take any disciplinary action against a student enrolled at the University who in good faith reports being the victim of, or a witness to, an incident of Sexual Misconduct for a violation under the University's Student Code of Conduct for conduct by the student occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the University's disciplinary process regarding the incident, if any. The University may investigate to determine whether a report of an incident of Sexual Misconduct was made in good faith. A determination that a student is entitled to amnesty is final and may not be revoked.

A person employed by or enrolled at the University acting in good faith who reports or assists in the investigation of a report of an incident of alleged

Sexual Misconduct, or who testifies or otherwise participates in the Formal Complaint process, will not be subjected to any disciplinary action by the University for any violation by the person of the University's code of conduct reasonably related to the incident for which suspension or expulsion from the institution is not a possible punishment. Decisions regarding immunity are made by the Title IX Coordinator in conjunction with the appropriate sanctioning body.

Immunity, as described in this section, does not apply to individuals who participate or assist in the reported alleged incident.

Training of Investigators and Hearing Board Members

Investigators – Investigators will receive training at least annually on issues related to Sexual Misconduct and how to conduct the processes outlined in this Policy while being both trauma-informed and impartial, while protecting the safety of those involved and promoting accountability.

University Hearing Board and Hearing Officers – Members of the University's Hearing Board and Hearing Officers will receive training at least annually on issues related to Sexual Misconduct. These individuals will also receive training regarding the role of the Title IX office to enforce this Policy, best practices for hearings and hearing panelists, and their role in ensuring and promoting safety, due process, and accountability.

Informal Resolution Training – The University will provide training for Title IX Coordinators, investigators, Hearing Officers, and any person designated by the University to facilitate an informal resolution process as required by Title IX.

Clery Crime Statistics

Definitions of Clery Act Geography

On-Campus Property

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.

On-Campus Residential Housing

Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institutions, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

Public Property

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Non-Campus Buildings or Property

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or

Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Definitions of Reportable Clery Act Crimes

Crimes reported in the geographic spaces described above that must be reported the university community under The Clery Act. Note that some definitions differ under the laws of the State of Texas, please see state definitions at the end of this section.

Primary Crimes

Criminal Homicide

Murder and Non-negligent Manslaughter: The willful killing of one human being by another.

Manslaughter by Negligence: The killing of another person through gross negligence. Gross negligence is the intentional failure of perform a manifest duty in reckless disregard of the consequences as affecting the life or property of another.

Sexual Assault Offenses

Sexual Assault: An offense that meets the definition of rape, fondling, incest or statutory rape. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ or another person, without the consent of the victim. This definition includes any gender of victim or perpetrator.

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification without consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or temporary or permanent mental or physical incapacity.

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury.

Burglary: The unlawful entry of a structure to commit a felony or a theft.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle.

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft or personal property of another, etc.

Violence Against Women Act (VAWA) Crimes

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

Domestic Violence: A felony or misdemeanor crime of violence committed by: a) a current or former spouse or intimate partner of the victim, b) by a person with whom the victim shares a child in common, c) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; d) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or e) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to – fear for the person's safety or the safety of others; or suffer substantial emotional distress.

Hate Crimes

A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. A bias is a pre-formed negative opinion or attitude toward a group of persons based on their race, religion, disability, sexual orientation, ethnicity, national origin, gender, or gender identity.

Any of the above listed **Primary Crimes**, as well as:

Larceny-Theft: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of

threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism or Property: To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Arrests and Referrals

Under the Clery Act, institutions of higher education must report statistics for violations of the law resulting in arrests or persons referred for disciplinary action. Because state laws and local ordinances vary across the United States, some specific state laws and local ordinances may apply to the University of Houston that would not apply to institutions of higher education located in neighboring jurisdictions.

Weapons Law Violations: Violations of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

Drug Law Violations: Violations of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use.

Liquor Law Violations: Violations of state laws or local laws/ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages.

Sources of Clery Crime Definitions – Definitions of reportable Clery Crimes come from a variety of sources, and do not always align perfectly with local or state laws. Specifically, the FBI Uniform Crime Reporting (UCR) National Incident-Based Reporting System (NIBRS) Data Collection Guidelines is used to define Murder; Manslaughter by Negligence; Rape; Fondling; Incest; Statutory Rape; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; Arson; Weapons Violations; Drug Abuse Violations; and Liquor Law Violations. The FBI UCR Hate Crime Data Collection Guidelines and Training Manual define Hates Crimes, including the following crimes motivated in whole or in part of Hate Crime Bias, Larceny-Theft, Simple Assault, Intimidation, Destruction/Damage/Vandalism or Property. The Clery Act at 34 CFR §668.46(a) defines Dating

Violence, Domestic Violence, and Stalking for the purposes of Clery Act reporting. All reported Clery Act crimes, whether completed or attempted are counted in the statistics reported below.

Unfounded Reported Clery Act Crimes

Certain reported Clery Act crimes that have been fully investigated by sworn law enforcement personnel and have been found to be false or baseless will be reclassified as unfounded for statistical reporting purposes. Unfounded crimes will be withheld from crime statistics, with only the total number of unfounded crimes noted for each calendar year.

State Law Definitions

The following definitions are contained in the Texas Penal Code and the Texas Family Code, but are not those used to define federal Clery Act crimes. If a crime victim chooses to report to either a local law enforcement agency of the University of Houston Police Department, state prosecutors will rely on the following in criminal charging:

Dating Violence: An act, other than a defensive measure to protect oneself, by an individual that is committed against a victim with whom the actor has or has had a dating relationship; or because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and is intended to result in physical harm, bodily injury, or sexual assault.

Domestic (Family) Violence: An act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself, or abuse by a member of a family or household toward a child of the family or household, or dating violence.

Sexual Assault: A person commits an offense if the person (1) intentionally or knowingly causes the penetration of the anus or sexual organ of another person by any means, without that person's consent; causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or causes the sexual organ

of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or (2) intentionally or knowingly causes the penetration of the anus or sexual organ of a child by any means; causes the penetration of the mouth of a child by the sexual organ of the actor; causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.

Stalking: A person who, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that: (1) the person knows or reasonably believes the other person will regard as threatening including bodily injury or death for the other person, bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship, or fear that an offense will be committed against the other person's property, and (2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or fear that an offense will be committed against the other person's property, and (3) would cause a reasonable person to fear bodily injury or death for himself or herself, or bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship, or fear that an offense will be committed against the person's property.

"Dating Relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of the length of the relationship; the nature of the relationship; and the frequency and type of interaction between the persons involved in the relationship. A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship."

“Family” means individuals related by consanguinity or affinity, individuals who are former spouses of each other, individuals who are parents of the same child, without regard to marriage, and a foster child and foster parent, without regard to whether those individuals reside together.

“Household” means a unit composed of persons living together in the same dwelling, without regard to whether they are related to each other

“Child” means a person younger than 17 years of age.

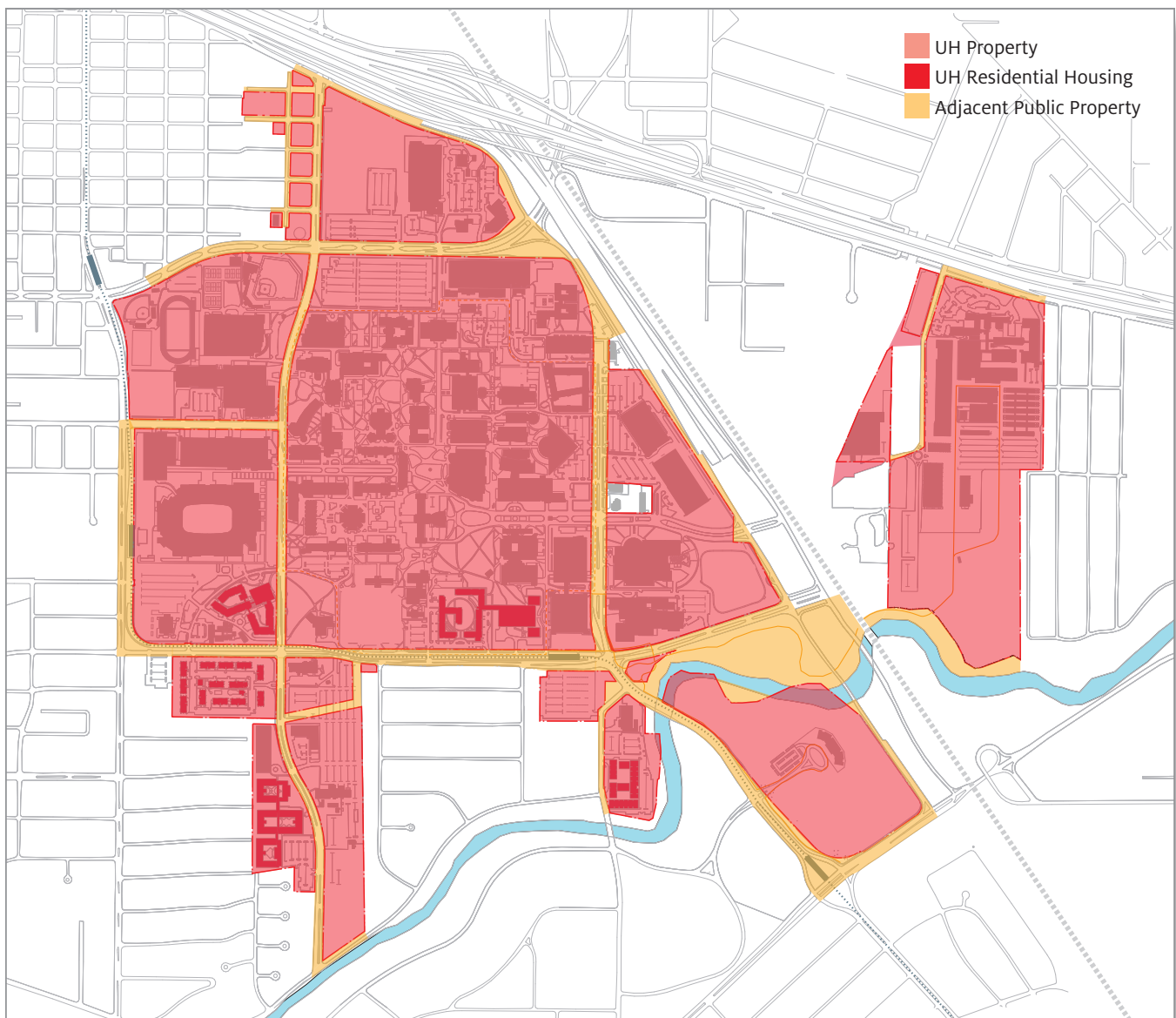
“Spouse” means a person who is legally married to another.

“Lack of Consent” means the actor compels the other person to submit or participate by the use of physical force or violence; the actor compels the other person to submit or participate by threatening to use force against the other person, and the other person believes that the actor has the present ability to execute the threat; the other person has not consented and the actor knows the other person is unconscious

or physically unable to resist; the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it; the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring; the actor has intentionally impaired the other person’s power to appraise or control the other person’s conduct by administering any substance without the other person’s knowledge; the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes the actor has the ability to execute the threat; the actor is a public servant who coerces the other person to submit or participate ; or the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person’s emotional dependency on the actor.



University of Houston – Central Campus Statistics



University of Houston – Central Campus

Offense Type	Year	On Campus	Residential Facilities	Non-Campus Building	Public Property	Total
Murder and Non-negligent Manslaughter	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Manslaughter by Negligence	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Rape	2019	20	18	0	2	21
	2020	5	5	0	0	5
	2021	11	10	1	0	12
Fondling	2019	12	7	0	0	12
	2020	3	1	0	0	3
	2021	5	2	0	0	5
Incest	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Statutory Rape	2019	1	0	0	0	1
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Robbery	2019	8	1	0	4	12
	2020	5	0	0	1	6
	2021	3	1	0	1	4
Aggravated Assault	2019	23	2	0	1	24
	2020	5	0	0	0	5
	2021	9	5	0	1	10
Burglary	2019	46	24	1	0	47
	2020	27	8	0	0	27
	2021	36	7	0	0	36
Motor Vehicle Theft	2019	21	0	0	1	22
	2020	39	0	0	0	39
	2021	12	0	0	0	12
Arson	2019	1	0	0	0	1
	2020	0	0	0	0	0
	2021	0	0	0	0	0

Unfounded Clery crimes: There were two (2) unfounded crimes in 2021, two (2) unfounded crimes in 2020, and four (4) unfounded crimes in 2019. Unfounded crimes are Clery crimes that were investigated by law enforcement officers and determined to be baseless or false.

University of Houston – Central Campus
Arrests – Drug, Liquor, and Weapons Law Violations

Offense Type	Year	On Campus	Residential Facilities	Non-Campus Building	Public Property	Total
Drug Violations	2019	16	4	0	3	19
	2020	12	3	0	1	13
	2021	8	4	0	2	10
Liquor Law Violations	2019	1	1	0	0	1
	2020	0	0	0	0	0
	2021	35	24	0	0	35
Weapons Violations	2019	4	1	0	1	5
	2020	4	1	0	0	2
	2021	2	0	0	1	3

University of Houston – Central Campus
Referrals – Drug, Liquor, and Weapons Law Violations

Offense Type	Year	On Campus	Residential Facilities	Non-Campus Building	Public Property	Total
Drug Violations	2019	12	11	0	0	12
	2020	4	4	0	0	4
	2021	14	14	0	0	14
Liquor Law Violations	2019	7	7	0	0	7
	2020	3	3	0	0	3
	2021	5	5	0	0	5
Weapons Violations	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0

University of Houston – Central Campus

VAWA

Offense Type	Year	On Campus	Residential Facilities	Non-Campus Building	Public Property	Total
Dating Violence	2019	34	23	0	0	31
	2020	14	12	0	0	14
	2021	13	11	0	1	14
Domestic Violence	2019	20	16	0	0	20
	2020	8	6	0	0	8
	2021	12	10	0	0	12
Stalking	2019	65	27	0	1	66
	2020	34	13	0	0	34
	2021	29	9	0	0	29

Hate Crimes

2019 – The following nine (9) incidents were reported:

1. Simple Assault – Race, Public Property
2. Simple Assault – Sexual Orientation, On Campus
3. Vandalism – Race, On Campus, residential facility
4. Intimidation – Religion, On Campus
5. Intimidation – Sexual Orientation, On Campus, residential facility
6. Vandalism – Race, On Campus
7. Intimidation – Disability, On Campus, residential facility
8. Intimidation – Race, On Campus, residential facility
9. Intimidation – Disability, On Campus

2020 – The following eight (8) incidents were reported:

1. Intimidation – Religion, On campus
2. Simple Assault – Religion, On campus
3. Intimidation – Gender Identity, On campus
4. Vandalism – Race, On campus, Residential Facility
5. Intimidation – Race, Public Property
6. Vandalism – Race, On campus
7. Simple Assault – Sexual Orientation, On campus, Residential Facility
8. Simple Assault – Race, On campus

2021 – The following three (3) incidents were reported:

1. Intimidation – Race, On campus
2. Intimidation – Gender Identity, On campus, Residential Facility
3. Intimidation – Race, On campus

University of Houston at Sugar Land *Statistics*

UNIVERSITY of **HOUSTON** SUGAR LAND



The University of Houston Sugar Land is located at 14000 University Boulevard in Sugar Land. No UH residential housing exists on the UH Sugar Land campus, nor does the campus have any non-campus property. UH Sugar Land campus does have adjacent public property. **These tables reflect the crime statistics for Calendar Years 2019, 2020, and 2021**

University of Houston at Sugar Land

Offense Type	Year	On Campus	Public Property	Total
Murder and Non-negligent Manslaughter	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Manslaughter by Negligence	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Rape	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Fondling	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Incest	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Statutory Rape	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Robbery	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Aggravated Assault	2019	1	0	1
	2020	0	0	0
	2021	0	0	0
Burglary	2019	2	0	2
	2020	0	0	0
	2021	0	0	0
Motor Vehicle Theft	2019	0	0	0
	2020	0	0	0
	2021	2	0	2
Arson	2019	0	0	0
	2020	0	0	0
	2021	0	0	0

Unfounded Clery crimes: There were no unfounded crimes reported for this location in 2019-2021.

University of Houston at Sugar Land

Arrests – Drug, Liquor, and Weapons Law Violations

Offense Type	Year	On Campus	Public Property	Total
Drug Violations	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Liquor Law Violations	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Weapons Violations	2019	0	0	0
	2020	0	0	0
	2021	0	0	0

University of Houston at Sugar Land

Referrals – Drug, Liquor, and Weapons Law Violations

Offense Type	Year	On Campus	Public Property	Total
Drug Violations	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Liquor Law Violations	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Weapons Violations	2019	0	0	0
	2020	0	0	0
	2021	0	0	0

University of Houston at Sugar Land

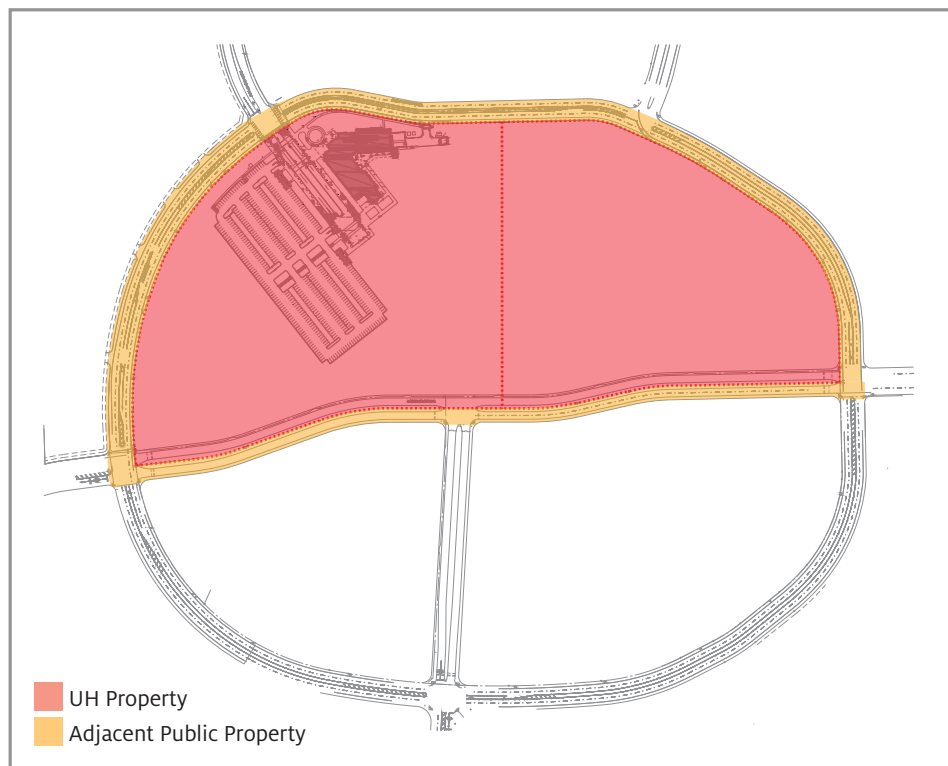
VAWA

Offense Type	Year	On Campus	Public Property	Total
Dating Violence	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Domestic Violence	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Stalking	2019	2	0	2
	2020	0	0	0
	2021	0	0	0

Hate Crimes

There were no hate/bias motivated crimes reported for this location in 2019, 2020, or 2021.

University of Houston at Katy *Statistics*



The University of Houston at Katy is located at 22400 Grand Circle Blvd. in Katy. No UH residential housing exists at the UH at Katy Instructional Site, nor does it have any non-campus property. The UH at Katy Instructional Site does have adjacent public property. **The reported crime statistics for Calendar Year 2019 start on the first day the Katy Campus opened, August 19, 2019**

University of Houston at Katy

Offense Type	Year	On Campus	Public Property	Total
Murder/Non-Negligent Manslaughter	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Manslaughter by Negligence	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Rape	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Fondling	2019	1	0	1
	2020	0	0	0
	2021	0	0	0
Incest	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Statutory Rape	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Robbery	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Aggravated Assault	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Burglary	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Motor Vehicle Theft	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Arson	2019	0	0	0
	2020	0	0	0
	2021	0	0	0

Unfounded Clery crimes:

There were no unfounded crimes reported for this location in 2019, 2020 or 2021.

University of Houston at Katy

Arrests – Drug, Liquor, and Weapons Law Violations

Offense Type	Year	On Campus	Public Property	Total
Drug Violations	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Liquor Law Violations	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Weapons Violations	2019	0	0	0
	2020	0	0	0
	2021	0	0	0

University of Houston at Katy

Referrals – Drug, Liquor, and Weapons Law Violations

Offense Type	Year	On Campus	Public Property	Total
Drug Violations	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Liquor Law Violations	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Weapons Violations	2019	0	0	0
	2020	0	0	0
	2021	0	0	0

University of Houston at Katy

VAWA

Offense Type	Year	On Campus	Public Property	Total
Dating Violence	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Domestic Violence	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Stalking	2019	0	0	0
	2020	0	0	0
	2021	0	0	0

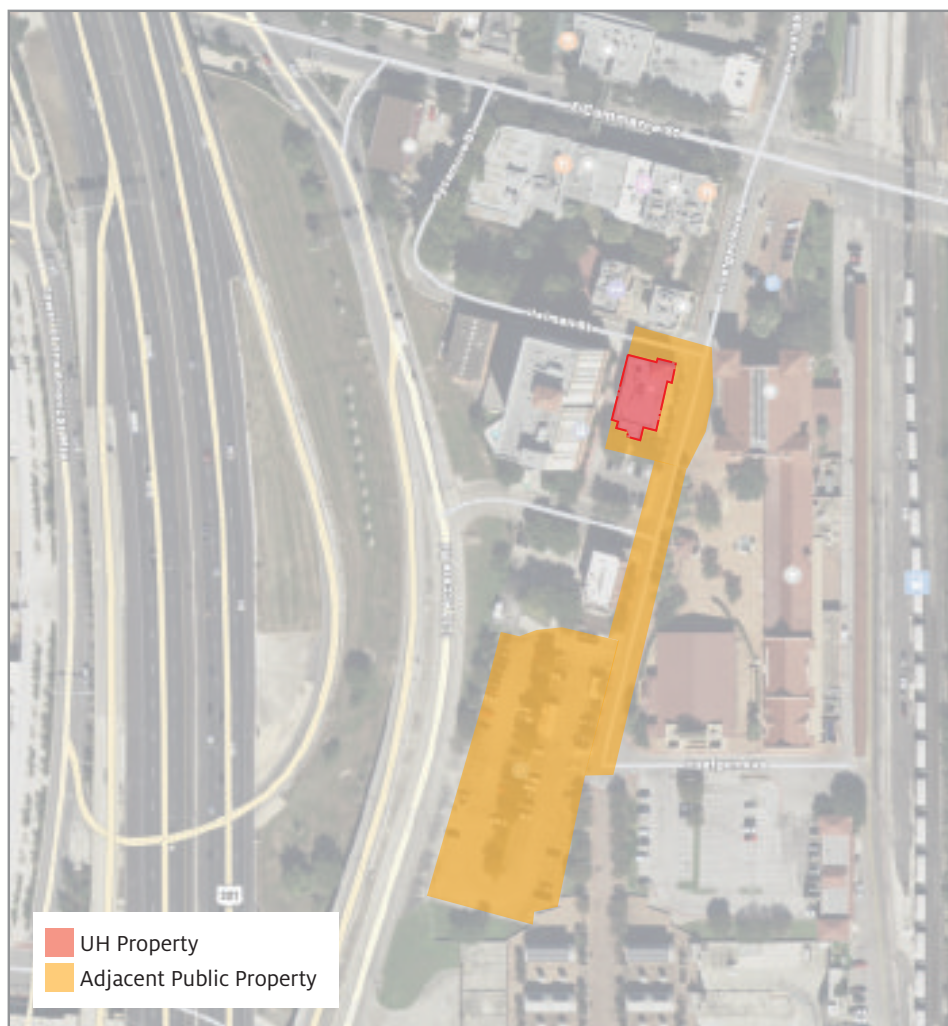
Hate Crimes

There were no hate/bias motivated crimes reported for this location in 2019, 2020 or 2021.

University of Houston – San Antonio *Statistics*



Conrad N. Hilton College of
Global Hospitality Leadership
UNIVERSITY OF **HOUSTON**



The Conrad Hilton College Campus of the University of Houston began operations in San Antonio in September 2014, with a formal lease agreement on the St. Philip's College campus. The college moved the facility at 122 Heiman Street near downtown San Antonio, Texas in August of 2015. On April 10, 2021, the University of Houston ceased operations at 122 Heiman Street but maintains a written leasing agreement for space which is not in use by the University. Neither of these locations included residential housing or non-campus property.

University of Houston – San Antonio

Offense Type	Year	On Campus	Public Property	Total
Murder and Non-negligent Manslaughter	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Manslaughter by Negligence	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Rape	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Fondling	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Incest	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Statutory Rape	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Robbery	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Aggravated Assault	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Burglary	2019	0	0	0
	2020	1	0	1
	2021	0	0	0
Motor Vehicle Theft	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Arson	2019	0	0	0
	2020	0	0	0
	2021	0	0	0

Unfounded Clery crimes: There were no unfounded crimes reported for this location in 2019, 2020 or 2021.

University of Houston – San Antonio

Arrests – Drug, Liquor, and Weapons Law Violations

Offense Type	Year	On Campus	Public Property	Total
Drug Violations	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Liquor Law Violations	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Weapons Violations	2019	0	0	0
	2020	0	0	0
	2021	0	0	0

University of Houston – San Antonio

Referrals – Drug, Liquor, and Weapons Law Violations

Offense Type	Year	On Campus	Public Property	Total
Drug Violations	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Liquor Law Violations	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Weapons Violations	2019	0	0	0
	2020	0	0	0
	2021	0	0	0

University of Houston – San Antonio

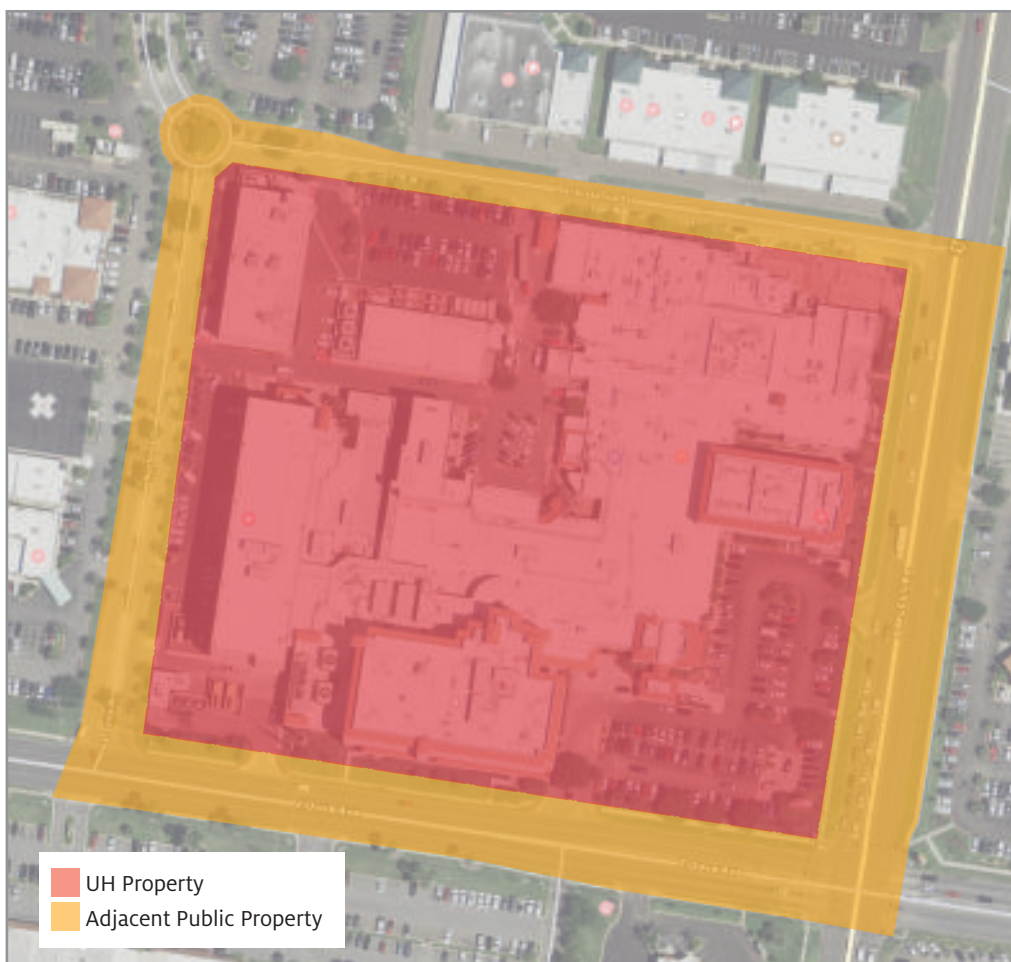
VAWA

Offense Type	Year	On Campus	Public Property	Total
Dating Violence	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Domestic Violence	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Stalking	2019	0	0	0
	2020	0	0	0
	2021	0	0	0

Hate Crimes

There were no Unfounded crimes & no Hate/Bias crimes on this campus for calendar years 2019, 2020, or 2021.

University of Houston – College of Pharmacy Rio Grande Valley Satellite Program *Statistics*



This location, offering a doctoral degree in Pharmacology, completed its first full year of operation in 2018 at the Doctor's Hospital at Renaissance, Edinburg, Texas 78539. As the UH Pharmacology program is housed fully within this private hospital entity, any crimes noted below may have occurred anywhere in the facility that UH students, staff, and faculty have access to by written agreement, and within or outside of the actual presence of UH students, staff, and faculty.

UH – College of Pharmacy Rio Grande Valley Satellite Program

Offense Type	Year	On Campus	Public Property	Total
Murder and Non-negligent Manslaughter	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Manslaughter by Negligence	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Rape	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Fondling	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Incest	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Statutory Rape	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Robbery	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Aggravated Assault	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Burglary	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Motor Vehicle Theft	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Arson	2019	0	0	0
	2020	0	0	0
	2021	0	0	0

Unfounded Clery crimes: There were no unfounded crimes reported for this location in 2019, 2020 or 2021.

UH – College of Pharmacy Rio Grande Valley Satellite Program
Arrests – Drug, Liquor, and Weapons Law Violations

Offense Type	Year	On Campus	Public Property	Total
Drug Violations	2019	2	0	2
	2020	0	0	0
	2021	0	0	0
Liquor Law Violations	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Weapons Violations	2019	0	0	0
	2020	0	0	0
	2021	0	0	0

UH – College of Pharmacy Rio Grande Valley Satellite Program
Referrals – Drug, Liquor, and Weapons Law Violations

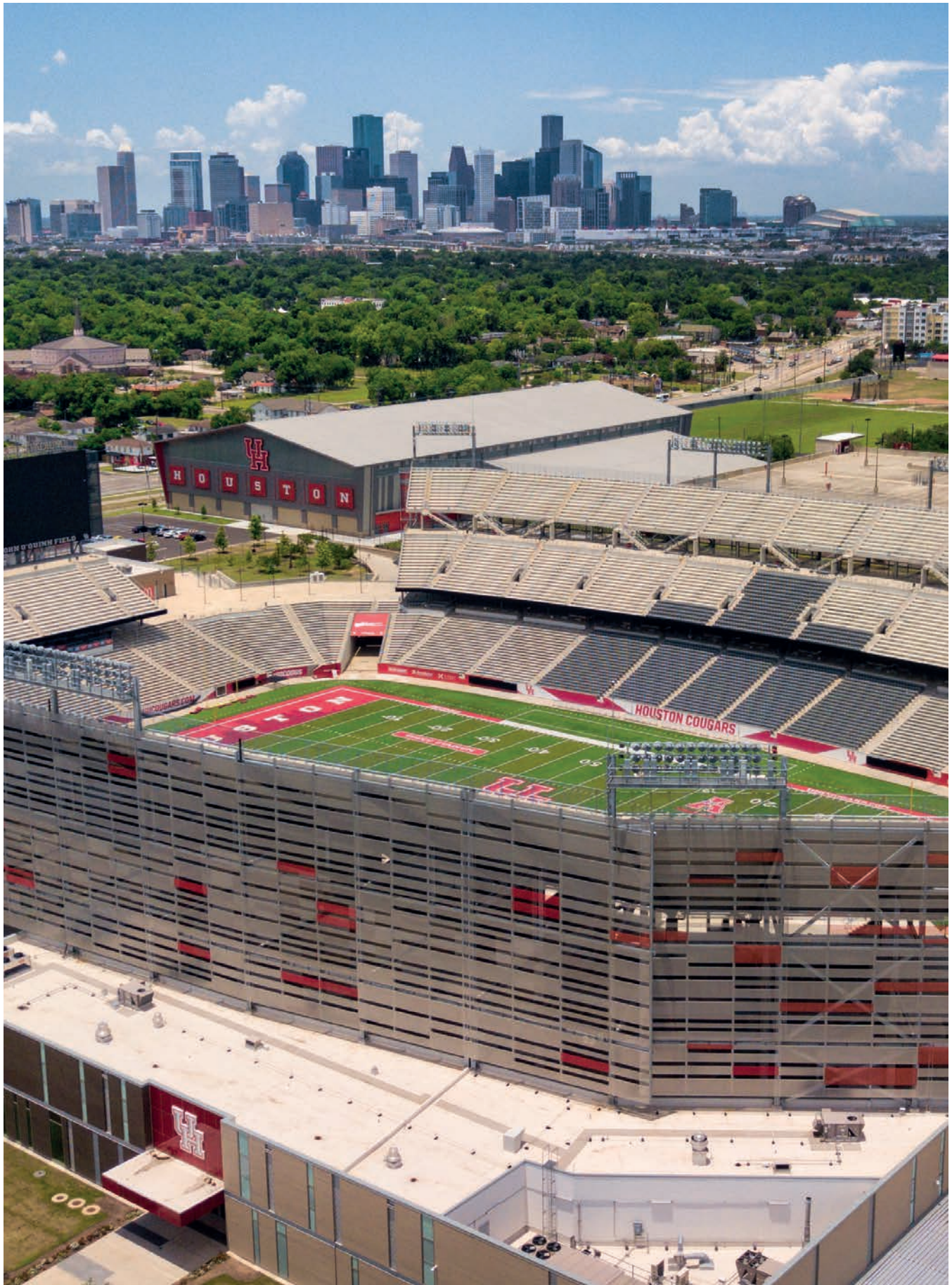
Offense Type	Year	On Campus	Public Property	Total
Drug Violations	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Liquor Law Violations	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Weapons Violations	2019	0	0	0
	2020	0	0	0
	2021	0	0	0

UH – College of Pharmacy Rio Grande Valley Satellite Program VAWA

Offense Type	Year	On Campus	Public Property	Total
Dating Violence	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Domestic Violence	2019	0	0	0
	2020	0	0	0
	2021	0	0	0
Stalking	2019	0	0	0
	2020	0	0	0
	2021	0	0	0

Hate Crimes

There were no Unfounded crimes & no Hate/Bias crimes on this campus for calendar years 2019, 2020, or 2021.



Annual Fire Safety Report



Fire Marshal Introduction

UH is a city within a city and the UH Fire Marshal's Office (UHFMO) handles all of the same responsibilities as a municipal fire marshal's office would. As a state sponsored institution, the UHFMO is responsible for ensuring that the university complies with the National Fire Protection Association's Life Safety Code and Fire Code. The UHFMO does this through a robust program of construction plan reviews, building inspections, fire investigations, safety permits, fire extinguisher maintenance, and community outreach.

A blue ink signature of Christopher McDonald, written in a cursive style.

Christopher McDonald
Director, Fire and Life Safety/Fire Marshal

The University of Houston publishes this Annual Fire Safety Report as part of its annual Clery Act compliance document. This report contains information on student residential fire protection systems, fire safety practices, and fire and life safety standards. This report also includes statistics concerning the number of student residential fires, the cause of each fire, the number of injuries and deaths related to a fire and the value of the property damage caused by the fire.

Emergency Evacuation Drills

The UH Campus Safety Fire Marshal's Office conducts emergency evacuation drills for all residential facilities each fall and spring semester. Students learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. The UH Fire Marshal's Office does not tell residents in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated the availability of the various designated emergency gathering locations on campus and other such as the location and nature of the threat. In both cases, the UH Fire Marshal's Office and SHRL staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. At UH, evacuation drills are used as a way to educate and train occupants of fire safety issues specific to their building. During the drill, occupants practice drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm. In addition to educating the occupants of each building about the evacuation procedures during the drills, the process also provides the University an opportunity to test the operation of fire alarm system components.

In buildings other than residential buildings UH staff is given the opportunity to participate in drills based on requests from UH staff. The evacuation drills are administered by UH Campus Safety, Fire Marshal's Office. Once the drill is complete the UH FMO spends time with the staff educating the staff about evacuation routes and exit strategy procedures.

Fire and Life Safety Inspections

Student Housing and Residential Life staff inspect residential rooms on a periodic basis. These inspections will include a general assessment of storage and cleanliness of the room. If any fire or life safety violations are noted by SHRL staff during these general assessment inspections, these will be communicated to the Fire Marshal's Office.

Fire Safety Amenities in UH Residential Facilities

Building	24/7 UHPD Monitoring	Sprinkler System	Smoke Detection	Voice (Public Address)	Fire Ext	Evacuation Plans and Placards	Evacuation Drills per Year
Bayou Oaks	Yes	Yes	Yes	Yes	Yes	Yes	2
University Lofts	Yes	Yes	Yes	Yes	Yes	Yes	2
Cambridge Oaks	Yes	No	Yes	Yes	Yes	N/A*	2
Cougar Village 1	Yes	Yes	Yes	Yes	Yes	Yes	2
Cullen Oaks Phase 1	Yes	Yes	Yes	Yes	Yes	Yes	2
Cullen Oaks Phase 2	Yes	Yes	Yes	Yes	Yes	Yes	2
Moody Towers	Yes	Yes	Yes	Yes	Yes	Yes	2
Cougar Place	Yes	Yes	Yes	Yes	Yes	Yes	2
Cougar Village 2	Yes	Yes	Yes	Yes	Yes	Yes	2
The Quads	Yes	Yes	Yes	Yes	Yes	Yes	2

*Cambridge Oaks is a two story Apartment style building with direct exterior access from each apartment

The University of Houston Fire Marshal's Office also inspects the student rooms at least once per school year. The purpose of these inspections is to eliminate hazards by educating the resident population concerning items that are acceptable for use in their rooms and the practices associated with those items. Residents are provided with the Residential Halls Service Agreement which they must read and initial, and which advises the student that the University reserves the right to enter any room for the purpose of inspection, repair, cleaning, inventory, health and safety reviews, and emergencies. The inspections include a visual inspection of electrical items, sprinkler heads, smoke detectors, fire extinguishers, and other life safety systems.

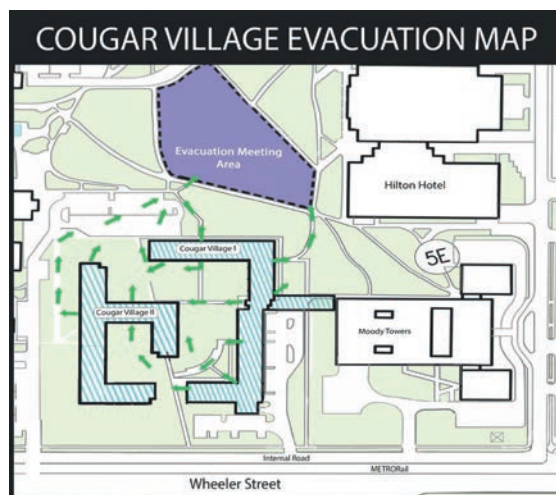
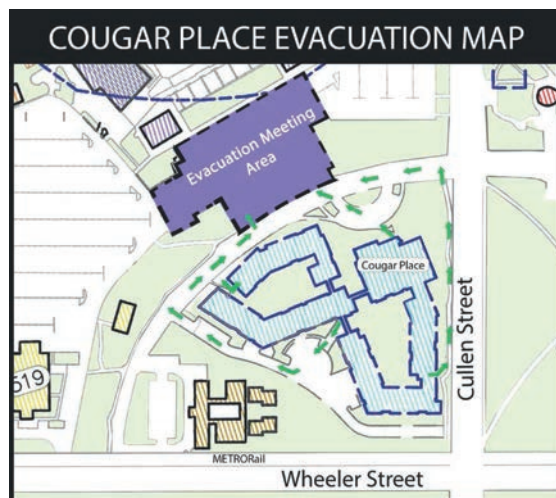
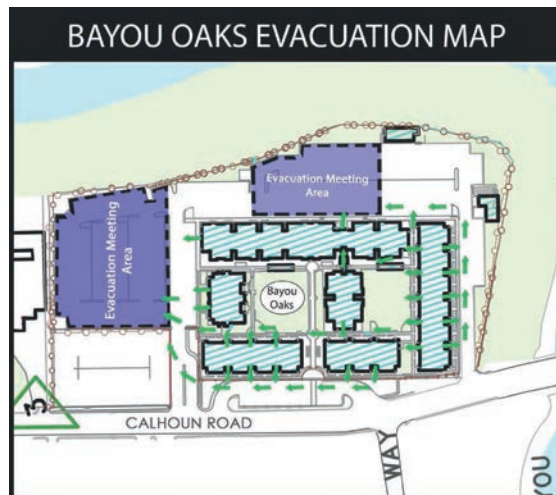
Each room will also be inspected using NFPA 101 Life safety code for the presence of other prohibited items such as candles, halogen lights, portable cooking appliances (toasters, hot plates, etc.), extension cords without circuit breakers, and for prohibited activities including smoking in the building, tampering with life safety equipment, hanging items from the sprinkler heads and/or piping, etc.

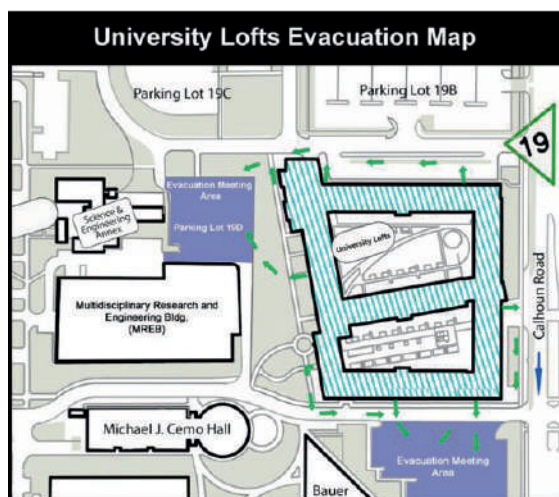
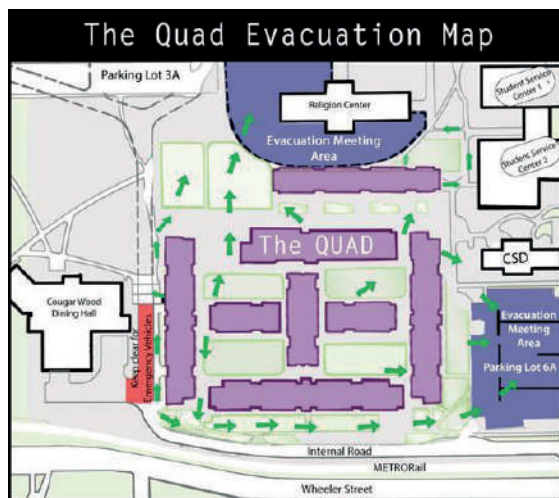
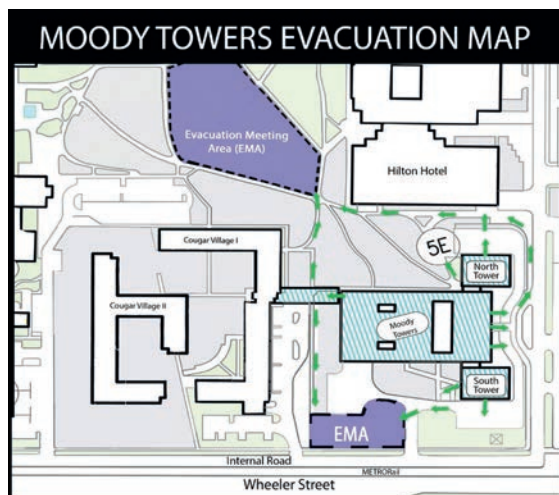
Fire Protection Equipment/Systems

All of the University Student Housing and Residential Life facilities are fully equipped with automatic fire alarm systems with smoke detectors in every room with exceptions of two buildings. Cullen Oaks buildings 2 and 3 are served by an automatic fire alarm system covering the common areas and corridors; individual bedrooms are covered by single station smoke detectors. All but Cambridge Oaks has full fire sprinkler coverage. Refer to the Residential Life Fire Protection Systems Chart below for information concerning fire detection, notifications, suppressions systems, etc. in each residential facility.

Fire Safety Education

There are multiple fire safety educational opportunities for students, faculty and staff to receive throughout the school year. Fire safety educational material is provided at both new employee orientation and at the orientation for new students. The State of Texas Fire Marshal's Office has developed a program entitled "Have an Exit Strategy" and has provided extensive materials to promote this program. The University has incorporated the program into the Fire Safety





Training which the University Fire Marshal's Office provides. Every year the UHFMO provides evacuation and fire safety training to SHRL staff.

Fire Safety Tips

Buildings are equipped with a variety of features that are designed to detect, stop and/or suppress the spread of a fire.

- A door can be the first line of defense against the spread of smoke or fire from one area to another. Some doors, such as fire doors in corridors or stairwells of residence halls, are designed to stand up to fire longer than those of an individual room. It is important that these doors are CLOSED for them to work. Additionally, if a door has a device that automatically closes the door, it should NOT be propped open.
- Sprinklers are 98% effective in preventing the spread of fire when operating properly. DO NOT obstruct the sprinkler heads with materials like clothing hanging from the piping.
- Smoke detectors cannot do their job if they are disabled or covered by the occupant, which is a violation of University Policy.
- Almost $\frac{3}{4}$ of all fires that are caused by smoking material are the result of a cigarette being abandoned or disposed of carelessly.
- Smoking and other use of tobacco, to include vaping and/or use of electronic cigarettes, is PROHIBITED on UH campus grounds.

A daily fire log is available for review at the Fire Marshal's Office located at 4513 Cullen Blvd. from 8 a.m.–5 p.m. Monday through Friday, excluding holidays. The information in the fire log typically includes information about fires that occur in residential facilities, including the nature, date, time, and general location.

Future Improvements in Fire Safety

All renovations and new construction at the University of Houston either meet or exceed the requirements of the National Fire Protection Association 101 Life Safety Code. This includes the installation of fire extinguishing systems appropriate for the hazards, state-of-the-art addressable voice fire alarm systems, emergency lighting, etc.

Notification Process

If a fire occurs in a UH building, campus community members should immediately notify UHPD at 713.743.3333 or dial 911. UHPD will initiate a response and can summon the fire department quickly through this communication link. If a member of the UH community finds evidence of a fire that has been extinguished, and the person is not sure whether UHPD has already responded, the community member should immediately notify UHPD dispatch, the University Fire Marshal, Assistant Fire Marshal, and/or any Deputy Fire Marshal.

The University has invested in state-of-the-art addressable voice fire alarm systems for the majority of buildings on campus with the long-term goal of replacing all older fire alarm systems with the addressable voice fire alarm system. The purpose of these systems is to alert members of the campus community of potential hazards associated with an event in the building. UH community members are expected to evacuate upon hearing a fire alarm in a facility.

The fire alarms alert community members of potential hazards and community members are required to heed the warning and evacuate buildings immediately upon hearing a fire alarm in a facility. Use the nearest stairwell and/or exit to leave the building immediately. Community members should familiarize themselves with the exits in each building.

When a fire alarm is activated, the elevators in most buildings may be recalled for fire department use. Occupants should use the stairs to evacuate the building. If you are caught in the elevator, push the emergency phone button. The emergency phones in elevators on campus typically ring to the UHPD dispatcher or to a security desk.

Student Housing & Residential Life (SHRL) Evacuation Procedures

SHRL provides evacuation procedures either posted on the inside door of each room or in the corridors adjacent to the rooms. Evacuations procedures are included in the SHRL orientation packets. Students also receive information about evacuation and shelter-in-place procedures during their first floor meetings which occur during the first week after move in, and during other educational sessions that they can participate in throughout the year. Staff members

are trained in these procedures as well and act as an ongoing resource for the students living in residential facilities.

At the sound of the alarm the students shall:

- Secure your room (windows and doors)
- Immediately leave the area
- Leave everything behind except your key
- Proceed to the nearest unobstructed exit
- Exit in an orderly fashion (evacuation plans are posted on each floor)
- Do not use the elevators
- Keep calm
- Move away from the entrances and buildings once you are outside
- Report to the pre-designated meeting placed given to you by the residential staff
- Do not re-enter the building until told to do so by First Responders on scene

State fire code regulations require that a fire drill and/or building evacuation be held in residence halls every semester. Resident and guest participation and cooperation are mandatory. The UH Fire Marshal's Office provides additional information concerning the University's General Evacuation Procedures and Area-Specific Evacuation Procedures during training sessions for Faculty, Staff and Students. The UH Fire Marshal's Office provides this information through their website and through other training opportunities throughout the year.

Safe evacuation will require familiarization of the exits in each facility so that the evacuees use the nearest stairwell and/or exit from the facility. Safe evacuations also include not using an elevator as a means of escape. The elevators that have not been recalled for fire department use may operate erratically in a fire situation resulting in entrapment. The emergency phone in the elevators should be used to notify the UHPD dispatcher should entrapment occur.

Fire Statistics in Residential Housing Facilities

2019 Statistics and Information Regarding Fires in UH Residential Facilities

Facility	Total Fires in Each Building	Fire Number	Date	Time	Cause of Fire	Number of injuries requiring treatment at a medical facility	Number of deaths related to a fire	Value of property damage caused by fire	UHPD Case Number
Cullen Oaks 4800 Cullen Blvd.	1	1	2/17/2019	10:47	Unattended iron fell onto kitchen counter nearby combustibles	0	0	500	19-0323
University Lofts 4700 Calhoun Rd.	2	1	11/24/2019	22:07	Smoke scare	0	0	0	2019-005
		2	6/30/2019	11:26	Electrical fire in FCU motor fan motor filling corridor with smoke	0	0	500	19-1065
Moody Towers 4401 Wheeler St.	1	1	3/5/2019	04:30	Grease from unattended fire ignited	0	0	1000	19-0441
Cougar Village I 4835 Wheeler St.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Cambridge Oaks 4444 Cullen Blvd.	1	1	2/16/2019	17:56	Hot cooking oil ignited when oil spilled over pot onto heating element	0	0	200	19-0321
Cougar Place 3800 Cullen Blvd.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Bayou Oaks 5019 Calhoun Rd.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Cougar Village II 4373 Wheeler St.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

2020 Statistics and Information Regarding Fires in UH Residential Facilities

Facility	Total Fires in Each Building	Fire Number	Date	Time	Cause of Fire	Number of injuries requiring treatment at a medical facility	Number of deaths related to a fire	Value of property damage caused by fire	UHPD Case Number
Cullen Oaks 4800 Cullen Blvd.	1	1	12/24/2020	21:29	Outside trash can fire – cause undetermined.	0	0	800	2020-017
University Lofts 4700 Calhoun Rd	2	1	5/11/2020	00:30	Electrical short in HVAC motor, producing smoke.	0	0	500	2020-005
		2	5/29/2020	08:10	Electrical short in HVAC motor, producing smoke	0	0	500	2020-006
Moody Towers 4401 Wheeler St.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Cougar Village I 4835 Wheeler St.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Cambridge Oaks 4444 Cullen Blvd	3	1	2/18/2020	11:10	Accumulation of grease in drip pan ignited.	0	0	25	2020-002
		2	4/10/2020	19:00	Occupant used oven to dry plastic utensils. Utensils melted and dripping onto the oven's heating element producing smoke.	0	0	500	2020-003
		3	8/1/2020	16:30	Occupant left food unattended while cooking – fire was contained to the pan in the oven.	0	0	200	2020-009
Cougar Place 3800 Cullen Blvd	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Bayou Oaks 5019 Calhoun Rd	1	1	9/6/2020	16:50	Fire caused by electric anomaly in HVAC unit. Fire confined to HVAC unit.	0	0	UNK	2020-0013
Cougar Village I 4835 Wheeler St.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
The Quads 4361 Cougar Village Dr.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

2021 Statistics and Information Regarding Fires in UH Residential Facilities

Facility	Total Fires in Each Building	Fire Number	Date	Time	Cause of Fire	Number of injuries requiring treatment at a medical facility	Number of deaths related to a fire	Value of property damage caused by fire	UHPD Case Number
Moody Dining Commons <i>4401 Cougar Village Dr.</i>	1	1	8/23/2021	10:28	Malfunctioning cooking equipment	0	0	250	2021-08

Enclosures


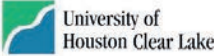


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Enclosure 1: Clery Incident Report Form

CLERY INCIDENT REPORT FORM <small>FOR</small> NON-POLICE CAMPUS SECURITY AUTHORITIES UNIVERSITY OF HOUSTON SYSTEM			
			
<p>The purpose of CLERY is to encourage reporting and the accurate collection of campus crime statistics to promote crime awareness and to enhance campus safety through reliable statistical records. The purpose of this report form is to provide a uniform procedure for documenting the (What, When, Where) of certain reportable crimes and/or non-criminal hate motivated incidents that have occurred within one of the four reporting locations and which have been reported to a Campus Security Authority (CSA) other than the University Police Department. Data collected on this form is to be used to increase public safety, not to identify the victim; therefore, no personal identifying information shall be included on this form. All cooperating victims who do not wish to remain anonymous should be directed to their respective University Police Department or the law enforcement agency having jurisdiction where the crime occurred.</p> <p>It is the policy of the University of Houston System to encourage victims and/or witnesses to crime(s) to report such crimes to the police and/or to a designated Campus Security Authority - someone who has significant responsibility for student and campus activities. For the purposes of CLERY, CSA's are required to document certain reportable crimes and non-criminal hate motivated incidents which have been reported to them and which have occurred in the following locations:</p> <ol style="list-style-type: none"> 1) On-campus property: Any building or property owned or controlled by the University which is within the same reasonably contiguous geographic area and used by the University in direct support of, or in a manner related to, the University's educational purpose, including those buildings or property described herein that is owned by the University but controlled by another person and which is frequently used by students. 2) On-campus residential life buildings – The interior area of any building owned, leased, and/or controlled by the university, that houses students of the university. 3) Non-campus property: Non-campus property or building owned or controlled by the University that is frequently used by students and is not within the same reasonably contiguous geographic area of the institution, or any building/property that is owned or controlled by a student organization that is officially recognized by the institution, such as academic, religious or fraternal student organizations. 4) Public property: Public property located immediately adjacent to and accessible from campus, including: thoroughfares, sidewalks, streets, lands, parks and bayous. <p>For CLERY purposes, the student status (yes/no) of the offender or the victim is not a relevant fact as to whether or not this report form is to be completed. If a violation of one of the below listed offenses occurs, documentation is required. CLERY documentation is not satisfied by simply directing/referring the reporting party to the police department. In order for the University to satisfy the statistical reporting requirements of the Clery Act, all CSA's are required to complete this form when certain any of the specified offenses list below are reported to them. Nonetheless, a person reporting a crime shall also be encouraged to report the crime to the University of Houston Police.</p>			
CHECK ALL THAT MAY APPLY (Part 1): <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"><input type="checkbox"/> Rape</div> <div style="width: 50%;"><input type="checkbox"/> Statutory Rape</div> <div style="width: 50%;"><input type="checkbox"/> Burglary</div> <div style="width: 50%;"><input type="checkbox"/> Murder / Non-Negligent Manslaughter</div> <div style="width: 50%;"><input type="checkbox"/> Fondling</div> <div style="width: 50%;"><input type="checkbox"/> Robbery</div> <div style="width: 50%;"><input type="checkbox"/> Motor Vehicle Theft</div> <div style="width: 50%;"><input type="checkbox"/> Manslaughter by Negligence</div> <div style="width: 50%;"><input type="checkbox"/> Incest</div> <div style="width: 50%;"><input type="checkbox"/> Aggravated Assault</div> <div style="width: 50%;"><input type="checkbox"/> Arson</div> </div>			
CHECK ALL THAT MAY APPLY (VAWA): <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"><input type="checkbox"/> Domestic Violence</div> <div style="width: 50%;"><input type="checkbox"/> Dating Violence</div> <div style="width: 50%;"><input type="checkbox"/> Stalking</div> </div>			
CHECK ALL THAT MAY APPLY: <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"><input type="checkbox"/> Weapon Law Violation</div> <div style="width: 50%;"><input type="checkbox"/> Drug Law Violation</div> <div style="width: 50%;"><input type="checkbox"/> Liquor Law Violation</div> </div>			
<input type="checkbox"/> Hate Crime - Check if Part 1 or VAWA, or any of the below, included clear evidence of prejudice/bias intent. <input type="checkbox"/> Theft <input type="checkbox"/> Assault <input type="checkbox"/> Intimidation <input type="checkbox"/> Destruction / Vandalism / Damage to Property		Category of Prejudice – Select all that apply: <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"><input type="checkbox"/> Race</div> <div style="width: 33%;"><input type="checkbox"/> Religious Beliefs</div> <div style="width: 33%;"><input type="checkbox"/> Gender Identity</div> <div style="width: 33%;"><input type="checkbox"/> Ethnicity</div> <div style="width: 33%;"><input type="checkbox"/> Disability</div> <div style="width: 33%;"><input type="checkbox"/> Sexual Orientation</div> <div style="width: 33%;"><input type="checkbox"/> National Origin</div> <div style="width: 33%;"><input type="checkbox"/> Gender</div> </div>	
Date of Incident:		Time of Incident:	
Location of Incident (Further clarify in the check boxes below left. DO NOT include exact dorm room numbers for privacy reasons)			
<input type="checkbox"/> On-campus (excluding Residential Life) <input type="checkbox"/> On-campus (Residential Life buildings) <input type="checkbox"/> Noncampus - University Affiliated <input type="checkbox"/> Public Property (street/sidewalk/bus stop) <input type="checkbox"/> Unknown <input type="checkbox"/> Off Campus Location Not UH Affiliated		Name and Direct Telephone Number of CSA receiving the information and completing this report: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">CSA's Department</div> <div style="width: 45%;">CSA's Preferred E-Mail Address</div> </div>	

Reporting Party: <input type="checkbox"/> Victim <input type="checkbox"/> Witness <input type="checkbox"/> Suspect <input type="checkbox"/> Other:	Was a Police Report Filed? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown Specify Department:	Does the Victim Want Police to Investigate? <input type="checkbox"/> Yes (Contact your University Police Department as shown below) <input type="checkbox"/> No, the victim desires anonymity
--	--	--

Date of Police Report:	Case Number:	Officer Name:
------------------------	--------------	---------------

Sex Offenses: Sex offenses are of special concern to the campus community because they have been historically under reported. The victim of a sex offense typically desires confidentiality and anonymity; as a result he/she will often seek a reporting source other than law enforcement such as a designated Campus Security Authority. Because the sex offender may continue to pose a threat to the community, the threat potential needs to be evaluated and the campus community alerted/warned as necessary. In this regard, the following additional information is requested.

Suspect Information <input type="checkbox"/> Known Offender (friend, classmate, acquaintance, date, etc.) <input type="checkbox"/> University Affiliated (<input type="checkbox"/> Student <input type="checkbox"/> Staff <input type="checkbox"/> Faculty) <input type="checkbox"/> Unknown Offender (Stranger) <input type="checkbox"/> Victim was not injured (exclude emotional/psychological trauma) <input type="checkbox"/> Victim was injured - Describe Injuries: <div style="border: 1px solid black; height: 40px; width: 100%; margin-top: 5px;"></div>	Additional Factors Involved <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Alcohol : <input type="checkbox"/> Prescription Drugs : <input type="checkbox"/> Illegal Drugs : <input type="checkbox"/> Weapon(s) : </div> <div> <input type="checkbox"/> Offender <input type="checkbox"/> Victim <input type="checkbox"/> Offender <input type="checkbox"/> Victim <input type="checkbox"/> Offender <input type="checkbox"/> Victim <input type="checkbox"/> Yes <input type="checkbox"/> No </div> </div> Describe Involved Factors & Weapons: <div style="border: 1px solid black; height: 40px; width: 100%; margin-top: 5px;"></div>
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Description of Incident:

RETURN COMPLETED FORM TO AFFILIATED UNIVERSITY POLICE DEPARTMENT

University of Houston Police Department - Attn: Clery Compliance Officer – (713) 743-3333, 4051 Wheeler Ave., Houston, TX 77204 or via email to csa@uh.edu.

University of Houston-Clear Lake Police Department – Attn: Clery Compliance Officer – (281) 283-2222, 2700 Bay Area Blvd., Box 323, Houston TX 77058, in-person at the UHCL Police Building, 700 E. Bayou Road, Pasadena TX 77058, or via email to uhclpdcsa@uhcl.edu.

University of Houston-Downtown Police Department – Attn: Clery Compliance Officer – (713) 221-8065, One Main Street, Suite N-118, Houston, TX 77002 or via email to csa@uhd.edu.

University of Houston-Victoria Police Department – Attn: Clery Compliance Officer – (361) 485-4570, 3007 North Ben Wilson Attn. Jaguar Hall, Suite 1122, Victoria, TX 77901 or via email to police@uhv.edu.

Enclosure 2: UHS Sexual Misconduct Policy

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September 1, 2021

**UNIVERSITY OF HOUSTON SYSTEM
ADMINISTRATIVE MEMORANDUM**

SECTION: General Information

NUMBER: 01.D.08

AREA: Legal Affairs

SUBJECT: Sexual Misconduct

1. PURPOSE

This Policy provides the exclusive mechanism for the University of Houston System and its universities (“University”) to manage the non-criminal reporting of Sexual Misconduct, as defined in this Policy, by providing a prompt, fair, and impartial investigation and resolution process.

Consistent with its commitment to addressing Sexual Misconduct, the University complies with Title IX of the Education Amendments of 1972 (“Title IX”), which prohibits discrimination on the basis of sex in Education Programs or Activities, as defined in this Policy, Title VII of the Civil Rights Act of 1964 (“Title VII”), which prohibits sex discrimination in employment, Section 304 of the Violence Against Women Reauthorization Act of 2013 (also known as the Campus Sexual Violence Elimination Act (SaVE Act) and applicable state law, including Texas Education Code §51.259 and §51.295 and Texas Labor Code §21.142. The University also prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking as defined by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

2. POLICY

The University is committed to maintaining and strengthening an educational, working and living environment where students, faculty, staff, visitors, and applicants for admission or employment are free from sex discrimination of any kind. Sexual Misconduct, a form of sex discrimination, is antithetical to the standards and ideals of the University. The University will take appropriate action in an effort to eliminate Sexual Misconduct from occurring and prevent its recurrence, including, but not limited to, taking immediate and appropriate corrective action when a violation occurs which impacts an individual’s employment. Likewise, the University will address its effects by conducting educational programs, including ongoing prevention and awareness campaigns, designed to promote awareness, reduce risk, and prevent Sexual Misconduct. In implementing this Policy, the University, to the greatest extent practicable, ensures equal access for persons with disabilities.

This Policy includes two separate grievance processes in order to comply with Title IX regulatory requirements and continue to address Sexual Misconduct that occurs outside of Title IX jurisdiction: Title IX Grievance Procedures and UH System Sexual Misconduct Grievance Procedures. The University acknowledges that Sexual Misconduct occurring outside of an Education Program or Activity, as defined in the Title IX regulations and this Policy, can have a direct impact on the campus experience, depriving individuals who experience it of their fundamental ability to live, learn, and work with dignity. It is essential that university environments foster gender equality and provide safe spaces in which all students can learn and all employees can work. Students' equal access to education depends on effective policies and responses by universities to address Sexual Misconduct.

Students and employees may be disciplined under this Policy for Sexual Misconduct on University grounds or off University grounds when the incident occurs in connection with an Education Program or Activity, when the incident has a substantial connection to an employee's duties or the interests of the University, or when the incident poses a threat of serious mental or bodily harm to any member of the University community, even if the student or employee is or may be penalized by civil or criminal authorities for the same act.

3. DEFINITIONS

- 3.1 Actual Knowledge: Notice of actual or alleged Sexual Misconduct to a University's Title IX Coordinator or any official of the University who has authority to institute corrective measures on behalf of the University. Other officials of the University who have authority to institute corrective measures on behalf of the University include all elementary school employees.
- 3.2 Complainant: An individual who is alleged to be the victim of conduct that could constitute Sexual Misconduct, as defined in this Policy.
- 3.3 Confidential Resource Employee: A University employee designated as a person with whom students may speak confidentially about Sexual Misconduct, who receives information regarding such an incident under circumstances that render the employee's communications confidential or privileged under other law. Such employees include, but are not limited to:
 - 3.3.1 The staff of a counseling or health center acting in their capacity as a counseling or health provider; and
 - 3.3.2 Individuals who are associated with the University in the role of a pastoral counselor or confidential advisor acting in that capacity.
- 3.4 Consent: An informed and freely and affirmatively communicated willingness to participate in a particular sexual activity by a capacitated and legally competent

person. See *Section 5 – Consent* for further guidelines on Consent.

- 3.5 Discrimination: Treating an individual or members of a Protected Class less favorably because of their membership in that class or having a policy or practice that has a disproportionately adverse impact on Protected Class members.
- 3.6 Education Program or Activity: Such locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the Title IX Sexual Misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University, whether such a building or activity is on-campus or off-campus.
- 3.7 Formal Complaint: A document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Misconduct against a Respondent and requesting that the University investigate the allegation(s) of Sexual Misconduct.
 - 3.7.1 A document filed by a Complainant means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the University) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing a Formal Complaint.
 - 3.7.2 Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party under this Policy.
- 3.8 Hearing Advisor: An individual acting on behalf of a named party in Title IX Grievance Procedures. Any named party will have the same opportunity to have a Hearing Advisor of their choice present during any hearing held in accordance with the Title IX Sexual Misconduct Grievance Procedures. This Advisor may be an attorney, provided at the party's expense, with no cost to the University. If an individual is unable to obtain a Hearing Advisor, the University will provide one to any named party at no charge.
- 3.9 Hearing Board: The group of faculty and staff members from which a Hearing Panel may be selected in a UH System Sexual Misconduct hearing.
- 3.10 Hearing Officer: An individual not affiliated with the University who serves over the hearing process in a Title IX Grievance Procedures hearing and issues a Written Determination regarding responsibility and any sanction or remedy as applicable.
- 3.11 Hearing Panel: The four (4) faculty and/or staff members presiding over a hearing in a UH System Sexual Misconduct hearing.

- 3.12 **Incapacitation:** A person is incapacitated (not legally competent) and cannot consent to sexual activity if the person is unconscious or otherwise unable to resist, is unaware that sexual activity is occurring, and/or does not have the legal capacity to consent.
- 3.12.1 A person may be unable to consent when they are mentally or physically incapacitated because of the influence of drugs, alcohol, or medication and as a result are rendered temporarily incapable of understanding, appraising, or controlling their conduct.
- 3.12.2 A person's incapacity to understand, appraise, or control their conduct may be analyzed based on surrounding factors including, but not limited to, hallucinations, blackouts, seizures, vomiting, slurred speech, disorientation, or lack of physical or mental coordination.
- 3.12.3 When a Respondent has been accused of engaging in sexual activity with an incapacitated person, the perspective of a reasonable person will be applied to determine whether the Respondent knew or should have known about the Complainant's inability to give consent.
- 3.13 **Protected Class:** A class of persons who are protected under applicable federal or state laws against discrimination and harassment on the basis of race, color, sex (including pregnancy), genetic information, religion, age, national origin, disability, veteran status, sexual orientation, gender identity, and gender expression or any other legally protected status.
- 3.14 **Personal Advisor:** Any named party is entitled to have one (1) personal advisor of their choice present during any meeting related to the investigation of Sexual Misconduct. This advisor may be an attorney, provided at the party's expense, with no cost to the University. Personal Advisors may not speak on behalf of the individual they are advising or be a witness at any hearing that they attend in the capacity of Personal Advisor or Hearing Advisor. A Personal Advisor may ask to briefly suspend any meetings, interviews, or hearings to provide private consultation related to the meeting or proceeding in process. An individual serving as a Personal Advisor may serve as a Hearing Advisor under Title IX Grievance Procedures.
- 3.15 **Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute Sexual Misconduct.
- 3.16 **Responsible Employee:** A University employee who has the duty to report incidents of Sexual Misconduct to the Title IX Coordinator or other appropriate designee, or an employee whom an individual could reasonably believe has this duty. Responsible employees include all administrators, faculty, and staff, except Confidential Resource Employees.

- 3.17 Sexual Misconduct: Any conduct defined in this Policy as Title IX Sexual Misconduct or UH System Sexual Misconduct. Please see *Appendix A – Definitions* for more information.
- 3.18 Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent regardless of whether a Formal Complaint has been filed.
- 3.19 Title IX Coordinator: The person who has been designated on each University's campus to coordinate efforts to comply with and implement this Policy. The Title IX Coordinator is responsible for conducting the administrative investigation of reports of Sexual Misconduct and is available to discuss options, provide support, explain University policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate one or more Deputy Title IX Coordinators. The Title IX Coordinators for each University are located here:
- University of Houston System/University of Houston
Assistant VC/VP for Equal Opportunity Services
(713) 743-8835
<https://www.uh.edu/equal-opportunity/contact/>
- University of Houston – Downtown
Title IX Coordinator
(713) 221-5771
<https://www.uhd.edu/administration/title-ix-equity-diversity/Pages/default.aspx>
- University of Houston – Clear Lake
Title IX Coordinator
(281) 283-2305
<https://www.uhcl.edu/policies/title-ix/>
- University of Houston – Victoria
Title IX Coordinator
(361) 570-4835
<https://www.uhv.edu/title-ix/contact-us/>
- 3.20 Title IX Sexual Misconduct: Please see *Appendix A – Definitions*.
- 3.21 UH System Sexual Misconduct: Please see *Appendix A – Definitions*.
- 3.22 University-Affiliated Activity: Any activity on or off campus that is initiated, aided, authorized, or supervised by the University or by an officially recognized University organization.

- 3.23 University Premises: Buildings or grounds owned, leased, operated, controlled, or supervised by the University.
- 3.24 Written Determination: The Hearing Officer will provide a written decision of responsibility simultaneously to the Title IX Coordinator and the parties. This document will contain both the finding(s) and the sanction(s) or remedies, if applicable.

4. JURISDICTION

- 4.1 The University has jurisdiction over allegations of Sexual Misconduct occurring on the University's premises, at University-Affiliated Activities, and/or where the Respondent or Complainant are either a student, faculty member, staff member, visitor to campus, or applicant for admission or employment. Consistent with its other codes of conduct, the University has jurisdiction over allegations of UH System Sexual Misconduct occurring off campus when the incident has a substantial connection to an employee's duties or the interests of the University, or when the incident poses a threat of serious mental or bodily harm to any member of the University community. Other than the University Police Department which may conduct a criminal investigation as appropriate, the University does not have jurisdiction over allegations between visitors or non-affiliated persons under this Policy.
- 4.2 The University has the discretion to investigate conduct occurring off University premises or at a non-University-Affiliated Activity if either the Complainant or Respondent is University-Affiliated.
- 4.3 Proceedings may continue even if a party is no longer employed with the University. Per state law, proceedings will continue even if a party is no longer a student of the University.
- 4.4 The University's jurisdiction over Title IX Sexual Misconduct is limited to incidents that meet the definition of Title IX Sexual Misconduct as well as the following requirements:
 - 4.4.1 The University received Actual Knowledge of allegations of Title IX Sexual Misconduct;
 - 4.4.2 The allegation of Title IX Sexual Misconduct occurred in an Education Program or Activity including any building owned or controlled by a student organization that is officially recognized by the University, whether such a building or activity is on-campus or off-campus;
 - 4.4.3 The allegation of Title IX Sexual Misconduct occurred against a person in the United States; and

4.4.4 At the time of filing a Formal Complaint, the Complainant had been participating in or attempting to participate in the University's Education Program or Activity.

4.5 If the University is notified that a member of the University community has reported an incident of Sexual Misconduct, but the University does not have jurisdiction to handle the case, the University will still take reasonable steps to ensure the individual's safety while on campus and to offer the individual information about resources both on campus and in the community.

5. CONSENT

5.1 Consent can be expressed either by words or by clear and unambiguous actions, as long as those words or actions create mutually understandable permission regarding the conditions of each instance of sexual activity.

5.2 It is the responsibility of the person who wants to initiate a sexual activity to ensure that they have the consent of the other(s) to initiate each instance of sexual activity before they initiate the sexual activity.

5.3 Consent is active, not passive, and cannot be inferred from the absence of a "no." Without words or actions demonstrating permission, silence, lack of protest, or lack of resistance cannot be assumed to show Consent.

5.4 The existence of a dating relationship or a previous sexual relationship between the persons involved does not provide the basis for an assumption of consent to future sexual activity.

5.5 Being under the influence of drugs and/or alcohol is never a defense for not obtaining consent.

5.6 A person cannot consent if physical force or violence is used or threatened.

5.7 Sexual Misconduct can occur between strangers or acquaintances.

5.8 Alcohol or other drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and effectively given. Consent is difficult to discern when a person has ingested alcohol and/or other drugs. Anyone wanting to initiate sexual activity is strongly encouraged to err on the side of caution when either they or the person(s) they want to initiate the activity with appear(s) to be intoxicated or there is reasonable cause to believe any individual is intoxicated.

6. REPORTING INCIDENTS

- 6.1 Any person, regardless of whether they are the alleged victim, may report Sexual Misconduct to the Title IX Coordinator in person, by mail, by electronic mail, by telephone, or by the University's electronic reporting system.
- 6.2 Anonymous Reporting
 - 6.2.1 Alleged victims and others not required to report may report Sexual Misconduct anonymously through the web-based reporting system, the Fraud and Non-Compliance Hotline.
 - 6.2.2 The web address for the Fraud and Non-Compliance Hotline is:
<https://app.convercent.com/en-us/LandingPage/b3d1c670-e06c-e711-80cf-000d3ab0d899>
 - 6.2.3 Reports received through this site will be reviewed and investigated if sufficient information is provided to conduct an investigation.
 - 6.2.4 The University will work with anyone who is identified via a Fraud and Non-Compliance report or subsequent investigation to provide anonymity to the full extent possible under this Policy.
 - 6.2.5 Upon receipt of an anonymous report that implicates this Policy, the Title IX Coordinator will invite the reporter to formalize the report into a Formal Complaint. While Supportive Measures are available to anonymous reporters without filing a Formal Complaint, finding(s) and sanction(s) or remedies, if applicable, require a Formal Complaint as described in *Appendix B and C*.
 - 6.2.6 If the anonymous reporter declines to pursue a Formal Complaint, the Title IX Coordinator may pursue a complaint on behalf of the University after considering the factors explained in *Section 14.2.3*.
 - 6.2.7 Complainants have the right to decide if and when they report the incident(s) to the University, law enforcement, or to any other member of the University community. The University strongly encourages individuals to access services, such as counseling and medical help, that can respond to the immediate mental and physical impact of an act of Sexual Misconduct. Individuals can access these services regardless of whether they report what happened.
- 6.3 The University strongly encourages reporting as soon as possible. Prompt reporting may preserve options that delayed reporting does not, including immediate police response and the preservation of physical evidence that may be

necessary to prove an alleged criminal offense or to obtain a protective order.

- 6.4 Once an individual alerts the University of an alleged violation of this Policy the Complainant will be provided with written information including this Policy, their rights, reporting options, and support resources regardless of whether the incident(s) occurred on or off campus.
- 6.5 Complainants have multiple options regarding the involvement of law enforcement and campus authorities, including:
 - The option to notify proper law enforcement authorities including on campus and local police;
 - The option to be assisted by campus authorities in notifying law enforcement authorities; and
 - The option to decline to notify such authorities.
- 6.6 Anyone can receive information about this Policy, their rights under the Policy, reporting options, and support resources without disclosing facts related to the alleged incident.
- 6.7 Each University may have their own programs and services related to the issues covered by this Policy so there may be additional resources for information on your campus.

7. EMPLOYEE REQUIRED REPORTING

- 7.1 To comply with Texas Education Code Chapter 51, an employee of the University who, in the course and scope of their employment, witnesses or receives information regarding the occurrence of an incident that the employee reasonably believes constitutes Sexual Misconduct and is alleged to have been committed by or against a person who was a student enrolled at or an employee of the University at the time of the incident regardless of when or where the incident occurred shall promptly report the incident to the University's Title IX Coordinator.
- 7.2 This section does not apply to an incident in which the employee was a victim of Sexual Misconduct.
- 7.3 A Confidential Resource Employee, in making a report under this section, will state only the type of incident reported and may not include any information that would violate someone's expectation of privacy.

- 7.4 In addition, some individuals who are not Responsible Employees who must share reports under this section with the Title IX Coordinator include, but are not limited to:
- Elected Members of Student Government Associations; and
 - Individuals, including students, serving as responsible persons, even if they are volunteers, at a University Education Program or Activity. These individuals could be teaching assistants, graduate assistants, research assistants, chaperones, peer mentors, or retreat counselors. These individuals are required to report because they are either in a position to do something about the alleged action(s), may be perceived to be able to do something about the alleged action(s), or would otherwise have to report known or suspected incidents of Sexual Misconduct.
- 7.5 Anyone who is required to report known or suspected violations of this Policy must promptly contact the Title IX Coordinator and disclose what they know about the alleged incident(s). Even if a required reporter is a Campus Security Authority and must provide a report to law enforcement or other campus departments, the reporter must also directly notify the Title IX Coordinator as soon as possible.
- 7.6 Reports should include all information concerning the incident known to the reporting person, including all relevant details such as the following:
- The name of the Respondent (if known) and any affiliation with the University (if known);
 - The name of the Complainant and any affiliation with the University (if known);
 - The names of other people who may be involved;
 - Relevant facts, including date, time, and location of the incident(s); and
 - Whether a Complainant has expressed a desire for confidentiality in reporting the incident.
- 7.7 The University will comply with all applicable state laws regarding mandatory reporting for known or suspected abuse, neglect, or exploitation of a child or a vulnerable adult.
- 7.8 Individuals who are not required to report and who are not bound by state confidentiality laws are still encouraged to report known or suspected violations

of this Policy and may do so through the methods listed in this Policy.

- 7.9 Public awareness events such as “Take Back the Night,” candlelight vigils, protests, “survivor speak outs,” or other forums in which members of the community disclose incidents of violations of this Policy are not considered notice to the University for the purpose of triggering its obligation to investigate.

However, information regarding rights under this Policy will be available to anyone who discloses Sexual Misconduct at one of these types of events.

- 7.10 Reporting to Outside Entities: An individual wishing to make a complaint may also contact the U.S. Department of Education, Office for Civil Rights (OCR), to complain of sex discrimination, including Sexual Misconduct:

Office for Civil Rights
U.S. Department of Education
1999 Bryan Street, Suite 1620
Dallas, Texas 75201
Phone: (214) 661-9600
Fax: (214) 661-9587
Email: OCR.Dallas@ed.gov

Employees may also contact the U.S. Equal Employment Opportunity Commission to complain of sex discrimination, including Sexual Misconduct:

U.S. Equal Employment Opportunity Commission
Houston District Office
1919 Smith Street, 6th Floor
Houston, Texas 77002
Phone: (800) 669-6820
Fax: (713) 651-4987

8. IMMEDIATE ASSISTANCE

- 8.1 Medical Assistance: An individual who experiences any form of Sexual Misconduct is encouraged to seek immediate medical care. Preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Victims can undergo a medical exam to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, individuals who have experienced a sexual assault may have a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) within 120 hours of the incident. With the examinee’s consent, the physical evidence collected during this medical exam can be used in a criminal investigation; however, a person may undergo a SAFE even without contacting, or intending to contact, the police. To undergo a SAFE,

please go to the nearest hospital that provides SAFE services. For more information about the SAFE, see the University of Houston System's webpage dedicated to resources and reporting information related to sexual misconduct.

The cost of the forensic portion of the exam is covered by the law enforcement agency that is investigating the assault or, in cases in which a report will not be made to the police, the Office of the Attorney General. This does not include fees related to medical treatment that are not a part of the SAFE. An individual who experiences any form of sexual, domestic, or dating violence is encouraged to seek immediate medical care because they may be prescribed medications to prevent sexually transmitted infections and/or pregnancy even if the police are not contacted or if a SAFE is not performed.

- 8.2 **Police Assistance:** Because the prohibited actions outlined in this Policy may also constitute a criminal act(s), individuals seeking emergency assistance or who want to file a criminal report may contact their University police department or the appropriate local law enforcement agency. In addition to any possible criminal action, the University Police will forward notice of the report to the Title IX Coordinator. Reporting to the police helps maintain future options regarding criminal prosecution. Generally, when the victim reports the incident, a police officer will take a statement from the victim regarding what happened. An adult victim can request that their identity be kept confidential. Anyone wishing to file a report with University police can make a report to their University's Police Department as noted below:

- University of Houston Campus Police Department
<http://www.uh.edu/police>
 713-743-3333
 - University of Houston – Sugar Land
 A campus security station is located in BH 174 and the AMG lobby.
 Security can be reached at the duty desk at 832-842-2929.
- University of Houston - Clear Lake Police Department
<http://www.uhcl.edu/police>
 281-283-2222
 - University of Houston Clear Lake – Pearland
 281-283-2222
- University of Houston - Downtown Police Department
<http://www.uhd.edu/police-department/Pages/default.aspx>
 713-221-8911
 - University of Houston - Downtown Off-campus Locations (UHD @LSC
 Cy-Fair, UHD@LSC Kingwood and Northwest)
 281-290-5911; <https://www.lonestar.edu/campus-police.htm>

- University of Houston – Victoria
<http://www.uhv.edu/police/>
361-570-4357
 - University of Houston – Katy
A campus security station is located on the first floor lobby of the UH and UHV – Katy campus. Security can be reached at the duty desk at 832-841-3911.

8.3 **Counseling Assistance:** A person who has experienced sexual violence is strongly encouraged to seek medical and psychological care even if they do not plan to request a Sexual Assault Forensic Exam (SAFE) or report the assault to the police.

8.4 Complainants will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available both within the University and in the community.

9. **SUPPORTIVE MEASURES, EMERGENCY REMOVAL, & LEAVE DURING AGENCY INVESTIGATION**

9.1 **Supportive Measures**

9.1.1 Once the Title IX Coordinator receives a report of an alleged act of Sexual Misconduct, the Title IX Coordinator will promptly contact the Complainant and Respondent in writing to discuss the availability of Supportive Measures, consider the Complainant's and Respondent's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without filing a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint.

9.1.2 The University will treat the parties equitably by offering Supportive Measures to Complainants and Respondents.

9.1.3 Supportive Measures are offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent.

9.1.4 The University's Supportive Measures are designed to restore or preserve equal access to the University's Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational, living, and working environment, or to deter Sexual Misconduct.

9.1.5 Supportive Measures may include, but are not limited to:

- Counseling for a Complainant or Respondent through a University-affiliated counseling center while the processes outlined in this Policy are ongoing;
- Extensions of deadlines or other course-related adjustments;
- Modifications of work or class schedules;
- Campus escort and transportation services;
- Mutual restrictions on contact between the parties;
- Changes in work or housing locations;
- Leaves of absence; or
- Increased security and monitoring of certain areas of the campus.

9.1.6 The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

9.1.7 The University will honor any order of protection, no-contact order, restraining order, or similar lawful order issued by any criminal, civil, or tribal court.

9.1.8 Failure to adhere to the parameters of any Supportive Measure may be considered a separate violation of this Policy and may result in disciplinary action.

9.2 Emergency Removal & Leave During Agency Investigation

9.2.1 Once the Title IX Coordinator receives a report of an alleged act of Sexual Misconduct, the Title IX Coordinator will undertake an individualized safety and risk analysis to determine whether an immediate threat to the physical health or safety of any student, employee, or other individual arising from the allegations of Sexual Misconduct justifies emergency removal or Leave During Agency Investigation pending further investigation. At the conclusion of the safety and risk analysis, the Title IX Coordinator will make a recommendation for removal to the appropriate office. The appropriate office will provide Respondent with notice and an opportunity to challenge the decision immediately following their removal.

9.2.2 An employee Respondent may be placed on Leave During Agency Investigation, in accordance with the University's policy and procedures

on employee Leave During Agency Investigation during the pendency of a grievance process, as outlined in this Policy.

10. DISMISSALS AND GRIEVANCE PROCEDURES

10.1 Classification of Alleged Sexual Misconduct

10.1.1 Before, during, or after the completion of the investigative report, the Title IX Coordinator will make a determination on the classification of the alleged Sexual Misconduct, in order to determine the appropriate procedures prescribed in this Policy.

10.1.2 For purposes of determining the appropriate grievance procedure, jurisdiction, and dismissal requirements, the Title IX Coordinator will determine whether the Sexual Misconduct is classified as either Title IX Sexual Misconduct or UH System Sexual Misconduct, both as defined in this Policy.

10.2 Title IX Sexual Misconduct

10.2.1 If the Title IX Coordinator determines that the alleged Sexual Misconduct constitutes Title IX Sexual Misconduct, the requirements in this section will apply, including the Title IX Grievance Procedures, jurisdiction, and dismissal requirements. The Title IX Coordinator may dismiss a Formal Complaint from the Title IX Grievance Procedures that does not meet the jurisdictional requirements as described below at any time.

10.2.2 Title IX Dismissals

- A. Permissive Dismissals – A Formal Complaint may be dismissed from the Title IX Grievance Procedures if:
- A party is no longer employed with the University;
 - A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegation therein;
 - Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the allegations contained in the Formal Complaint;

- The Complainant expressly or by action declines to cooperate with the investigation;
- An appropriate resolution or remedy has already been achieved; or
- The University no longer has control over an employee Respondent and, when appropriate, remedies have been offered to the Complainant.

B. Mandatory Dismissals

- A Formal Complaint must be dismissed from the Title IX Grievance Procedures when the conduct alleged would not constitute Title IX Sexual Misconduct as defined in this Policy.
- While the University must dismiss a Formal Complaint from the Title IX Grievance Procedures when the Formal Complaint does not meet the jurisdictional or definition requirements for purposes of Title IX Sexual Misconduct, such a dismissal does not preclude action under another provision of this Policy or the University's codes of conduct.
- The University will simultaneously notify the parties of dismissal of a Formal Complaint from the Title IX Grievance Procedures as well as the reasons for dismissal.
- The parties may appeal a Title IX dismissal through the process described in the Written Appeals section of *Appendix B – Title IX Grievance Procedures*.

10.3 UH System Sexual Misconduct

10.3.1 If the Title IX Coordinator determines that the alleged Sexual Misconduct constitutes UH System Sexual Misconduct, as defined in this Policy, the requirements in this section will apply, including the grievance procedure, jurisdiction, and dismissal requirements.

10.3.2 UH System Sexual Misconduct Dismissals

- A.** The University reserves the right to dismiss a Formal Complaint from the UH System Sexual Misconduct Grievance Procedure for

the following non-exclusive reasons:

- The Complainant expressly or by action declines to cooperate with the investigation;
- An appropriate resolution or remedy has already been achieved; or
- The University no longer has control over the Respondent if they are an employee and, when appropriate, remedies have been offered to the Complainant.

10.3.3 If the University decides to not proceed with a Formal Complaint under the UH System Sexual Misconduct Grievance Procedure, the University will notify the Complainant within five (5) business days of the decision explaining the reason(s) for this decision. This notification will also include a statement informing the Complainant of their ability to file a new complaint with additional information and this new complaint will be assessed on its own merits.

11. CONFIDENTIALITY

- 11.1 The University will keep confidential the identity of any individual who has made a report or Formal Complaint of Sexual Misconduct, any Complainant, any Respondent, and any witnesses, except as may be necessary to conduct an investigation, hearing, or judicial proceeding, or except as permitted by FERPA.
- 11.2 If a party is a student, the student will need to sign a FERPA Release form for the Personal or Hearing Advisor to be present at any meeting or proceeding. The FERPA Release allows staff to speak freely about the student's case when the Personal or Hearing Advisor is present. The student may revoke the FERPA release in writing if they choose to no longer have the individual serve as their Personal or Hearing Advisor or have access to the matter.
- 11.3 The University will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the Supportive Measures.
- 11.4 The University will protect the anonymity of all individuals involved in a report or a Formal Complaint by refusing to disclose their identifying information to anyone outside the University to the maximum extent permitted by law.
- 11.5 The University has great respect for the privacy of the parties identified in a report or Formal Complaint. Under state law, however, Responsible Employees

who receive information of alleged Sexual Misconduct must share that information with the Title IX Coordinator. As such, the University may need to act to maintain campus safety and must determine whether to investigate further, regardless of the Complainant's request for confidentiality or request to not investigate a report submitted to the Title IX Coordinator.

- 11.6 In making determinations regarding requests for confidentiality including Complainants' requests to not investigate, dismiss Formal Complaints, and/or to not disclose identifying information to Respondents, the Title IX Coordinator must deliberately weigh the rights, interests, and safety of the Complainant, the Respondent, and the campus community. The University must consider the following non-exclusive factors when determining whether to investigate an alleged incident of Sexual Misconduct:
- The seriousness of the alleged incident;
 - Whether the University has received other reports of alleged Sexual Misconduct by the alleged Respondent;
 - Whether the alleged incident poses a risk of harm to others; and
 - Any other factors the University determines relevant.
- 11.7 Under state law, if the Complainant requests in writing that the University not investigate a report, the University must inform the Complainant of the decision whether or not to investigate.
- 11.8 When a Formal Complaint is signed by the Title IX Coordinator rather than filed by a Complainant, the University is required to send both parties details about the allegations, including the identity of the parties, if known. If the Complainant's identity is unknown, the grievance process under this Policy may proceed if the Title IX Coordinator determines it is necessary to sign a Formal Complaint, even though the written notice of allegations required in this Policy does not include the Complainant's identity.
- 11.9 Community-based programs not affiliated with the University may also be confidential resources and would follow their own policies and procedures regarding reporting duties.
- 11.10 The University will protect the confidentiality of Complainants and other necessary parties while ensuring Clery Act statistical reporting requirements, specifically, such reporting will be done without inclusion of personally identifying information about a Complainant.

12. SELF-HELP

- 12.1 An individual who believes that they are the subject of unlawful Sexual Misconduct may choose to deal with the alleged offender directly through a face-to-face discussion, a personal telephone conversation, e-mail correspondence, or letters. In some cases, this approach may resolve the situation; in others, it may be ineffective or place the individual in an uncomfortable, insecure, or compromised position.
- 12.2 Under no circumstances should an individual feel pressured to address the alleged offender directly or handle the matter alone, and a decision not to confront a person alleged to be discriminatory or harassing will not be treated negatively under this Policy.

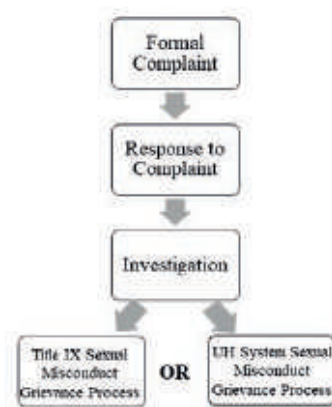
13. PRELIMINARY RESPONSE PROCEDURES

- 13.1 A report of a violation of this Policy does not automatically begin the formal grievance procedures outlined in this Policy. A Complainant who reports an incident of Sexual Misconduct may seek a formal grievance process by filing a Formal Complaint as described in *Section 14* of this Policy.
- 13.2 The University will determine the appropriate preliminary response to each report based on the information available at the time of the report and, whenever possible, with the input of the Complainant.
- 13.3 When the University receives a report regarding an alleged violation of this Policy, it will take reasonable measures to do the following:
 - Contact the Complainant and the Respondent to notify them of their rights and options under this Policy;
 - Implement any appropriate Supportive Measures; and
 - Conduct a preliminary investigation, as appropriate.
- 13.4 Anyone who reports Sexual Misconduct will be notified of their right to speak to the appropriate law enforcement agency and file a report for possible criminal prosecution.
- 13.5 The processes outlined in this Policy is separate from any criminal proceeding related to the reported behavior and may occur while criminal proceedings are ongoing.
- 13.6 Proceedings under this Policy will not be dismissed or delayed because criminal prosecution is pending, criminal charges have been dismissed, or the criminal

charges have been reduced.

14. FILING A FORMAL COMPLAINT & INVESTIGATION

- 14.1 If a Complainant wishes to pursue official University action against a Respondent for alleged Sexual Misconduct, they may follow the steps described in this section to file a Formal Complaint, which will initiate an investigation. At the end of the investigation, the Title IX Coordinator will make a determination on which grievance process (as described in *Section 15 and 16* of this Policy) is appropriate based on jurisdictional requirements.



*This graphic explains the formal complaint progress. A Complainant files a formal complaint, the Respondent(s) have an opportunity to provide a written or verbal Response, the Title IX office performs an investigation, and the Title IX office will inform the parties of which grievance process will apply based on jurisdictional requirements.

14.2 Filing a Formal Complaint

- 14.2.1 A Complainant may file a Formal Complaint alleging Sexual Misconduct with the Title IX Coordinator in person, by mail, by electronic mail, or by the University's electronic reporting system.
- 14.2.2 The University does not limit the timeframe for filing a report or Formal Complaint of Sexual Misconduct, although the University's ability to take any action may be limited because of the passage of time.
- 14.2.3 Even in the absence of a Formal Complaint, some circumstances may require the Title IX Coordinator to initiate a Formal Complaint in order to protect the University community. If the Title IX Coordinator initiates a Formal Complaint, the Title IX Coordinator is not a Complainant or

otherwise a party. The decision for the Title IX Coordinator to file a Formal Complaint is not taken lightly and will be determined based on various factors including, but not limited to, the type of actions alleged in the report, prior reports received, the potential for repeated behavior, and/or the potential on-going risk to the non-participating Complainant and/or the University community.

- 14.2.4 If the Title IX office determines that the Formal Complaint does not contain alleged conduct that constitutes Sexual Misconduct as defined in this Policy, the Title IX office will endeavor to determine whether other codes of conduct or University policies might have been implicated by the alleged conduct and refer accordingly.
- 14.2.5 Once a Formal Complaint is filed, if the Complainant decides that they want to withdraw the Formal Complaint, the University's investigation may still proceed.
- 14.2.6 The University may consolidate Formal Complaints as to the allegations of Sexual Misconduct against more than one Respondent, or by more than one Complainant against one or more Respondents, where the allegations of Sexual Misconduct arise out of the same facts or circumstances.

14.3 Written Notice to the Parties

- 14.3.1 After receipt of a Formal Complaint, the Title IX Coordinator will provide written notice to the parties within five (5) business days, which will include, but is not limited to:
 - Notice of the University's Title IX Grievance Procedure, if applicable, including information about the Informal Resolution process;
 - Notice of the allegations that may constitute Sexual Misconduct;
 - Sufficient details, including the identities of the parties involved in the incident, the conduct allegedly constituting Sexual Misconduct, and the date and location of the alleged incident, if known;
 - A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
 - Notice that the parties may have a Personal Advisor of their choice who may be, but is not required to be, an attorney;

- Notice that the parties may inspect and review evidence, in accordance with applicable policies; and

Notice of any provision of the University's code of conduct or other policy that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

14.4 Response to a Formal Complaint

14.4.1 A Respondent's response to a Formal Complaint is due to the Title IX office within five (5) business days from the date the Title IX office sent it to the Respondent. The Title IX office may grant an extension for good cause.

14.4.2 The response should address and respond to the specific allegations made in the Formal Complaint and can include any other rebuttal information or evidence.

14.4.3 A response may be provided in writing or through an in-person interview with the investigator(s).

14.4.4 While a Respondent is not required to provide a response to the Formal Complaint or answer questions related to the investigation, this will not stop the Formal Complaint process. Failure to acknowledge receipt of the Formal Complaint may be considered a violation of University policy and could result in additional action.

14.5 Informal Resolution (Optional)

14.5.1 If a Formal Complaint alleges a violation of this Policy, the Title IX Coordinator may choose to offer the parties an informal process that resolves the Formal Complaint without completing the grievance process. The option to informally resolve a Formal Complaint depends on whether the University determines that informal resolution may be appropriate and whether both parties voluntarily agree to attempt informal resolution.

14.5.2 If informal resolution is offered by the Title IX Coordinator, the parties are not required to accept this process. If the parties choose to accept the informal resolution process, they must provide their written consent to the Title IX Coordinator.

14.5.3 The informal resolution offered by the Title IX Coordinator may encompass a broad range of conflict resolution strategies, including, but not limited to:

- Alcohol education classes;

- Regular meetings with an appropriate University official(s);
 - Permanent extension of a mutual no contact directive;
 - Restriction from participation in student organizations;
 - University-led training sessions; and
 - Counseling sessions.
- 14.5.4 Any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to a Formal Complaint at any time prior to agreeing to a resolution.
- 14.5.5 If an informal resolution is accepted by the parties in writing, the Title IX Coordinator will provide the parties written notice of the following:
- The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming the grievance process with respect to a Formal Complaint arising from the same allegations;
 - At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint; and
 - Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
- 14.5.6 Any final resolution pursuant to the informal resolution process will be documented and kept for seven (7) years as required by law. However, no recording of the informal resolution process will be made and any statements made during the informal resolution process may not be used for or against either party. Failure to comply with an informal resolution agreement may result in disciplinary action.
- 14.5.7 Informal resolution may **not** be used to resolve Sexual Misconduct allegations where a University employee is alleged to have engaged in Sexual Misconduct against a student. Under certain circumstances, a student may be considered an employee.

14.6 Investigation

- 14.6.1 Absent extenuating circumstances, a Sexual Misconduct investigation will begin upon receipt of a Formal Complaint of alleged Sexual Misconduct. A preliminary investigation may begin prior to receiving a response from a Respondent.
- 14.6.2 Title IX investigator(s) will attempt to gather evidence and interview the Complainant, the Respondent(s), and any witnesses, including those identified by the Complainant and Respondent, as appropriate.
- 14.6.3 Both Complainant and Respondent will be provided equal opportunity to present witnesses and other inculpatory and exculpatory evidence.
- 14.6.4 Both Complainant and Respondent will be provided equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source.

14.7 Inspection of Evidence and Investigative Report

- 14.7.1 Prior to the completion of the investigative report, the Title IX investigator(s) will send to each party and their Advisor, if any, a draft copy of the investigative report and all evidence obtained as part of the investigation, including all inculpatory or exculpatory evidence.
- 14.7.2 The parties will be given ten (10) business days to review the draft report and evidence and provide a written response before the investigative report becomes final.
- 14.7.3 The Title IX investigator(s) will finalize the investigative report after considering the responses from the parties and will provide a copy to the parties and their Personal Advisors, if any, at least ten (10) business days prior to the hearing.

15. TITLE IX SEXUAL MISCONDUCT GRIEVANCE PROCEDURE

- 15.1 If the alleged Sexual Misconduct is found to be considered Title IX Sexual Misconduct, the Title IX Grievance Procedure, described in *Appendix B* of this Policy, will apply.

16. UH SYSTEM SEXUAL MISCONDUCT GRIEVANCE PROCEDURE

- 16.1 If the alleged Sexual Misconduct is found to be considered UH System Sexual Misconduct, the UH System Sexual Misconduct Grievance Procedure, described in *Appendix C* of this Policy, will apply.

17. RETALIATION PROHIBITED

- 17.1 The University takes reports of Sexual Misconduct very seriously and will not tolerate retaliation against those who in good faith make such reports or participate in the investigation or adjudication process.
- 17.2 No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any rights or privilege secured in this Policy or because the individual has made a report or Formal Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy.
- 17.3 Any person who believes that they have been subjected to retaliation should immediately report this concern to the Title IX Coordinator.
- 17.4 If an individual makes a materially false statement in bad faith during the course of a grievance procedure under this policy, this conduct may constitute a violation through a separate University policy. A finding through a separate policy does not constitute retaliation prohibited in this section. However, a determination of responsibility under the Sexual Misconduct, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

18. IMMUNITY

- 18.1 To encourage reporting, the University will not take any disciplinary action against a student enrolled at the University who in good faith reports being the victim of, or a witness to, an incident of Sexual Misconduct for a violation under the University's Student Code of Conduct for conduct by the student occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the University's disciplinary process regarding the incident, if any. The University may investigate to determine whether a report of an incident of Sexual Misconduct was made in good faith. A determination that a student is entitled to amnesty is final and may not be revoked.
- 18.2 A person employed by or enrolled at the University acting in good faith who reports or assists in the investigation of a report of an incident of alleged Sexual Misconduct, or who testifies or otherwise participates in the Formal Complaint process, will not be subjected to any disciplinary action by the University for any violation by the person of the University's code of conduct reasonably related to the incident for which suspension or expulsion from the institution is not a

possible punishment. Decisions regarding immunity are made by the Title IX Coordinator in conjunction with the appropriate sanctioning body.

- 18.3 Immunity, as described in this section, does not apply to individuals who participate or assist in the reported alleged incident.

19. ALLEGATIONS INVOLVING UNIVERSITY-AFFILIATED ORGANIZATIONS

- 19.1 If a report is made alleging that a University-Affiliated organization has violated this Policy, the Title IX Coordinator will make a referral to the appropriate administrative department and/or adjudicative body over that organization to ensure a timely, equitable process to determine if an organization violated relevant University policies.
- 19.2 If a report is made involving an organization, The Title IX Coordinator will seek to identify any individuals who may be involved. The Title IX Coordinator will, in collaboration with the Complainant whenever possible, determine whether a Formal Complaint under this Policy will be filed against any identified individuals.
- 19.3 The Title IX Coordinator will work in partnership with the appropriate adjudicative body should there be concurrent investigations involving individuals and organizations, including, but not limited to, sharing information with appropriate University administrators who have a legitimate need to know.

20. NON-PARTICIPATING COMPLAINANTS

- 20.1 Non-participating complainants, individuals who decline to serve as a Complainant as per *Section 14*, will maintain certain rights per this Policy.
- 20.2 When the Title IX Coordinator pursues a Formal Complaint on behalf of the University, it will work with the non-participating complainants to the extent they are willing and/or able to participate.
- 20.3 Non-participating complainants receive the same notifications as the Complainant and Respondent as outlined in *Appendix B* and *Appendix C* of this Policy, unless they request otherwise.
- 20.4 Non-participating complainants always maintain the right to reasonable Supportive Measures as outlined in Section 9 of this Policy.
- 20.5 Non-participating complainants do not have appeal rights as per this Policy.

21. ADDITIONAL INTERVENTIONS

- 21.1 When a report is received alleging a violation of this Policy, the University will take appropriate steps to assess whether additional actions, beyond a formal investigation and possible disciplinary sanctions, are appropriate, regardless of whether a Formal Complaint is filed or a finding of violation made.
- 21.2 Actions may respond to the specific needs of impacted persons and/or may address the needs of the University community to respond to immediate and long-term concerns regarding personal safety, academic success, and emotional well-being.
- 21.3 Actions may include extending Supportive Measures provided to impacted persons such as those listed in Section 9 or new actions taken to respond to immediate and long-term concerns regarding personal safety, academic success, and emotional well-being.
- 21.4 Actions to address the needs of the University community may include, but are not limited to, training (both targeted training and campus-wide programs), campus safety assessments, campus climate surveys, and evaluation of policies and procedures.

22. ADMINISTRATIVE REPORTING

- 22.1 Not less than once every three months, the Title IX Coordinator of the University shall submit to the University's chief executive officer a written report on the reports received for the institution's reporting period. The report shall include the following information: the investigation of reports; the disposition, if any, of any disciplinary processes arising from reports; and the reports for which the institution determined not to initiate a disciplinary process, if any.
 - 22.1.1 The Title IX Coordinator will immediately report to the University's chief executive officer any incident in which the Title IX Coordinator has cause to believe that the safety of any person is in imminent danger as a result of the incident.
- 22.2 At least once annually during either the fall or spring semester the chief executive officer of the University shall submit to the University's Board of Regents and post on the University's website a report concerning the reports received from the Title IX Coordinator.

23. COMPLIANCE

- 23.1 The chief executive officer of the University shall annually certify in writing to the Coordinating Board, in October of each year, that the institution is in substantial compliance with Texas Education Code Subchapter E-2 (Sections

51.251-51.260).

24. TRAINING

- 24.1 Investigator(s) will receive training at least annually on issues related to Sexual Misconduct and how to conduct the processes outlined in this Policy while being both trauma-informed and impartial, while protecting the safety of those involved and promoting accountability.
- 24.2 Members of the University's Hearing Board and Hearing Officers will receive training at least annually on issues related to Sexual Misconduct. These individuals will also receive training regarding the role of the Title IX office to enforce this Policy, best practices for hearings and hearing panelists, and their role in ensuring and promoting safety, due process, and accountability.
- 24.3 The University will provide training for all incoming students and new employees that increase their knowledge about this Policy, their rights, and resources, as well as strategies to prevent violence, promote safety, and reduce perpetration. Employees will receive initial mandatory training within thirty (30) days of their hire date and supplemental training every two (2) years.
- 24.4 The University will provide training for Title IX Coordinators, investigators, Hearing Officers, and any person designated by the University to facilitate an informal resolution process as required by Title IX.

25. REVIEW AND RESPONSIBILITY

Responsible Party: Vice Chancellor for Legal Affairs and General Counsel

Review: Every two years

26. APPROVAL

Approved: /Dona Cornell/
Vice Chancellor for Legal Affairs and General Counsel

/Renu Khator/
Chancellor

Date: September 1, 2021

27. LEGAL REFERENCES AND RESOURCES

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 – 1688, 34 CFR Part 106

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2, 29 CFR Part 16

Violence Against Women Reauthorization Act of 2013 (also known as the Campus Sexual Violence Elimination Act ([SaVE Act](#)), Section 304, 34 U.S.C. 12291
Family Education Rights and Privacy Act (FERPA) – 20 U.S.C. § 1232g; 34 CFR Part 99
Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) – 20 U.S.C. § 1092; 34 CFR Part 668.46
Texas Education Code Subchapter E-2 – *Reporting Incidents of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking* (§§ 51.251 – 51.260)
Texas Education Code Subchapter E-3 – *Sexual Harassment, Sexual Assault, Dating Violence, and Stalking* (§§ 51.281 – 51.295)
Texas Labor Code § 21.142 – *Unlawful Employment Practice*
Texas Penal Code § 42.07 – *Harassment*
Texas Penal Code § 42.072 – *Stalking*

APPENDIX A – Definitions

This chart provides clarity on the definitions of acts which constitute Sexual Misconduct under Title IX and UH System Policy. ***Please note, for Title IX Sexual Misconduct the alleged conduct must meet the jurisdictional requirements described in Section 4.4 – Jurisdiction. In other words, the conduct alleged must occur in the United States, on campus or at a University affiliated building or event, while the Complainant is attempting to participate in a University program.**

Definition	Title IX Sexual Misconduct	UH System Sexual Misconduct
<i>Dating Violence</i>	<p>*As defined in 34 U.S.C. 12291(a)(10). Dating Violence means violence committed by a person:</p> <ul style="list-style-type: none"> Who is or has been in a social relationship of a romantic or intimate nature with the victim; and Where the existence of such relationship shall be determined based on a consideration of factors such as the length of relationship, type of relationship, and frequency of interaction between the persons involved in the relationship. 	<p>As defined in 34 U.S.C. 12291(a)(10). Dating Violence means violence committed by a person:</p> <ul style="list-style-type: none"> Who is or has been in a social relationship of a romantic or intimate nature with the victim; and Where the existence of such relationship shall be determined based on a consideration of factors such as the length of relationship, type of relationship, and frequency of interaction between the persons involved in the relationship.
<i>Domestic Violence</i>	<p>*As defined in 34 U.S.C. 12291(a)(8). Domestic Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim:</p> <ul style="list-style-type: none"> By a person with whom the victim shares a child in common; By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the of the State of Texas http://www.statutes.legis.state.tx.us/SOTWDocs/CR/htm/CR.5.htm; or By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. 	<p>As defined in 34 U.S.C. 12291(a)(8). Domestic Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim:</p> <ul style="list-style-type: none"> By a person with whom the victim shares a child in common; By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the of the State of Texas http://www.statutes.legis.state.tx.us/SOTWDocs/CR/htm/CR.5.htm; or By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
<i>Non-Consensual Sexual Touching</i>	*Please see the definition of Sexual Assault and/or Sexual Harassment below.	A form of sexual harassment that consists of any intentional touching in a sexual manner, however slight or momentary, or

Definition	Title IX Sexual Misconduct	UH System Sexual Misconduct
		<p>the use of an object to touch another in a sexual manner. Examples include, but are not limited to:</p> <ul style="list-style-type: none"> Unwanted touching of a sexual nature; or Use of force or intimidation to make someone else engage in non-consensual sexual touching.
<i>Quid Pro Quo</i>	An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct.	Please see definition of Sexual Harassment below.
<i>Sexual Assault</i>	<p>*As defined in 20 U.S.C. 1092(f)(6)(A)(v). Sexual Assault means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.</p> <p>Forcible Sex Offenses:</p> <ul style="list-style-type: none"> Rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Sodomy is oral or anal sexual intercourse with another person without the consent of the victim. Sexual assault with an object is the penetration, no matter how slight, of the genital or anal opening of the body of another person without the consent of the victim. An object is anything used by the offender other than the offender's genitalia. Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity. <p>Non Forcible Sex Offenses:</p> <ul style="list-style-type: none"> Incest is sexual intercourse between persons who are related to each 	<p>Sexual intercourse that occurs without consent. Examples include, but are not limited to, the following:</p> <ul style="list-style-type: none"> Penetration, however slight, of an orifice (anal, vaginal, oral) with the vulva, anus, or mouth, by a penis, finger, or other object; Other acts of oral sex or anal stimulation; or Knowingly exposing a person to and/or transmitting a sexually-transmitted infection or HIV/AIDS to another person.

Definition	Title IX Sexual Misconduct	UH System Sexual Misconduct
	<p>other within the degrees wherein marriage is prohibited by law.</p> <ul style="list-style-type: none"> • Statutory Rape is sexual intercourse with a person who is under the statutory age of consent. 	
<i>Sexual Exploitation</i>	<p>*Sexual Exploitation as defined under UH System Sexual Misconduct that constitutes sexual harassment so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's Education Program or Activity.</p>	<p>Sexual Exploitation is a form of sexual harassment that occurs when a party takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other Sexual Misconduct offenses. Examples can include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Prostituting or sex trafficking another; • Non-consensual recording, photographing, or transmitting intimate or sexual utterances, sounds, or images electronically or by other means without the knowledge and consent of all parties involved; • Voyeurism or watching or recording someone when that person is in a place where they would have a reasonable expectation of privacy; • Going beyond the boundaries of consent (such as engaging in actions that were not consented to during an otherwise consensual encounter); or • Distributing intimate or sexual images about another person without that person's consent, even if the images were obtained consensually.
<i>Sexual Harassment</i>	<p>*Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's Education Program or Activity.</p>	<p>Broadly speaking, Sexual Harassment is subjecting an individual on the basis of her or his membership in a Protected Class to unlawful severe, pervasive, or persistent treatment that constitutes:</p> <ul style="list-style-type: none"> • Humiliating, abusive, or threatening conduct or behavior

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Definition	Title IX Sexual Misconduct	UH System Sexual Misconduct
		<p>that denigrates or shows hostility or aversion toward an individual or group;</p> <ul style="list-style-type: none"> • An intimidating, hostile or abusive learning or living environment, or an environment that alters the conditions of learning or living; or • An unreasonable interference with an individual's academic performance. <p>In the employment setting, Sexual Harassment includes an unwelcome sexual advance, a request for sexual favor, or any other verbal or physical conduct of a sexual nature if:</p> <ul style="list-style-type: none"> • Submission to the advance, request, or conduct is made a term or condition of an individual's employment, either explicitly or implicitly; • Submission to or rejection of the advance, request, or conduct by an individual is used as the basis for a decision affecting the individual's employment; • The advance, request, or conduct has the purpose or effect of unreasonably interfering with an individual's work performance; or • The advance, request, or conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment. <p>Examples that could satisfy this legal standard include, but are not limited to: epithets or slurs, negative stereotyping, threatening, intimidating or hostile acts, denigrating jokes and display or circulation (including through e-mail) of written or graphic material in the learning, living, or working environment.</p>
<i>Sexual Intimidation</i>	*Sexual Intimidation as defined under UH System Sexual Misconduct that constitutes sexual harassment so severe, pervasive, and objectively offensive that it effectively	Sexual Intimidation is a form of sexual harassment that involves threatening another with behavior of a sexual nature. Examples of this include, but are not

Definition	Title IX Sexual Misconduct	UH System Sexual Misconduct
	denies a person equal access to the University's Education Program or Activity.	limited to, engaging in indecent exposure (aka "flashing"), or transmitting or displaying a nude image where the action was unsolicited and a reasonable person would feel threatened or intimidated.
Stalking	<p>*As defined in in 34 U.S.C. 12291(a)(30). Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:</p> <ul style="list-style-type: none"> • Fear for safety or the safety of others; or • Suffer substantial emotional distress. 	<p>Stalking, including cyber stalking, is engaging in a course of conduct directed at a specific person that would cause a reasonable person to: fear for their safety and/or the safety of others; or suffer substantial emotional distress.</p> <p>This Policy will apply to acts of Stalking that:</p> <ul style="list-style-type: none"> • Occur between people who currently have or have had a romantic or sexual relationship; or • Occur because of the Respondent's desire to have a romantic or sexual relationship with the Complainant <p>A "course of conduct" is a pattern of behavior composed of two or more acts, whether directly by a Respondent or through third parties, over a period of time, however short, that evidence a continuity of purpose.</p> <p>"Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.</p> <p>A "reasonable person" means a reasonable person in the Complainant's circumstances.</p> <p>The definition of Stalking as used in this Policy may constitute criminal stalking in Texas. Relevant state law can be found at http://www.statutes.legis.state.tx.us/SOTW/Docs/PE/htm/PE.42.htm</p>

APPENDIX B – Title IX Grievance Procedures

1. TITLE IX INVESTIGATIVE REPORT

- 1.1 Upon completion of the investigation report by a Title IX investigator and a determination that the alleged Sexual Misconduct is considered Title IX Sexual Misconduct, the University will hold a hearing during which both parties' Hearing Advisors will have the opportunity to present relevant evidence and ask questions of the parties and witnesses.

2. PREPARING FOR A HEARING

- 2.1 Absent extenuating circumstances, the Title IX Coordinator will schedule a hearing within fifteen (15) business days from the conclusion of the investigation.
- 2.2 Once the hearing is scheduled, requests to reschedule the hearing must be submitted in writing to the Title IX Coordinator and will be considered by the Hearing Officer.
- 2.3 The Complainant and Respondent(s) will be notified of the identity of the Hearing Officer for their hearing. Within five (5) business days of this notification, the Complainant and Respondent(s) have the opportunity to object in writing to the Hearing Officer for cause. The Title IX Coordinator, in consultation with the Hearing Officer, will consider any objection and replace the Hearing Officer if appropriate. In the event that the Hearing Officer recuses themselves, an alternative Hearing Officer will be assigned.
- 2.4 No later than five (5) business days prior to the hearing, all materials that will be used at the hearing must be submitted to the Title IX Coordinator. The Title IX Coordinator will simultaneously make this material available for inspection or provide the materials to both parties as well as the Hearing Officer. The materials must include:
 - All documents and other tangible evidence that will be used as evidence during the hearing.
 - The names of any witnesses and a brief summary concerning the subject matter of the witness' expected testimony.
 - The name of any advisor to be in attendance at the hearing and whether that person is an attorney. Only one Personal Advisor and one Hearing Advisor per party is allowed to attend.

- 2.5 No witness, document, or tangible evidence will be permitted at the hearing unless such information was timely submitted.
- 2.6 It is the responsibility of the party wanting to present a witness to secure that witness.

3. TITLE IX HEARING

3.1 Roles and Responsibilities

3.1.1 Designated Representative

- A. A designated representative may be present at a hearing to serve as a resource to the Hearing Officer for sanctioning purposes in the case of a finding.

3.1.2 Hearing Advisor

- A. A Hearing Advisor is responsible for advising and acting on behalf of a named party as to presentation of witnesses. Each party may have one (1) Hearing Advisor.
- B. A Hearing Advisor may present evidence, question witnesses, and will conduct cross examination of the parties and witnesses. Each party will present their own opening and closing statements, which will be limited to fifteen (15) minutes each.
- C. Hearing Advisors shall not directly address the opposing Hearing Advisor or the opposing party outside of cross-examination.
- D. Hearing Advisors and parties shall not cause unreasonable delays by failing to schedule or appear for a meeting as requested by a Hearing Officer.
- E. Hearing Advisors must adhere to the rules of decorum.

3.1.3 Hearing Officer

- A. The Hearing Officer may question any individual at any time during the hearing.

- B. The Hearing Officer may impose reasonable time limits on any stage of the hearing.
- C. The Hearing Officer may determine the relevance of, and place restrictions on, any witness testimony or questions or information presented. The Hearing Officer has the responsibility to determine the relevancy of questions and explain in real time any decision not to permit a question to be asked.
- D. The Hearing Officer will make determinations on admissibility.
- E. The Hearing Officer has the authority to dismiss a Hearing Advisor who, in the Hearing Officer's judgment, is badgering or harassing a witness or party. Should the Hearing Officer dismiss a party's Hearing Advisor, the hearing shall be suspended until that party is assigned or obtains a new Hearing Advisor.
- F. The Hearing Officer has the authority to request the attendance of a witness who was not designated by the parties if the Hearing Officer determines the witness may have relevant information.
- G. The role of the Hearing Officer is to determine whether or not there is a finding of a violation of the University's Sexual Misconduct Policy. The finding(s) will be determined using a preponderance of the evidence standard; that is, whether it is more likely than not that a Respondent violated this Policy.

3.1.4 Parties

- A. Complainants and Respondents are precluded from conducting cross-examination personally. The only method for conducting cross-examination is by a party's Hearing Advisor.
- B. Parties shall not address each other during the hearing.
- C. Parties must adhere to the rules of decorum.

3.1.5 Witnesses

- A. Parties are responsible for requesting their witnesses to attend the hearing and securing their witness' attendance. The University cannot compel a witness to attend.

- B. Witnesses must have observed the acts in question or have information relevant to the incident and cannot be participating solely to speak about an individual's character. The Hearing Officer will determine whether to allow a witness to speak at the hearing.
 - C. Witnesses must adhere to the rules of decorum.
 - D. Witnesses may be present in a hearing only during their testimony.
- 3.2 Decorum – During the hearing, all participants are expected to adhere to the following rules of behavior and decorum:
 - 3.2.1 All participants should refrain from making disparaging personal remarks or displays of hostility toward opposing parties or advisors.
 - 3.2.2 All participants should refrain from making gestures, facial expressions, audible comments, or the like, as manifestations of approval or disapproval during the testimony of witnesses or a party, or at any other time.
 - 3.2.3 All participants should refrain from interrupting or talking over one another.
 - 3.2.4 All participants shall not engage in conduct that disrupts the orderly operation of the hearing.
 - 3.2.5 Hearing Advisors and the parties shall refrain from making any comments after the Hearing Officer has issued any determination about relevance, admissibility, or other matter.
- 3.3 Hearing Process
 - 3.3.1 The hearing will be held in accordance with the process set forth in this Policy.
 - 3.3.2 Standard of Evidence – In all cases before a Hearing Officer, the standard of proof is a preponderance of evidence. A finding of responsibility by a preponderance of the evidence means that it is more likely than not, based on all the reasonable evidence presented, that the Respondent violated this Policy. The burden of proof is on the University. By law, it is presumed that the Respondent is not responsible for the alleged conduct unless a

determination regarding responsibility is made at the conclusion of the grievance process.

3.3.3 The general course of the hearing procedure will be as follows, subject to the discretion of the Hearing Officer:

- A. The Hearing Officer will convene the hearing, introduce the individuals present, give a brief description of the process, invite questions about the process, and allow the parties the opportunity to present a brief opening statement.
- B. The Complainant or the Hearing Advisor for Complainant shall present evidence (including calling and questioning their own witnesses) to the Hearing Officer.
- C. The Hearing Advisor for the Respondent shall have the opportunity to conduct cross-examination after the Hearing Advisor for the Complainant or the Complainant has completed questioning each of their own witnesses.
- D. After all the Complainant's witnesses have been examined by both sides, the Respondent or the Hearing Advisor for the Respondent shall have the same opportunity to present their evidence and their own witnesses.
- E. The Hearing Advisor for the Complainant shall have the opportunity to conduct cross-examination after the Hearing Advisor for the Respondent or the Respondent has completed questioning each of their own witnesses.
- F. After both parties have presented their witnesses, the Title IX representative may provide testimony and documentation regarding their investigation to the Hearing Officer. The Title IX representative may be questioned by the Hearing Advisors or Hearing Officer.
- G. The Hearing Officer will allow the parties the opportunity to present a brief closing statement before concluding the hearing.

3.3.4 At the request of either party, the University will provide the parties separate rooms and use technology so that the Hearing Officer and parties may simultaneously see and hear the questions. The hearing may also take

place virtually.

- 3.3.5 An audio and/or video recording of the hearing will be kept for the use of the Hearing Officer and for any appeal. The parties and their Hearing Advisors may request to review the recording.

3.4 Evidence

- 3.4.1 In addition to other relevant evidence, the following evidence is also considered admissible:

- A. Evidence containing statements of a party or witness who does not submit to cross-examination at the hearing. The Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a party's or witness' absence from the hearing or refusal to answer cross-examination or other questions.
- B. Similarly, police reports, SANE reports, medical reports, and other documents and records may be considered by the Hearing Officer even if they contain the statements of a party or witness who has not submitted to cross-examination.
- C. Where a Complainant refuses to answer cross-examination questions, but video or other evidence exists showing the underlying incident, the Hearing Officer may still consider the available evidence and make a determination.

- 3.4.2 Evidence that is not relevant or admissible:

- A. Information protected by a legally recognized privilege.
- B. Evidence about a Complainant's prior sexual history cannot be used to prove character or reputation and may only be allowed to prove that someone other than the Respondent committed the alleged conduct or if offered to prove consent.
- C. Any party's medical, psychological, and similar records unless the party has given voluntary written consent or presents the records themselves.

3.5 Finding(s) and Written Determination

- 3.5.1 The Written Determination will contain both the finding(s) and the sanctions or remedies, if applicable, and will be provided to the parties

simultaneously.

3.5.2 Sanctions – The sanctions for a finding of a violation of the Sexual Misconduct Policy will be commensurate with the offense and may include, but are not limited to, the following:

- Probation (including disciplinary probation)
- Temporary or permanent ban from campus locations (such as residence hall communities)
- Educational programs such as state-certified batterer's intervention
- Ban from participating in campus organizations or activities
- Disqualification from employment or student leadership positions
- Withholding of transcripts, grades, diploma, or degree
- Partial or full criminal trespass
- Suspension from employment and/or enrollment
- Revocation of admission
- Termination of employment
- Expulsion

3.5.3 If a student is issued a sanction that makes them ineligible to reenroll in the University, the University will include on the student's transcript a notation stating that the student is ineligible to reenroll in the University for a reason other than an academic or financial reason.

On the student's request, the University may remove the notation from a student's transcript if the student is eligible to reenroll in the University or the University determines that good cause exists to remove the notation.

3.5.4 In accordance with Texas law, the University must terminate an employee who is found to have knowingly failed to make a report of Sexual Misconduct when the Responsible Employee was required to do so or knowingly made a false report of Sexual Misconduct with intent to harm or deceive. Knowingly failing to make a report and knowingly making a false report are criminal offenses under Texas law.

3.5.5 Remedies – Regardless of the finding(s), and in addition to sanctions that may be imposed pursuant to the appropriate disciplinary policy, the University will take appropriate action(s) to resolve Formal Complaints of Sexual Misconduct, prevent any recurrence and, as appropriate, remedy any effects. These actions may include, but are not limited to the following:

- Ensuring the Complainant and Respondent do not share classes, working environments, or extracurricular activities;
- Making modifications to the on-campus living arrangements of a Respondent or Complainant (if the Complainant requests to be moved);
- Providing comprehensive, services including medical, counseling, and academic support services such as tutoring;
- Determining whether the Sexual Misconduct adversely affected the Complainant's University standing and providing a remedy for same;
- In conjunction with University leaders, conducting a University climate check to assess the effectiveness of efforts to ensure that the University is free from Sexual Misconduct, and using that information to inform future proactive steps that the University will take; and
- Providing targeted group training.
- These remedies are separate from, and in addition to, any Supportive Measures that may have been provided before the end of the University's investigation. If the Complainant did not take advantage of a specific service (e.g., counseling) when offered as a Supportive Measure, the Complainant should still be offered, and is still entitled to, appropriate final remedies that may include services the Complainant declined as a Supportive Measure.

3.5.6 Written Determination – The Hearing Officer will provide a Written Determination of responsibility and sanction(s), if applicable, simultaneously to the Title IX Coordinator and the parties. The Written Determination will include the following statements from the Hearing Officer:

- Identification of the allegations at issue;
- Description of the procedural steps taken throughout the case including any notifications to the parties, interviews with parties and

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

- Findings of fact supporting the determination;
- Conclusions regarding the application of the Sexual Misconduct Policy;
- A statement and rationale as to the determination for each allegation; and
- A statement of any disciplinary sanctions imposed on the Respondent and whether any remedies will be provided to the Complainant.
- The Written Determination will also include a description of the procedures and permissible grounds for appeal.

4. APPEAL

4.1 The Complainant and the Respondent(s) both have the right to appeal to the appropriate administrator a Title IX dismissal or Written Determination by submitting their written appeal to the Title IX Coordinator within five (5) business days from the date they receive the Title IX dismissal or Written Determination. The appealing party may appeal the dismissal, finding, sanction, or remedy. The non-appealing party will be notified of the appeal and be permitted to submit a written statement in response within five (5) business days of receiving notice of the appeal.

4.2 Grounds for Appeal – The sole grounds for appeal are:

- 4.2.1 Procedural irregularity that affected the outcome of the matter;
- 4.2.2 The weight of the evidence does not support or is contrary to the Hearing Officer's determination;
- 4.2.3 New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could significantly affect the outcome of the matter;
- 4.2.4 The Title IX Coordinator, investigator(s), Hearing Officer, or designated representative had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter;

- 4.2.5 Parties may appeal erroneous relevance determinations during the hearing if they significantly affected the outcome; and
- 4.2.6 The sanctions are not commensurate with the violation(s) found.
- 4.3 The role of the appropriate administrator is to accept, reject, or remand the Title IX dismissal or Written Determination.
- 4.4 A Written Determination will become final upon the earlier of when:
- The parties are notified of the appropriate administrator's decision on the appeal; or
 - The time to file an appeal has passed with neither party appealing.
- 4.5 The appropriate administrator will review the record on appeal which may include the investigative file, hearing recording, and appeal documentation from the parties only, and will render a written decision simultaneously to the Title IX Coordinator and the parties within fifteen (15) business days from the date that any response to the appeal is filed, with extensions for good cause allowed.
- 4.6 If the party's appeal includes an appeal of the sanction(s) determined by the Hearing Officer, the appropriate administrator will refer the appeal for further process as follows:
- 4.6.1 Any appeal to the sanction against a faculty member must be addressed through the University's faculty handbook/manual policies and procedures related to faculty grievances;
- 4.6.2 Any appeal to the sanction against a non-faculty University employee must be addressed through the University's policies and procedures related to employee grievances; and
- 4.6.3 Any appeal to the sanction against a student must be addressed through the final appeal process in the University's Student Code of Conduct or its equivalent.
- 4.7 If the appropriate administrator extends the fifteen (15) day deadline, they must provide a written explanation to the Title IX Coordinator and the parties in writing by that deadline and every ten (10) business days thereafter.

APPENDIX C – UH System Sexual Misconduct Grievance Procedures

1. TITLE IX INVESTIGATOR FINDING

- 1.1 At the conclusion of an investigation of a Formal Complaint and a determination that the alleged Sexual Misconduct is considered UH System Sexual Misconduct, as defined in this Policy, the investigative report will contain the Title IX investigator's finding(s) and recommendation. The Complainant and Respondent(s) will have the opportunity, but are not required, to respond to the investigative report in writing in advance of the Title IX investigator's finding. The Complainant and Respondent(s) should be provided updates on the progress of the investigation and issuance of the report.
- 1.2 The finding(s) will be determined using a preponderance of the evidence standard; that is, whether it is more likely than not that a Respondent violated this Policy.
- 1.3 If it is determined that this Policy was violated, appropriate university action will be recommended in an effort to eliminate Sexual Misconduct, prevent its recurrence, and address its effects.
- 1.4 Even if it is determined that this Policy was not violated, a recommendation may be made that a Respondent undertake educational initiatives and/or trainings.
- 1.5 The Complainant and the Respondent(s) will be simultaneously notified in writing of the finding(s) and appeal rights under this Policy.
- 1.6 At any time after a finding has been made that a Respondent has violated the Policy, the University may implement an interim sanction against the Respondent while the Formal Complaint is being further adjudicated.
- 1.7 Once findings have been made, any party to the Formal Complaint may request to meet with the investigator(s) to discuss the investigation and finding(s), and/or to inspect the investigative file.

2. NEW INFORMATION

- 2.1 If a party has new information they believe would have significantly impacted the finding(s) (e.g., witness testimony, documents, or other tangible evidence), they may submit that information to the Title IX Coordinator.
- 2.2 If the Title IX Coordinator determines that the submitted information should be reviewed, and the information was not available for the party to present during the investigation, the case may be re-opened.

- 2.3 The Title IX Coordinator will inform the parties of any new information. The parties will have the opportunity to respond to this information, and the Title IX Coordinator will consider the response(s) in deciding whether to reopen the investigation.
- 2.4 If the Title IX Coordinator decides to reopen the investigation, the process will resume at *Section 14.6 – Investigation* in the Policy.

3. GROUNDS FOR HEARING FOLLOWING A TITLE IX INVESTIGATOR FINDING

- 3.1 A hearing request to challenge the Title IX investigator’s finding(s) must be submitted in writing to the Title IX Coordinator within five (5) business days of receiving the finding(s).
- 3.2 The Complainant and the Respondent(s) both have the right to request a hearing to challenge a finding for any error or procedural defect occurring during the investigation that could have significantly impacted the finding. The individual requesting a hearing will be referred to as the moving party.
- 3.3 A hearing is not a new investigation of the Formal Complaint.
- 3.4 A non-moving party does not have to participate.
- 3.5 If a hearing request is filed in accordance with this Section, the hearing request will automatically be presented to the University’s Hearing Board (“Board”) by the Title IX Coordinator.
- 3.6 The moving party may withdraw a hearing request in writing to the Title IX Coordinator prior to the scheduled start of the hearing. A withdrawn request will conclude the matter.

4. COMPOSITION OF THE BOARD

- 4.1 Members of the Board are selected from recommendations from the University’s Faculty Senate, Staff Council, and Student Affairs departments/offices, who shall each recommend at least five (5) individuals to the University’s President. The President shall then select a Board of eight (8) with representation from each group recommended. Except for the first Board, members shall serve staggered terms of three (3) years.
- 4.2 If a conflict of interest arises for any of the Board members, the Title IX Coordinator will make a recommendation to the Board Chair to reduce or eliminate the conflict of interest.
- 4.3 Upon the Board’s receipt of the hearing request, the Title IX Coordinator will take a poll to identify four (4) members to attend the hearing and compose

the Hearing Panel (three (3) members of the Hearing Panel will serve as voting members and one (1) will serve as an alternate, non-voting member).

5. RESPONSIBILITIES OF THE HEARING PANEL/NON-AFFILIATED HEARING OFFICER

- 5.1 If the hearing request concerns Sexual Assault, the moving party may waive their right to a hearing before the Hearing Panel and have their challenge heard by an individual hearing officer not affiliated with the University (“Non-affiliated Hearing Officer”). To waive their right to a Hearing Panel, the moving party must submit written notice to the Title IX Coordinator within five (5) business days of receiving the Title IX investigator’s finding(s).
- 5.2 The Hearing Panel/Non-affiliated Hearing Officer will make decisions using a preponderance of the evidence standard.
- 5.3 The role of the Hearing Panel/Non-affiliated Hearing Officer is to recommend that the appropriate administrator accept, remand, or reject the Title IX investigator’s finding(s).
- 5.4 The Hearing Panel/Non-affiliated Hearing Officer can only recommend remanding the Title IX investigator’s finding(s) if:
 - An error or procedural defect occurred during the investigation that could have significantly impacted its finding(s); or
 - Further investigation is warranted for any other material reason.
- 5.5 The Hearing Panel/Non-affiliated Hearing Officer can only recommend rejecting the Title IX investigator’s finding(s) if:
 - The weight of the evidence does not support or is contrary to the Title IX investigator’s finding(s); or
 - An error or procedural defect that significantly impacted the finding(s) is discovered and the error cannot be remedied.
- 5.6 While the Hearing Panel/Non-affiliated Hearing Officer will have the opportunity to review any evidence presented at the hearing, their role is not to reinvestigate the original Formal Complaint or to review allegations that would otherwise constitute a new Formal Complaint under this Policy or any other University policy.

6. RESPONSIBILITIES OF THE PERSONAL ADVISOR

- 6.1 Parties may elect to bring a Personal Advisor for any hearing related to the UH System Sexual Misconduct Grievance Procedure.
- 6.2 An advisor will not be permitted to speak on behalf of the advisee, make an oral presentation, including an opening or closing argument, be a witness, or question witnesses, the Title IX representative, or the Panel during the hearing. A Personal Advisor may respond to a direct question from the investigator during a meeting or the Hearing Panel/Non-affiliated Hearing Officer during a hearing.
- 6.3 A Personal Advisor is subject to the same confidentiality expectations applicable to others in attendance. Accommodations, including scheduling of interviews or hearings, will not be made for any advisors if they unduly delay the process.

7. PREPARING FOR A HEARING

- 7.1 Absent extenuating circumstances, the Title IX Coordinator will schedule a hearing to be held within fifteen (15) business days from the filing of the request.
- 7.2 Once the hearing is scheduled, requests to reschedule the hearing must be submitted in writing to the Title IX Coordinator and will be considered by the Hearing Panel/Non-affiliated Hearing Officer and the Title IX Coordinator.
- 7.3 The Complainant and Respondent(s) will be notified of the composition of the Hearing Panel or the identity of the Non-affiliated Hearing Officer for their hearing. Within five (5) business days of this notification, the Complainant and Respondent(s) have the opportunity to object in writing to a panel member or the Non-affiliated Hearing Officer for cause. The Title IX Coordinator, in consultation with the members of the Hearing Panel or Non-affiliated Hearing Officer, will consider any objection and replace the panel member or the Non-affiliated Hearing Officer if appropriate.
- 7.4 Both parties may bring one (1) Personal Advisor of their choosing, consistent with *Section 3.14 – Personal Advisor* of this Policy. This advisor may be an attorney provided at the party's expense.
- 7.5 No later than five (5) business days prior to the hearing, all materials that will be used at the hearing must be submitted to the Title IX Coordinator, who will forward the materials to the Hearing Panel/Non-affiliated Hearing Officer and will simultaneously make available for inspection or provide the materials to both parties. The materials must include:
 - All documents and other tangible evidence that will be used as evidence during the hearing;

- The names of any witnesses and a brief summary concerning the subject matter of the witness' expected testimony; and
- The name of any Personal Advisor to be in attendance at the hearing and whether that person is an attorney.

- 7.6 No advisor, witness, document, or tangible evidence will be permitted at the hearing unless such information was timely submitted.
- 7.7 No new information as defined by Section 2 of these procedures will be presented to the Hearing Panel/Non-affiliated Hearing Officer before or during the hearing.
- 7.8 It is the responsibility of the party wanting to present a witness to secure that witness.

8. HEARING PROCESS

- 8.1 Prior to the beginning of a hearing, the Hearing Panel members will select a Chairperson for the hearing.
- 8.2 The general course of the hearing procedure will be as follows, subject to the discretion of the Panel Chairperson/Non-affiliated Hearing Officer:
- 8.2.1 The Panel Chairperson/Non-affiliated Hearing Officer will convene the hearing, introduce the individuals present, give a brief description of the process, invite questions about the process, and allow the parties the opportunity to present a brief opening statement;
- 8.2.2 The moving party shall present their evidence, including calling and questioning their own witnesses, to the Hearing Panel/Non-affiliated Hearing Officer. If the other party participates, they shall have the same opportunity to present their evidence and witnesses;
- 8.2.3 The Title IX investigator shall present their documentation related to the finding(s) to the Hearing Panel/Non-affiliated Hearing Officer; and
- 8.2.4 The Panel Chairperson/Non-affiliated Hearing Officer will allow the parties the opportunity to present a brief closing statement before concluding the hearing.
- 8.3 During the hearing, the Panel Chairperson/Non-affiliated Hearing Officer may impose reasonable time limits on any stage of the hearing.
- 8.4 The Panel Chairperson/Non-affiliated Hearing Officer may also determine the relevance of, and place restrictions on, any witness or information presented.

- 8.5 The Hearing Panel/Non-affiliated Hearing Officer may question any individual at any time during the hearing.
 - 8.6 The parties may question their own witnesses, but they cannot directly question each other or any other party's witnesses.
 - 8.7 The parties may request that the Panel Chairperson/Non-affiliated Hearing Officer ask questions of another party or their witnesses by submitting proposed questions to the Panel Chairperson in writing either prior to, or during, the hearing.
 - 8.8 The Panel Chairperson/Non-affiliated Hearing Officer may determine which questions are relevant, and the Panel Chairperson/Non-affiliated Hearing Officer has the discretion to revise a question or to decline to ask the question.
 - 8.9 An audio recording of the hearing will be kept for the use of the Hearing Panel/Non-affiliated Hearing Officer and for any appeal.
 - 8.10 In cases where a moving party refuses to participate in the hearing, the Hearing Panel/Non-affiliated Hearing Officer will convene and make a decision based on the evidence and testimony available to the Hearing Panel/Non-affiliated Hearing Officer.
 - 8.11 This hearing process is an internal University process and not a formal courtroom process in which rules of evidence and courtroom procedures apply.
 - 8.12 Personal Advisors may attend the hearing and sit with their advisee during the hearing, communicate quietly orally and/or in writing with their advisee during the hearing, and may respond to a direct question from the Hearing Panel/Non-affiliated Hearing Officer.
 - 8.13 An advisor will not be permitted to speak on behalf of their advisee, make an oral presentation, including an opening or closing argument, or to question witnesses, the Title IX investigator, or the Hearing Panel/Non-affiliated Hearing Officer during the hearing.
 - 8.14 If the Hearing Panel/Non-affiliated Hearing Officer determines it is necessary or advisable, alternative testimony options will be available such as allowing a witness to appear via other virtual means (e.g., via telephone or video conference).
9. HEARING PANEL/NON-AFFILIATED HEARING OFFICER DECISION
- 9.1 If a Hearing Panel is utilized:

- After the hearing has concluded, the three voting members of the Panel will deliberate in private.
- The Hearing Panel's decision as described in *Section 5.3* of these procedures will be by majority vote.

- 9.2 If a Non-affiliated Hearing Officer is utilized, they will make their decision alone.
- 9.3 The Hearing Panel/Non-affiliated Hearing Officer will communicate its decision by completing the hearing decision form and forwarding it to the Title IX Coordinator within three (3) business days of the hearing. If the decision is to remand the case to the Title IX office to correct an investigative error(s), the Hearing Panel/Non-affiliated Hearing Officer will indicate the error(s) to be corrected.
- 9.4 The Title IX Coordinator will provide a copy of the decision simultaneously to all parties involved in the Formal Complaint.
- 9.5 If the case is remanded to the Title IX office to correct an investigative error, a Title IX investigator will investigate and submit an Amended Notice of Finding(s) which includes the actions taken to correct the investigative error to the same Hearing Panel/Non-affiliated Hearing Officer for review. The parties will have five (5) business days to respond to the amended investigative report before it becomes final. Once the hearing is scheduled, the process will restart at *Section 5* of these procedures.
- 9.6 At the second hearing, testimony will begin with the Title IX investigator's presentation, and all parties will be given the opportunity to respond to the new information provided by the Title IX investigator, ask questions of the Title IX investigator, and present any relevant witnesses and/or information.
- 9.7 If the Hearing Panel/Non-affiliated Hearing Officer accepts or rejects The Title IX investigator's finding(s), any party or the Title IX office may appeal the decision of the Hearing Panel/Non-affiliated Hearing Officer to the appropriate administrator.
- 9.8 Any appeal must be filed in writing within five (5) business days of the Hearing Panel/Non-affiliated Hearing Officer's decision. If no appeal is filed by the deadline, the Hearing Panel/Non-affiliated Hearing Officer's recommendation(s) become final.

10. APPEAL

- 10.1 The role of the appropriate administrator is to accept, reject, or remand the Hearing Panel/Non-affiliated Hearing Officer's recommendation(s).

- 10.2 The appropriate administrator can remand the case back to the Title IX office if they find:
- An error or procedural defect occurred during the investigation that could have significantly impacted the Title IX investigator's finding(s); or
 - Further investigation is warranted for any other material reason.
- 10.3 The appropriate administrator can reject the Title IX investigator's finding(s) if they find:
- The weight of the evidence does not support or is contrary to the Title IX investigator's finding(s); or
 - An error or procedural defect that significantly impacted the finding(s) is discovered and the error cannot be remedied.
- 10.4 The appropriate administrator can remand the case back to the Hearing Panel/Non-affiliated Hearing Officer if they find an error or procedural defect occurred during the hearing that could have significantly impacted the Hearing Panel/Non-affiliated Hearing Officer's recommendation(s), or which caused harm to either party.
- 10.5 If the appropriate administrator accepts or rejects the Hearing Panel/Nonaffiliated Hearing Officer's recommendation(s), the decision becomes final.
- 10.6 The appropriate administrator will review the record on appeal which may include the case file, appeal documentation, and hearing recording only, and will render a decision within fifteen (15) business days from the date that the appeal is filed, with extensions for good cause allowed.
- 10.7 If the appropriate administrator extends the fifteen (15) day deadline, they must provide an explanation to the parties and the Title IX Coordinator in writing by that deadline and every ten (10) business days thereafter.

11. SANCTIONS AND REMEDIES

- 11.1 If there is a finding of a violation of this Policy, and any appeal of the finding has been exhausted, appropriate university action will be taken, and any sanction imposed on the Respondent(s) will be determined by and implemented by the appropriate administrator after consultation with the Title IX Coordinator.
- 11.2 If there is a finding of a violation of this Policy against a faculty member, any sanctions imposed on the faculty member will be determined and implemented by the appropriate administrator after consultation with the Title IX Coordinator and

consistent with the University's faculty handbook/manual.

- 11.3 If there is a finding of a violation of this Policy against a non-faculty University employee, any sanction imposed on the employee will be determined and implemented by the appropriate administrator after consultation with the Title IX Coordinator and consistent with the University's policies and procedures related to employee discipline.
- 11.4 If there is a finding of a violation of this Policy against a student, any sanction imposed on the student will be determined and imposed by the Dean of Students Office or its equivalent after consultation with the Title IX Coordinator and consistent with the University's policies and procedures related to student discipline.
- 11.5 The sanctions for committing an act of UH System Sexual Misconduct will be commensurate with the offense and may include, but are not limited to, the following:
 - Probation (including disciplinary probation)
 - Temporary or permanent ban from campus locations (such as residence hall communities)
 - Educational programs such as state-certified batterer's intervention
 - Ban from participating in campus organizations or activities
 - Disqualification from employment or student leadership positions
 - Withholding of transcripts, grades, diploma, or degree
 - Partial or full criminal trespass
 - Suspension from employment and/or enrollment
 - Revocation of admission
 - Termination of employment
 - For faculty members, the recommendation for termination of employment and/or revocation of tenure will be referred to the Provost's Office for handling in accordance with the policies and procedures pertaining to the dismissal of faculty members.
 - Expulsion

- 11.6 If a student is issued a sanction that makes them ineligible to reenroll in the University, the University will include on the student's transcript a notation stating that the student is ineligible to reenroll in the University for a reason other than an academic or financial reason.
- 11.7 On the student's request, the University may remove the notation if the student is eligible to reenroll in the University or the University determines that good cause exists to remove the notation.
- 11.8 In accordance with Texas law, the University must terminate an employee who is found to have knowingly failed to make a report of Sexual Misconduct when the Responsible Employee was required to do so or knowingly made a false report of Sexual Misconduct with intent to harm or deceive. Knowingly failing to make a report and knowingly making a false report are criminal offenses under Texas law.
- 11.9 If a party is dissatisfied with a sanction determined by the appropriate administrator, they may appeal the sanction as follows:
- Any appeal to the sanction against a faculty member must be addressed through the university's faculty handbook/manual;
 - Any appeal to the sanction against a non-faculty University employee must be addressed through the university's policies and procedures related to employee grievances; and
 - Any appeal to the sanction against a student must be addressed through the appeal process in the university's Student Code of Conduct or its equivalent.
- 11.10 Remedies – Regardless of the finding(s), and in addition to sanctions that may be imposed pursuant to the appropriate disciplinary policy, the University will take appropriate action(s) to resolve Formal Complaints of Sexual Misconduct, prevent any recurrence and, as appropriate, remedy any effects. These actions may include, but are not limited to the following:
- Ensuring the Complainant and Respondent do not share classes, working environments, or extracurricular activities;
 - Making modifications to the on-campus living arrangements of a Respondent or Complainant (if the Complainant requests to be moved);
 - Providing comprehensive, holistic victim services including medical, counseling, and academic support services such as tutoring;

- Determining whether the Sexual Misconduct adversely affected the Complainant's University standing;
- In conjunction with University leaders, conducting a University climate check to assess the effectiveness of efforts to ensure that the University is free from Sexual Misconduct, and using that information to inform future proactive steps that the University will take; or
- Providing targeted group training.

11.11 These remedies are separate from, and in addition to, any Supportive Measures that may have been provided before the end of the University's investigation. If the Complainant did not take advantage of a specific service (e.g., counseling) when offered as a Supportive Measure, the Complainant should still be offered, and is still entitled to, appropriate final remedies that may include services the Complainant declined as a Supportive Measures.

12. NOTIFICATION OF OUTCOMES

12.1 The Title IX Coordinator will simultaneously notify the Complainant and the Respondent(s) in writing of the outcome of the following stages of the process:

- The initial finding(s), including a rationale;
- The procedures to appeal a finding;
- The outcome of any appeal, including any changes to the finding(s);
- Any interim sanctions imposed;
- Any changes to interim sanctions;
- The final outcome of the Formal Complaint;
- Any imposed sanctions, including a rationale;
- When the outcome is final; and
- Changes to sanctions related to the party once the outcome is finalized.
- These notifications may be combined if they occur at the same time.

12.2 The University will provide information regarding remedies available such as those discussed in Section 8 Immediate Assistance above. If a hostile environment was found to exist, the University will notify the Complainant of any additional steps the University has taken to eliminate the hostile environment and to prevent

recurrence.

- 12.3 On request by another postsecondary educational institution, the University will provide to the requesting institution information relating to a determination that a University student violated the Sexual Misconduct Policy.

Enclosure 3: Clery Contact Information

Contact Information				
Name	Phone	Email	Location	Website
UH Police Department/Clery	713.743.3333	police@uh.edu	4051 Wheeler Avenue Houston, TX 77204-6191	www.uh.edu/police/
Equal Opportunity Services/Title IX	713.743.8835	eos@uh.edu	4367 Cougar Village Drive, Building 526 Houston, TX 77204	www.uh.edu/equal-opportunity/
Student Housing and Residential Life	713.743.6000	housing@uh.edu	4377 Cougar Village Drive, Room S121 Houston, TX 77204-3018	www.uh.edu/housing/
Student Health Center	713.743.5151	myhealth@central.uh.edu	Health 2 Bldg., 4349 Martin Luther King Blvd. Room 2005, Houston, TX 77204-3019	www.uh.edu/healthcenter/
Dean of Students	832.842.6183	dos@uh.edu	Student Center South 4455 University Drive, Room 256 Houston, TX 77204-3035	www.uh.edu/dos/
Women and Gender Resource Center	832.842.9472	wgrc@uh.edu	4465 University Drive, Room N201 Houston, TX 77204-4014	www.uh.edu/wgrc/
Sexual Misconduct Support Services	832.842.6191	smss@uh.edu	Women and Gender Resource Center 4465 University Drive, Room N201 Houston, TX 77204-4014	www.uh.edu/wgrc/sexual-misconduct-support-services/
Human Resources	713.743.3988	hrsc@uh.edu	4367 Cougar Village Drive, Building 525 Houston, TX 77204-5009	www.uh.edu/human-resources/
Office of Emergency Management	832.842.0583	oem@central.uh.edu	4343 Elgin Street Houston, TX 77204	www.uh.edu/emergency-management/about-oem/contact/
UH Wellness	713.743.5430	rgparris@uh.edu	Campus Rec. & Wellness Center 4500 University Drive, Houston, TX 77204	www.uh.edu/wellness/
Center for Student Involvement	832.842.6245	csi@uh.edu	University Center North, N. 103 Houston, TX 77204-3031	www.uh.edu/csi/
Counseling and Psychological Services	713.743.5454	CAPS Outreach Request Form (office.com)	Triage: 4349 Martin Luther King Boulevard Health 2 Bldg., Room 2005, Houston, TX 77204; Office: CAPS, 4365 Cougar Village Drive Student Services Center 1 (SSC1), Room 226 Houston, TX 77204-3026	www.uh.edu/caps/
Center for Fraternity & Sorority Life	832.842.4955	cfsl@uh.edu	Student Center North, N101 Houston, TX 77204-3049	www.uh.edu/cfsl/
Cougars in Recovery	713.743.5862	mcmusgro@central.uh.edu	Collegiate Recovery Community 4401 Cougar Village Drive, Room 15D Houston, TX 77004	www.uh.edu/cir/

Enclosure 4: UH Emergency Operations Center Readiness Levels

The UH Emergency Operations Center readiness levels are as follows:

Level 4: Normal Readiness

LEVEL 4 - NORMAL READINESS

A Level 4 incident describes localized campus incidents that may quickly be resolved with internal resources and/or limited assistance from the external responders. The incident may only affect a single, localized area of the campus, and most normal University operations are not disrupted.

Level 3: Increased Readiness

LEVEL 3 - INCREASED READINESS

A Level 3 incident refers to a situation that presents a greater potential threat than “Level 4”, but poses no immediate threat to life and/or property. A Level 3 may be implemented for planning of large events, gatherings, high-level dignitary presence; or an incident or situation in which threatening conditions “may” or “may never” cause adverse effects.

Level 2: High Readiness

LEVEL 2 – HIGH READINESS

A Level 2 incident refers to a situation with a significant potential and possibility of causing adverse effects to life and/or property. A Level 2 may be implemented during monitoring of large events, or a situation or event in which threatening conditions have developed, but which have not yet caused adverse effects.

Level 1: Maximum Readiness

LEVEL 1 – MAXIMUM READINESS

An emergency or disaster that is imminent or already impacted a large portion or all of the campus community requiring a broad array of university departments and outside agencies to respond.

The campus emergency levels define the magnitude of a campus incident, which allows for an assessment of the impact on the campus facility, its services, and its impact to students, faculty and staff.







UNIVERSITY of **HOUSTON**
POLICE DEPARTMENT

4051 Wheeler Street, Houston, TX 77204
713.743.3333 | police@uh.edu | uh.edu/police