2013 Annual Security & Fire Safety Report

University of Houston-Downtown
Police Department
One Main Building N118
On-Campus Emergency 713-221-8911
On-Campus Non-Emergency 713-221-8065
UHDPolice@uhd.edu
http://www.uhd.edu/campus/pd/
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Our History and Traditions

In 1974, the University of Houston acquired the assets of South Texas Junior College and opened the University of Houston-Downtown College at One Main Street as a four-year institution. By the end of the 1970s, the Texas Legislature had approved UHDC as a distinct university in the University of Houston System.

Today, UHD educates over 12,900 students annually and claims over 30,000 alumni. The University is noted nationally as both a Hispanic Serving Institution and a Minority Serving Institution - indicators of a diverse and vibrant student body, just like the city we call home.

Our Campus

Diverse student body

UHD is a publicly-supported, urban university located in Houston's central business district. It draws students from throughout the Greater Houston area. UHD is considered one of the most ethnically diverse liberal arts institutions in the southwest, a distinction that indicates the student body accurately reflects the Houston community's wealth of cultures, languages and nationalities. The University offers all students a specially tailored opportunity for quality higher education, as well as small classes and personal interest from faculty.

Since opening its doors in 1974, UHD has grown in mission and service, and now offers baccalaureate degrees in 44 areas and six master's degree programs. Enrollment nears 14,000 students who attend classes in five Colleges: Business, Humanities and Social Sciences, Public Service, Sciences and Technology, and University College, which also serves as the entry point for all students coming to UHD. More than 2,000 students graduate each year with degrees in humanities and the arts, social sciences, business, the sciences and technology, education and criminal justice. As one of the four distinct and separate components of the University of Houston System, UHD offers educational opportunities and access to students from a variety of backgrounds including many first generation college students, students who work full or part time, students who may have family obligations and students who transfer from community colleges and other higher education institutions.

To facilitate ease of access, the University also offers classes at various campuses of the Lone Star College District. UHD continues to explore ways to be responsive to the needs of students and offers dual credit and dual enrollment options through area community college partners, a variety of distance education options through classes online and a "hybrid" class configuration, blending online with classroom instruction.
1.0 Welcome

On behalf of the University Police Department, I would like to express our commitment to assuring your safety and security at the University of Houston Downtown. The UHD Police Department provides comprehensive police services 24 hours a day, seven days a week. Our offices are located on the first floor, Suite 118-North of the One Main Building. All police officers are licensed by the Texas Commission on Law Enforcement. Police officers enforce federal, state and local laws in addition to penal provisions to the Texas Education Code as well as University regulations. Our goal is to work with students, faculty and staff to ensure a safe and secure learning and working environment. Our success depends on your involvement and we encourage your suggestions, comments and concerns which can be submitted by accessing the Contact Us link on our Welcome page at www.uhd.edu/campus/pd/.

The University Police Department is committed to effective response. Please call on us for assistance or information.

Richard D. Boyle
Chief of Police

2.0 Definitions

Definitions that Apply to this Report

a. Business day: Monday through Friday, excluding any day when the institution is closed.

b. Business Hours: Between 8 A.M and 5 P.M. on business days.

c. Campus:
   1) 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
   2) 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 (such as a food or other retail vendor).

d. Campus security authority:
   1) A campus police department or a campus security department of an institution
   2) Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under paragraph (1) of this definition, such as an individual who is responsible for monitoring entrance into institutional property.
   3) 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.
   4) 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. If such an official is a pastoral or professional counselor as defined below, the official is not considered a campus security authority when acting as a pastoral or professional counselor.

e. Non-campus building or property:
   1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
2) 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.

f. **On-Campus Student Housing Facility:** Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

g. **Pastoral counselor:** A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

h. **Professional counselor:** A person whose official responsibilities include providing mental health counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification.

i. **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.

j. **Referred for campus disciplinary action:** The referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

k. **Test:** Regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities.

### 3.0 Reporting Criminal Activities, Emergencies & Other Incidents

#### 3.1 Timely Warning

**Security Alerts (Timely Warning)**

The UHD Police Department Chief or designee will develop timely warning notices for the University Community to notify members of the community about serious crimes against people that occur on campus, where it is determined that the incident may pose an ongoing threat to members of the UHD community. These warnings will be distributed if the incident is reported either to the UHD Police Department directly or indirectly through a campus security authority or a local police agency.

The university issues/posts timely warnings for incidents of:

- Aggravated Assault
- Robbery
- Sexual Assault
- Arson
- Burglary
- Motor Vehicle Theft
- Criminal Homicide
- Other crimes as necessary

The office of the Vice President for Advancement and External Relations or the UHD Police Department will send an email out to the university community that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences.

Timely warnings are also posted at the entry/exit points of all university buildings. Business units of the university are requested to post the warning in their areas.

The department does not issue Timely Warnings if it is determined that the incident does not pose an ongoing threat to members of the UHD community, such as when the perpetrator(s) of the incident are apprehended.
3.2 Preparing the Annual Disclosure of Crime Statistics

Clery Act Data Collections Policy

Purpose
The purpose of this policy is to set forth guidelines that will assist this department in the collection of crime statistics for compliance with the Jeanne Clery Act.

Policy
It is the purpose of this policy to collect the most accurate crime statistics for university and non-university property.

Procedure
The Records Manager will contact the City of Houston Police Department’s Special Operations Unit, Harris County Sheriff’s Office and Metropolitan Transit Authority via email and request statistics for the UH-Downtown coverage area. After the representative conducts research, his/her findings are then relayed to this office. The statistics are then verified by the Chief of Police and the Vice President for Administration. The findings are then posted on the web site to reflect accurate data. Crime statistics for the campus, unobstructed public areas immediately adjacent to or running through the campus, and certain non-campus facilities including housing and remote classrooms are gathered.

The statistics are also broken down geographically into "on campus," "residential facilities for students on campus," non-campus buildings, or "on public property" such as streets and sidewalks. Schools can use a map to denote these areas. The report must also indicate if any of the reported incidents, or any other crime involving bodily injury, was a "hate crime."

Public Safety Bureaus
No campus is free from crime, whether it is urban, suburban, or rural. All members of the University community should take reasonable precautions. The University of Houston is committed to working with the community to make our campuses safe and secure environments. The University has developed a series of policies and procedures to assist in these efforts. The following information has been prepared to increase awareness of the current programs that exist to assist students, faculty, and staff in maintaining their safety and well-being. Portions are also provided in compliance with federal law, specifically the Clery Act and the Higher Education Opportunity Act (HEOA). Students, faculty, and staff are encouraged to actively participate in personal safety awareness.

Schools have to publish an annual report every year by October 1st that contains 3 years’ worth of campus crime statistics and certain security policy statements including sexual assault policies which assure basic victims’ rights, the law enforcement authority of campus police and where students should go to report crimes. The report is to be made available automatically to all current students and employees while prospective students and employees are to be notified of its existence and afforded an opportunity to request a copy. Schools can comply using the Internet so long as the required recipients are notified and provided the exact Internet address where the report can be found and paper copies are available upon request. A copy of the statistics must also be provided to the U.S. Department of Education.

Choosing an institution of higher education is a major decision for students and their families. Along with academic, financial and geographic considerations, the issue of campus safety is a vital concern. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, codified at 20 USC1092 (f) as a part of the Higher Education
Act of 1965, is a federal law that requires colleges and universities to disclose certain timely and annual information about campus crime and security policies. All public and private institutions of postsecondary education participating in federal student aid programs are subject to it. The law, originally enacted by the Congress in 1990 as the Campus Security Act, was championed by Howard & Connie Clery after their daughter Jeanne was murdered at Lehigh University in 1986. They also founded the non-profit Security On Campus, Inc. in 1987. Amendments to the Act in 1998 renamed it in memory of Jeanne Clery.

Police Bureau

UHD-PD undergo initial and on-going training for all campus police and security officers. Training subjects include criminal law, civil law, public relations, race relations, interpersonal communication, crisis intervention, critical incident response, and all facets of protection of persons and property. Training includes guest lecturers, classroom and online courses, as well as hands on physical training. This training usually includes updates on current issues, new court decisions impacting the University environment, and other timely topics. In addition, all UHD-PD police and security personnel are certified in standard first aid and CPR.

3.3 Reporting a Crime or Emergency

Reporting Criminal Activity

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety-related incidents on campus to UHD-PD in a timely manner. Campus security authorities, as defined by the Clery Act, are required to promptly report all crimes affecting the University community to UHD-PD.

Prompt reporting ensures that the UHD-PD may when appropriate, warn the University community and include the information in the Annual Security and Fire Safety Report.

Requests for police assistance or to report suspected criminal activities and emergencies for on-campus matters may be made 24-hours a day, 7 days a week, as follows:

The University of Houston-Downtown Police Department is located at One Main St, on the 1 level in N-118. The department’s dispatch center is staffed 24-hours a day, 7 days a week.

To report an emergency or crime in progress (on-campus) (713) 221-8911  911*

For other police assistance (on-campus) (713) 221- 8065

To report an emergency or crime in progress (off-campus) 911*

* 911 calls involving university property are routed through the Greater Harris County 911 District to the UH-Downtown Police Department. UHD Police now have the ability to listen to the actual 911 call thereby offering a quicker response.

Online (non-emergency only)

Online reporting under Contact Us link on our Welcome page www.uhd.edu/campus/pd/

All off-campus crimes should be reported to the Houston Police Department at (713) 884-3131 and/or Harris County Sheriff's Office at (713) 755-5300

Every business day the UHD-PD publishes The Daily Crime Bulletin. This publication is a log of all crime reported to the UHD-PD and typically includes the case number, classification, date reported, date occurred, time occurred, general location, and disposition of each crime.

- All entries that are required pursuant to this paragraph shall, except where disclosure of such information is prohibited by law or such disclosure would jeopardize the confidentiality of the victim, be open to public
inspection within two business days of the initial report being made to the department or a campus security authority.

b. If new information about an entry into a log becomes available to a police or security department, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police or security department.

c. If there is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until that damage is no longer likely to occur from the release of such information.

The Daily Crime Bulletin is available 24-hours a day at UHD-PD. It is also posted daily to our website at http://www.uhd.edu/campus/pd/Weekcrimelog.html.

For updated crime alerts visit: http://www.uhd.edu/campus/pd/Crimeupdate.html

When you make your report, you assist UHD-PD in initiating an investigation, which in turn could lead to arrest, which means a possible dangerous offender is removed from campus.

If you still would rather remain anonymous while reporting a crime, or any other violation of campus compliance or ethics, the University of Houston-Downtown has made available the My Safe Campus anonymous incident reporting system. In order to make a report, simply visit www.mysafecampus.com, click on “Make a Report”, then enter “University of Houston-Downtown” into the Institution Search Engine. From there, follow the prompts to make your report. If you prefer using the telephone, you may call the My Safe Campus hotline at 1-800-716-9007 to make your report. Again, you may submit these reports confidentially if you do not want to pursue legal action. If you wish charges to be filed, you must call UHD-PD to make a report.

### 3.3.1 Voluntary Confidential Reporting

Definition of Voluntary Confidential Reporting:
When the victim of a crime does not want to pursue action within the university system or the criminal justice system, but still wishes to report the crime and not reveal his/her identity.

The University of Houston-Downtown strongly encourages reporting all crimes on campus to UHD-PD.

CONFIDENTIAL REPORTING
If you are victim of a crime and do not want to pursue action within the University system or the criminal justice system, you may still want to consider making a confidential report to UHD-PD. With your permission, a UHD-PD officer can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the University can keep an accurate record about the number of incidents involving students, employees and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. However because of the requirements of Texas’ public records laws, reports of crime received by the UHD Police are public record, therefore, confidentiality cannot be guaranteed.

UHDPD will work with counselors on the procedures that victim can follow, that encourage pastoral and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.
4.0 Facility Access, Security & Maintenance

4.1 Non-Residential Buildings

University Police are responsible for securing campus facilities. Please note the hours of operation for each of the following campus buildings:

**Academic Building** * Monday-Thursday 5:30am-10:30pm* Friday 5:30am-6:00pm Saturday & Sunday- Hours vary. Please check with UHD Police.

**Commerce Street Building** ** Monday-Thursday 6:30am-9:15pm  Friday 7:45am-5:00pm* Saturday & Sunday- CLOSED

**One Main Building** * Monday-Thursday 5:30am-10:30pm  Friday 5:30am-6:00pm* Saturday & Sunday- Hours vary. Please check with UHD Police.

**Shea Street Building** ** Monday-Thursday 6:30am-9:30pm  Friday 6:30am-5:00pm Saturday & Sunday- CLOSED

**Willow Street Building** Depending on reserved use.

**Jesse H. Jones Student Life Center** ** Hours vary by semester. Call 713-221-8225 for information.

*Closing hours for any and/or all facilities may be altered at times to accommodate special university events, special lab hours, etc. For access to facilities after hours, please contact Police personnel in Suite 118-North of the One Main Building or call 713-221-8065. Access to the Police Department is available 24 hours a day.

A reminder to students, faculty and staff that during holiday(s) periods, access to the University of Houston-Downtown is limited through the UH-Downtown Police Department. All person(s) entering are requested to sign in and out.

**Access to the Student Life Center, Commerce Street Building and Shea Street Building, during holiday period(s), is limited to faculty/staff with valid access codes to enter such facility. UHD Police will not provide access codes to faculty/staff to enter these facilities for any reason including codes misplaced and/or forgotten.

4.2 Residential Buildings

The University of Houston-Downtown has no residential buildings.

4.3 Security and Facility Maintenance

The University of Houston-Downtown Facilities Management’s goal is to provide a safe, operational, and attractive campus for use by the university community and visitors. Facilities Management’s responsibilities include the repair, maintenance, and building of campus facilities. The University of Houston-Downtown Police Department is committed to ensuring the safety and security of its campus and its facilities by being vigilant in observing and reporting any damaged facilities, parking lots, etc. immediately to the Facilities Management Office. Through daily patrols, which include foot, mobile as well as bicycle patrol, officers are able to observe and report deficiencies to the on-duty dispatcher for reporting to Facilities Management. All perimeter doors are locked electronically nightly via a computer security system and are checked by police officers and security officers. Access to the Jesse Jones Student Life Center, Commerce Street Building and Shea Street Building, during after-hour and holiday period(s), is limited to faculty/staff with valid access codes to enter such facility. The campus is also equipped with surveillance cameras inside and outside, which are recorded 24 hours a day for your safety. Campus landscaping is maintained on a regular basis. All students are encouraged to report any deficiencies either directly to Facilities Management at 713-221-8026 or to the Police Department at 713-221-8065.

5.0 Campus Law Enforcement
5.1 Campus Law Enforcement Authority & Jurisdiction

Police Officer Authority

UHD-PD is the primary police authority for the University of Houston-Downtown. UHD-PD police officers are certified Texas Peace Officers as defined in article 2.12 of the Texas Code of Criminal Procedure and within their primary jurisdiction, UHD-PD officers:

- are vested with all the powers, privileges, and immunities of peace officers;
- may, in accordance with Chapter 14 of the Texas Code of Criminal Procedure, arrest without warrant any person who violates State law;
- may enforce all traffic laws on streets and highways.

Pursuant to Section 51.210 of the Texas Education Code, UHD-PD officers are also empowered to enforce the rules and regulations of the University of Houston Downtown. UHD-PD is primarily responsible for responding to and investigating crimes on the University of Houston Downtown campus.

Police Officer Jurisdiction

The Texas Education Code, Section 51.203, defines the UH-Downtown Police Department’s primary jurisdiction as all counties in which property is owned, leased, rented or otherwise under the control of the University of Houston System Board of Regents and also includes streets contiguous to and running through the campus.

Security

The University of Houston-Downtown Police Department is committed to ensuring the safety and security of its campus and its facilities by being vigilant in observing and reporting any damaged facilities, parking lots, etc. immediately to the Facilities Management Office. Through daily patrols, which include foot, mobile as well as bicycle patrol, officers are able to observe and report deficiencies to the on-duty dispatcher for reporting to Facilities Management. All perimeter doors are locked electronically nightly via a computer security system and are checked by police officers and security officers. Access to the Jesse Jones Student Life Center, Commerce Street Building and Shea Street Building, during after-hour and holiday period(s), is limited to faculty/staff with valid access codes to enter such facility.

Parking Enforcement

UHD Police Department patrols the campus 24 hours, seven days a week. Parking violators may receive a university citation, a warning citation, a city of Houston citation, or Harris County citation. The registered permit holder is responsible for any citations issued to the permit.

A partial listing of violations:

- Parking in a non-designated area
- Parking permit not properly displayed
- Falsifying, reproducing or altering a permit
- Parking in a no parking zone
- Unauthorized parking in a reserved, handicapped, restricted or visitor parking area
- Obstructing traffic, street, sidewalk, crosswalk, driveways, trash containers and building entrances and/or exits Parking in a striped zone
• Parking a vehicle with any part thereof extending across a line which serves as a boundary of a parking space or parking area such that parking of other vehicles is impaired or where such parking creates a potential hazard
• Parking without a valid permit
• Parking in a tow-away zone
• Other violations as defined on the face of the citation(s)

A full listing of violations can be found in University Policy Statement 01.B.01 Section 3.2.21.

Resolution of Citation

If you receive a citation, you can either pay the fine or appeal the citation. Fines will double if not paid within five calendar days of citation date. Fines can be paid with cash or check at the Parking & Transportation Services Office (Suite N-354) or by credit or debit card at the Cashier Office (Suite S-310). After five calendar days fines can be paid online using myUHD. A citation must be appealed within 10 calendar days of the date of the issued citation or the recipient waives the right to appeal.

The violator can voluntarily surrender a valid parking permit to Parking & Transportation Services Office and thereby lose all parking privileges on campus for a period of 30 days for each citation. Only citations assigned to the permit holder may be resolved by permit surrender. This option is not available during the final 30 days of any semester.

By University Policy Statement 01.B.01, the President of the University of Houston-Downtown appoints a parking violations appeals committee and the Vice President of Administration and Finance provides an equitable and efficient appeals process through the committee.

Who are 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.

As a result of the negotiated rulemaking process which followed the signing into law of the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be campus security authorities. 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 rulemaking committee defines counselors as:

**Pastoral Counselor**
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.

**Professional Counselor**
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.

5.2 Working Relationship with Other Agencies
The UHD Police Department maintains a close working relationship with the Houston Police Department, Metro Police Department and other local law enforcement agencies we occasionally work with. Officers of the UHD Police Department communicate regularly with members of other law enforcement agencies on the scene of incidents occurring in and around our campus area. UHD Police Investigators work with other law enforcement agencies when mutually beneficial for joint investigative efforts. A memorandum of understanding exists between UHD Police and the Houston Independent School District Police Department. A memorandum of understanding exists between UHD Police and the Houston Police Department for radio communication access.

6.0 Security Awareness & Crime Preventions Programs
Members of the University community must assume responsibility for their own personal safety and the security of their personal property. The following precautions provide guidance.

- Report all suspicious activity to UHD-PD immediately.
- Never take personal safety for granted.
- Try to avoid walking alone at night.
- Limit your alcohol consumption, and leave social functions that get too loud, too crowded, or that have too many people drinking excessively. Remember to call UHD-PD for help at the first sign of trouble.
- Carry only small amounts of cash.
- Never leave valuables (wallets, purses, books, calculators, etc.) unattended.
- Carry your keys at all times and do not lend them to anyone.
- Do not leave valuables in your car, especially if they can be easily noticed.
- Lock up bicycles and motorcycles. Lock car doors and close windows when leaving your car.
- Engrave serial numbers or owner’s recognized numbers, such as a driver’s license number on each item of value.
- Inventory your personal property and insure it appropriately with personal insurance coverage.
Identification

It is recommended that all students, faculty, staff and visitors of the University of Houston-Downtown carry identification with them while on University of Houston-Downtown property. Section 51.209 of the Texas Education Code states, "The governing board of the state institution of higher education or its authorized representatives may refuse to allow persons having no legitimate business to enter on property under the board's control, and may reject any undesirable person from the property on his/her refusal to leave peaceably. Identification may be required of any person on the property."

Crime Prevention Programs

Throughout the year, various departments and organizations present programs that deal with crime prevention and safety on campus. These programs are announced on the web site as well on bulletin boards and TV monitors. A police officer provides a safety/security awareness presentation at required orientation for all freshman and transfer students.

Crime Awareness and Campus Security Policy PS 01.D.02

1. The Purpose

The purpose of this policy statement sets forth regulations regarding the communication of information in compliance with the federal Student Right to Know and Campus Security Act of 1990, Title 11, Crime Awareness and Campus Security. The University of Houston - Downtown (UHD) is committed to enhancing the well-being and security of its students, faculty and staff and of promoting broad awareness of safety procedures.

2. Policy/Procedures

2.1 UHD will collect specified statistical information on crimes committed on campus which involve murder, rape, robbery, aggravated assault, burglary and motor vehicle theft.

2.1.1 Definition of these crimes is based on the FBI Uniform Crime Report.

2.2 Timely reports will be made to the University community on crimes considered to be a threat to students and employees and reported to University or local police agencies. The UHD Police Department will notify the University community within 24 hours of any murder or rape which occurs on University property. Timely notification will be made as necessary in cases of aggravated assault, robbery and burglary. Information on campus crime, including motor vehicle thefts, will be compiled monthly and disseminated.

2.2.1 An Emergency Response Team will be designated to determine procedures for assuring timely notification and reports to the University community on campus crime.

2.2.2 The Emergency Response Team will include the President, Vice President for Administration, Executive Director of Institutional Advancement, Chief of Police, Vice President for Academic Affairs and Provost, Dean of Student Affairs and the President of the Student Government Association.

2.3 In the event of a serious crime, the Office of Communications and Marketing, in consultation with the Executive Council and the Chief of Police, will circulate periodic campus-wide follow-up reports to deans, department heads, the Faculty Senate Executive Committee, and the Student Government Association.

2.4 Beginning September 1, 1992, and continuing each year thereafter, the University will publish and distribute an annual report of Campus Security Policies and Crime Statistics to all current students and employees. Copies of the Annual Report also will be provided to any applicant for enrollment or employment upon request.
2.4.1 The Annual Crime Statistics Report will be submitted to the Secretary of Education, as required by federal law. 2.4.2 Pursuant to state law, the University will make available to the Texas Higher Education Coordinating Board the information required to be reported by the federal Student Right to Know and Campus Security Act for the previous year.

2.5 All inquiries from the media regarding campus crime shall be directed to the Office of Communications and Marketing.

2.6 As an agency of the State of Texas, UHD will respond to requests for information regarding law enforcement and criminal activity on campus in accordance with the provisions of the Texas Public Information Act (formerly the Texas Open Records Act).

7.0 Crime Statistics

Under the Clery Act, campuses are required to report campus crime statistics for certain offenses, hate crimes, arrests and disciplinary referrals. In all cases, this data must be broken down according to the geographic location of the occurrence of the offense.

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from the following sources: Houston Police Department, Houston Metro Police Department, and Harris County Sheriff Department.

For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

Statistics are gathered, compiled, and reported to the University community via this publication, which is published by UHD Police. UHD Police also submits the annual crime statistics published in this report to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website http://www2.ed.gov/admins/lead/safety/campus.html. The statistics in this publication are published in accordance with the standards and guidelines used by the FBI Uniform Crime Reporting Handbook and the relevant federal law.

The number of incidents is indicated in the statistics column for the following crime classifications: Murder/Non-Negligent Manslaughter, Negligent Manslaughter, Forcible and Non-Forcible Sex Offenses, and Aggravated Assault, Burglary, Motor Vehicle Theft and Arson.

In cases involving Liquor Law, Drug Law, and Illegal Weapons violations, each person who was arrested is indicated in the arrest statistics. The statistics captured under the “Referred for Disciplinary Action” section for Liquor Law, Drug Law, and Illegal Weapons violations indicates the number of people referred to the Office of Student Affairs for disciplinary action.

The “On Campus” category includes all on-campus incidents. The Public Property category are those incidents handled by UHD-PD, while the Other Law Enforcement Agencies Public Property Offenses and Arrests are those incidents reported to UHD-PD by other agencies and may or may not be directly related to the campus.

The definition of hate crime is a crime in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim that are reported to campus security authorities or local police agencies.

7.1 Applicable Crimes
The University of Houston-Downtown Police Department made a good faith effort to obtain crime statistics from the Houston Police Department, Harris County Sheriff’s Department and the Metropolitan Transit Authority Police Department. None of these agencies replied to our request for information in 2011 or 2012. We received 2013 crime statistics from these agencies, thus affecting the 2013 public property crime totals.

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### On Campus & Public Property Arrests

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### VAWA Incidents (Violence Against Women Reauthorization Act of 2013)

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**Residential Facilities Crime Statistics and Arrests**
The University of Houston-Downtown has no residential facilities.

**Non-Campus Buildings Crime Statistics and Arrests**
The University of Houston-Downtown has no non-campus buildings.

**UH-Downtown leases offices and classrooms at the Lone Star College System- University Park. Crime statistics for that campus may be obtained by accessing this link:** [www.lonestar.edu/crime-stat.htm](http://www.lonestar.edu/crime-stat.htm).
## Hate Crime Statistics

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7.2 Applicable Reporting Locations

For purposes of reporting the statistics with respect to crimes described above, an institution of higher education shall distinguish, by means of separate categories, any criminal offenses that occur:

- On campus
- In or on a non-campus building or property
- In dormitories or other residential facilities for students on campus.

7.3 Applicable Crime Definitions

Not every crime is reportable under the Clery Act. Similar to applicable reporting locations and geographical considerations, the statistics contained in this report are Clery Act specific. The Clery Act requires educational institutions to disclose three general categories of crime, with classifications based on the Federal Bureau of Investigations’ (FBI’s) Uniform Crime Reporting Handbook (UCR)

**Crime Definitions from the Uniform Crime Reporting (UCR)**

- **Criminal Homicide - Murder and Non-negligent Manslaughter**

  The willful (non-negligent) killing of one human being by another.

- **Criminal - Homicide-Manslaughter by Negligence**

  The killing of another person through gross negligence.

- **Sex Offenses - Forcible**

  Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

  **Forcible Rape** - The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

  **Forcible Sodomy** - Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

  **Sexual Assault With An Object** - The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

  **Forcible Fondling** - The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).
• **Sex Offenses - Non forcible**

Unlawful, non-forcible sexual intercourse.

Incest - Non forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape - Non forcible sexual intercourse with a person who is under the statutory age of consent.

• **Aggravated Assault**

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

• **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.

• **Burglary**

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

• **Motor Vehicle Theft**

The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned including joyriding.)

• **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, personal property of another, etc.

• **Hate Crimes**

A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender’s bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation, gender identity, or ethnicity/national origin.

For Clery purposes, hate crimes include any offense in the following that is motivated by bias:

- All of the above defined Criminal Offenses if motivated by bias.

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

o **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.

o **Destruction/Damage/Vandalism of 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.

o **Any other crime involving bodily injury.**

- **Weapon Law Violations**

The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

- **Drug Abuse Violations**

Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

- **Liquor Law Violations**

The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possession of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

- **Consent**

Consent is an informed and freely and affirmatively communicated willingness to participate in a particular sexual activity. 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 engage in the sexual activity to ensure that s/he has the consent of the other to engage in each instance of sexual activity. (The definition of consent for the crime of sexual assault in Texas can be found at [http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.011](http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.011), Section 22.011 b)

Consent is active, not passive, and cannot be inferred from the absence of a “no.” Therefore, silence or lack of protest or resistance, without actions demonstrating permission, cannot be assumed to show consent. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and gauging the receipt of consent, and individuals are thus urged to seek consent in verbal form for each instance of sexual activity. 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.
Consent must be present throughout the sexual activity, and consent to some form of sexual activity cannot be automatically taken as consent to any other sexual activity. Importantly, at any time, a participant can communicate that s/he no longer consents to continuing the sexual activity. If there is confusion as to whether an individual has consented or continues to consent to sexual activity, it is essential that the participants stop the sexual activity until the confusion is clearly resolved.

In determining whether a person gave consent, various factors are relevant. However, there is no consent when physical force or violence is used or threatened, where a person is unconscious or otherwise unable to resist, where the person is unaware that a sexual assault is occurring, or where the person does not have the legal capacity to consent. Further, a person may be unable to consent when the person is mentally or physically incapacitated due to the influence of drugs, alcohol, or medication and as a result is rendered temporarily incapable of understanding, appraising or controlling his or her conduct. A person’s incapacity to understand, appraise or control her or his conduct may be analyzed based on surrounding factors including, but not limited to, hallucinations, seizures, vomiting, slurred speech, disorientation, incoordination and other relevant factors.

These acts must be committed either by force, threat, intimidation, or through the use of the victim's mental or physical helplessness of which the accused was aware or should have been aware.

- **Sexual Assault**

  Sexual assault is any form of non-consensual sexual activity. Sexual assault represents a continuum of conduct from forcible rape to non-physical forms of pressure that compel individuals to engage in sexual activity against their will. (The definition of sexual assault in Texas can be found at [http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.011](http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.011).)

Examples of sexual assault at the University of Houston-Downtown include, but are not limited to, the following non-consensual sexual activity:

a) Sexual intercourse (vaginal or anal);
b) Oral sex;
c) Rape or attempted rape;
d) Penetration of an orifice (anal, vaginal, oral) with the penis, finger or other object;
e) Unwanted touching of a sexual nature;
f) Use of coercion, manipulation or force to make someone else engage in sexual touching, including breasts, chest and buttocks;
g) Engaging in sexual activity with a person who is unable to provide consent; or
h) Knowingly transmitting a sexually-transmitted disease to another.

- **Domestic Violence**

  Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, 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 State of Texas, 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 State of Texas.
• **Dating Violence**

Means violence committed by a person—

- who is or has been in a social relationship of a romantic or intimate nature with the victim;
- and where the existence of such a relationship will be determined based on a consideration of the following factors:
  - the length of the relationship
  - the type of relationship
  - the frequency of interaction between the persons involved in the relationship.

• **Stalking**

Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to

- fear for his or her safety or the safety of others; or
- suffer substantial emotional distress

7.4 Arrests and Disciplinary Referrals

For purposes of this section, **arrest** is defined as persons processed by arrest, citation or summons. **Referred for disciplinary action** is defined as the referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction. Violations of the institution’s policies that resulted in persons being referred for disciplinary action that are not violations of the law are not included. If an individual is both arrested and referred for disciplinary action, only the arrest statistic is disclosed.

8.0 Policy on Off-campus Crime

The University of Houston-Downtown has no off-campus student organizations recognized by the University that are engaged in by students attending the institution. The University has no student organizations with off-campus housing facilities. All **off-campus** crimes should be reported to the Houston Police Department at (713) 884-3131 and/or Harris County Sheriff's Office at (713) 755-5300.

9.0 Alcohol & Illegal Drug Policy

**Drug and Alcohol Abuse Policy**

As an institution interested in the intellectual, physical and psychological well-being of the campus community, the University of Houston-Downtown deems it important to curtail the abusive or illegal use of drugs or alcoholic beverages. All members of the University of Houston-Downtown community and guests are required to comply with federal, state and local laws regarding the distribution, possession and consumption of alcoholic beverages. (See the UHD Student Handbook for a summary of federal, state, and local laws regarding alcohol usage).

The possession, sale or the furnishing of alcohol on the University campus is governed by University of Houston-Downtown Alcohol Policy and Texas state law. Laws regarding the possession, sale, consumption or furnishing of alcohol are outlined in the Texas Alcoholic Beverage Code. The enforcement of alcohol laws on-campus is the responsibility of UHD-PD. Only under certain circumstances is the consumption of alcohol permitted. Such laws are strictly enforced by UHD-PD. Violators are subject to University disciplinary action, criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age is illegal in most circumstances.
It is University policy that the possession, consumption, and/or distribution of any alcoholic or intoxicating beverage in an open receptacle or a container which has been opened, are prohibited in any public area of the University of Houston-Downtown campus except at:

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

Faculty/staff events authorized by the president, vice presidents, associate or assistant vice presidents, deans or academic department chairs.

The term “public area” is defined as campus parking lots, campus grounds or any outside enclosed area or portion thereof, to which the public is invited or given general unrestricted access, as well as the inside classrooms, lobbies, lounges, corridors and restrooms of the campus buildings.

An individual or group that sponsors an event at which alcoholic beverages are made available is responsible for adherence to applicable laws and applicable university policies. Individuals, organizations or groups violating alcohol/substance policies or laws may be subject to sanctions by the University.

**9.1 Alcohol Policy & 9.2 Drug Policies**

**Drug and Alcohol Abuse Policy PS 01.A.05**  
Effective date: 02/02/10

1. **PURPOSE**  
   This PS establishes the University of Houston-Downtown's guidelines for the enforcement of a drug and alcohol abuse policy.

2. **DEFINITIONS**
   2.1 **Drug Free Workplace Act of 1988**: A federal statute relating to drug abuse policies that requires all employers with federal contracts at least equal to $25,000 to certify, as a condition of receiving a federal contract, that the employer will provide and maintain a drug-free workplace. A recipient of a federal grant must certify that the employer will provide and maintain a drug-free workplace. This act also requires federal contractors and grantees to publish and distribute a policy statement stating the prohibitions against the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances in the workplace. An ongoing drug-free awareness program must be established warning employees of the dangers of drug abuse.

   2.2 **Drug Free Schools and Communities Act of 1989**: A federal statute that requires, as a condition of receiving funds or any other form of financial assistance under any federal program, an institution of higher education must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees.

   2.3 **Employee**: An individual receiving a salary, wages, other compensation, and/or stipend support from the university.

   2.4 **Employee Assistance Program (EAP)**: A service, plan, or set of benefits provided by an employer that includes counseling for personal or family problems, including mental health, substance abuse, gambling addiction, marital problems, parenting problems, emotional problems, or financial pressures, and may also provide legal and financial planning.

   2.5 **Illicit drug use**: The use of an illegal drug substance or abuse of other drugs and alcohol.
2.6 Student: An individual registered or enrolled for credit or non-credit in a course or program offered by the University of Houston-Downtown.

2.7 Student Employee Assistance Program (SAP): A service, plan or set of benefits provided by a university or school that includes counseling for personal or family problems, including mental health, substance abuse, gambling addiction, marital problems, parenting problems, emotional problems, or financial pressures, and may also provide legal and financial planning.

2.8 University activities: Activities officially sponsored by the University of Houston-Downtown.

2.9 Workplace: The physical boundaries of the university and facilities owned or controlled by the university.

3. **POLICY**

3.1 The unlawful use, manufacture, sale, distribution, dispensation, or possession of any illicit drug, including alcohol, in the workplace, on campus, or as part of any campus activities is strictly prohibited. PS 01.A.14, Use of Alcoholic Beverages at the University of Houston-Downtown, outlines the regulations for the service, consumption and distribution of alcoholic beverages on campus.

3.2 Any employee engaged in the unlawful possession, use, or distribution of illicit drugs or alcohol on campus or at campus-sponsored events held off-campus will be subject to disciplinary action up to and including written reprimand, suspension without pay, or termination, depending on the severity of the infraction as outlined in the Discipline and Dismissal of Regular Staff Employees policy, PS 02.B.03, and may be referred to a drug and alcohol rehabilitation program, if deemed necessary. Employees referred for assistance must satisfactorily participate in a drug and alcohol abuse rehabilitation program, as agreed upon between the employee, Employment Services and Operations and the Employee Assistance Program (EAP) staff.

3.3 Any student having violated UHD’s Student Rights and Responsibilities policy, PS 04.A.01, regarding the unlawful possession, use or distribution of illicit drugs and alcohol on campus or at campus-sponsored events held off-campus will be subject to disciplinary action and referral to a drug and alcohol rehabilitation program, if deemed necessary. The Discipline Officer in the Division of Student Services/Enrollment Management will enforce the disciplinary measures, as outlined in PS 04.A.01. Students referred for assistance must satisfactorily participate in a drug and alcohol abuse program, as agreed upon between the student, UHD Discipline Officer, and the Student Assistance Program (SAP) staff.

3.4 An employee working on a federal contract or grant must notify his/her supervisor and Employment Services and Operations, within five (5) calendar days, if he or she is convicted of any criminal drug violation in the workplace.

3.5 The university will notify the appropriate contracting or granting agency within ten (10) days after receiving notice that a covered employee has been convicted of a criminal drug violation in the workplace.

4. **PROCEDURES**

4.1 Each student will receive a copy of the Drug and Alcohol Abuse Prevention Policy, PS 01.A.05, and the Drug and Alcohol Prevention Statement through the distribution of the Student Handbook, orientation, the UHD website, and/or information kiosks located on campus. The policy will be distributed by email to all students on an annual basis.

4.2 All new employees will be issued a copy of the Drug and Alcohol Abuse Policy, PS 01.A.05, and the Drug and Alcohol Prevention Statement upon employment with the university.
4.3 The Drug and Alcohol Abuse Policy, PS 01.A.05, and the Drug and Alcohol Prevention Statement (Exhibit A) will be distributed by email to all employees on an annual basis.

4.4 The Staff Handbook will include information on the Drug and Alcohol Abuse Policy, and is available on the UHD website. All staff are required to sign a Statement of Acknowledgement acknowledging that they have read and understood the Staff Handbook.

4.5 This policy will be disseminated to faculty, staff and students when significant changes in the policy occur.

4.6 The university will provide information to faculty, staff and students about prevention, counseling and treatment of drug and alcohol problems through seminars and newsletters.

4.7 A biennial review and report of the Drug and Alcohol Abuse Policy and the Drug and Alcohol Prevention Statement will be conducted to assess the effectiveness of the policy and the prevention statement.

Student Use of Alcoholic Beverages at UHD Policy PS 04.A.02

This PS sets forth regulations regarding the service, consumption, and distribution of alcoholic beverages to students at the University of Houston-Downtown (UHD). The University strictly adheres to all city, state, and federal laws governing the distribution and consumption of alcohol. The University is committed to the national initiative of preventing the abuse of alcohol.

1. Purpose

This PS sets forth regulations regarding the service, consumption, and distribution of alcoholic beverages to students at the University of Houston-Downtown (UHD). The University strictly adheres to all city, state, and federal laws governing the distribution and consumption of alcohol. The University is committed to the national initiative of preventing the abuse of alcohol.

2. Policies/Procedures

2.1 The legal drinking age in Texas is 21. Alcoholic beverages served on the UHD campus may be distributed and consumed by students of legal age only in areas designated by the Dean of Student Affairs. The use or possession of alcohol on any part of the university campus, other than a formally approved or designated area, is a violation of the Student Rights and Responsibilities Policy Statement 04.A.01.

2.2 The Dean of Student Affairs must be notified of the proposed sale and/or distribution of alcoholic beverages to students by any individual or organization at UHD and has the authority to approve or deny these activities.

2.3 Only licensed catering services approved by the Dean of Student Affairs may sell or distribute alcoholic beverages on the UHD campus.

2.4 Only registered student organizations will be allowed to conduct an event at which alcoholic beverages will be sold or distributed to students by the catering service or vendor.

2.5 The president or designated officer and the advisor of a registered student organization must read the Alcoholic Beverage Distribution Information form (Exhibit A) and must complete the request for Alcoholic Beverage Distribution Permit.
2.6 For a student organization, the completed Alcoholic Beverage Distribution Permit must be submitted to the Director of Student Activities at least four weeks before the date on which permission to serve alcohol is requested. The Director of Student Activities forwards a recommendation to the Dean of Student Affairs within five working days of submission.

2.7 The Dean of Student Affairs notifies the UHD Police Department when permission is granted to student organizations to hold an event at which alcoholic beverages will be distributed on the campus. The student organization receiving permission must make arrangements for police coverage directly with the UHD Police Department, not less than three (3) weeks prior to the event. The UHD Police Department will determine the number of police officers required for the event. Only UHD police officers or peace officers approved by the Chief of the UHD Police may be hired for the event. The sponsoring organization or department is responsible for payment of UHD police services.

2.8 State appropriated funds, student service fees, or University Center fees may not be used to purchase alcoholic beverages for any reason. Registered UHD student organizations may purchase alcoholic beverages for official student organization functions using funds which have been deposited into the student organization's agency fund account.

2.9 Alcoholic beverages may not be served or consumed in any vehicle owned or operated by UHD.

9.3 Drug & Alcohol Abuse Education Programs

Employee and Student Assistance Program

Employee Assistance Program

UHD partners with the University of Texas Employee Assistance Program (UTEAP) to provide employees possible solutions to complex problems affecting their work and personal lives.

The Employee Assistance Program (EAP) is a confidential counselling and referral program available to employees and their families. Whether employees want to resolve a stressful work situation, find legal resources or get advice about a financial concern, EAP can help. This service is offered at no cost to employees. Visit the UTEAP web site for information.

Individual Student Counseling

Located in One Main Building S-445, 713-221-8121
After hours call 713-500-3852 (24 hrs.) http://www.uhd.edu/counseling

The Student Counseling Program is designed to help you maximize your health and effectiveness at home, school or work. Through this program, you receive confidential, personal support for a wide range of issues, from everyday concerns to serious problems. Whether you want advice about a financial concern, need to talk to someone about drug use, or are simply feeling overwhelmed by school life, we can. If you want to ask a question or request a service, just call our toll-free number. You will be immediately connected to an experienced clinician. Available anytime, these clinicians are experts in helping people identify the nature of their problems and finding the right resources to address them. All records, including medical information, referrals and evaluations, are kept confidential in accordance with federal and state laws.

You can also visit http://new.mylifevalues.com username: uhds password: uhds for additional help.
Houston Council on Alcoholism & Drug Abuse

Offering short-term counseling for anyone affected in any way by alcohol or other drug abuse. Trained alcohol and drug abuse counselors can help select an appropriate program (AA, A.L.A.N.O.N., NA, CA, etc.) and/or appropriate treatment. Their address is 303 Jackson Hill Street, Houston. Phone 713-942-4100.

9.4 Firearms and Weapons Policies

UHD is committed to maintaining a safe and secure environment that supports the academic mission of the University. According to the UHD Violence on Campus Policy and Texas Penal Code, members of the UHD community, including faculty, staff, and students, as well as visitors to any of the UHD campuses, are prohibited from possessing firearms, explosives, weapons, or any item that may be construed as such, on the premises (as defined by Texas Penal Code 46.035) of the University or in any building under University control, whether or not a federal or state license to possess the same has been issued to the possessor. There are some limited exceptions to this policy; for example licensed law enforcement personnel who are authorized to carry a firearm are permitted to do so on UHD property. UHD does not tolerate the use of firearms or weapons on University owned, controlled, or leased properties. UHD-PD has and will continue to investigate any threat to the safety of the University in order to protect all members of the University community and their guests.

Additionally, anyone found violating the University’s policies or state law shall be subject to the disciplinary policies and procedures applicable to students, faculty, or staff and/or criminal prosecution by the appropriate jurisdiction.

*It is a federal and state offense to possess or use any firearm, ammunition or illegal weapon on university property except as a duly authorized law enforcement officer or for legitimate classroom instruction*
10.0 Sex Offender Registration

In accordance with the “Campus Sex Crimes Prevention Act” of 2000, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, UHD-PD provides a link to the Texas Department of Public Safety Sex Offender Database on our website. The link to this [https://records.txdps.state.tx.us/SexOffender/Index.aspx](https://records.txdps.state.tx.us/SexOffender/Index.aspx) Student, staff, faculty and contract workers on the University of Houston campus who are registered as sexual offenders are required to report to and register with UHD-PD. 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.

11.0 Disciplinary Proceedings

The institution will disclose to the alleged victim of any crime of violence (as that term is defined in section 16 of title 18, United States Code), or a nonforcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense.

As stated in University of Houston System Administrative Memorandum 01.D.08:

11. SEXUAL MISCONDUCT COMPLAINT PROCEDURES

11.1. Step One: Filing a Complaint

If the victim wishes to pursue a sexual misconduct complaint, s/he will be asked to complete a Formal Complaint Questionnaire with their Title IX Coordinator, who will forward the Complaint Questionnaire to EOS. The University does not limit the timeframe for filing a complaint of sexual misconduct. Complaints can be submitted at any time following an incident, although the University’s ability to take any action may be limited because of the passage of time. Once a complaint is filed, if the Complainant decides that s/he wants to withdraw the complaint, the University’s investigation may still proceed.

11.2. Step Two: Consideration of Interim Accommodations

Although interim accommodations may have already been considered and made, EOS will consider interim accommodations at this step to protect the complainant while the incident is investigated and adjudicated through this Policy. EOS and other appropriate University administrators will work together to identify alternative arrangements that will preserve the rights of both the complainant and the accused, as well as provide a safe overall educational or working environment until (and perhaps after) the complaint is investigated and adjudicated. Failure to adhere to the parameters of any interim measure may be considered a separate violation of this Policy and may result in disciplinary sanctions.

11.3. Step Three: EOS Investigation

EOS will begin an investigation upon its receipt of a complaint or other notice of alleged sexual misconduct. EOS will attempt to interview the Complainant, the Respondent and any witnesses, as appropriate. EOS will also gather and review any information it deems pertinent, as well as any information submitted by the Complainant, the Respondent and/or any witnesses.

11.4. Step Four: Response to a Complaint

Within five business days after receiving a complaint, EOS will contact the Respondent to obtain the Respondent’s response. The response is due to EOS within 10 business days from the Respondent’s receipt of the Complaint. The response should address and respond to the specific allegations made in the Complaint and can include any other rebuttal information. Failure to respond may be considered a separate violation of this Policy and may result in disciplinary action.
11.5. **Step Five: EOS Finding**

EOS will issue a finding as soon as practicable and make every effort to issue its finding within 60 business days from its receipt of the complaint. The finding will be determined by a preponderance of the evidence; that is, whether it is more likely than not that the Respondent violated this Policy. If EOS determines that this Policy was violated, EOS will recommend appropriate university action in an effort to eliminate sexual misconduct from happening, prevent its recurrence and address its effects. Even if EOS determines that this Policy was not violated, EOS may recommend that the Respondent undertake educational initiatives and/or trainings. EOS will concurrently notify the Complainant and the Respondent in writing of the outcome of its finding and any appeal rights under this Policy, to the extent permissible by law. EOS will notify the appropriate university administrator of any recommended university action.

11.6. **Step Six: Sanctions**

11.6.1. If EOS finds a violation of this policy against a faculty member, EOS will recommend appropriate university action, and any sanction imposed on the faculty member will be determined by and implemented by the appropriate administrator after consultation with EOS and consistent with the component institution’s faculty handbook/manual.

11.6.2. If EOS finds a violation of this policy against a non-faculty university employee, EOS will recommend appropriate university action, and any sanction imposed on the employee will be determined by and implemented by the appropriate administrator after consultation with EOS and consistent with the component institution’s policies and procedures related to employee discipline.

11.6.3. If EOS finds a violation of this policy against a student, EOS will recommend appropriate university action, and any sanction imposed on the student will be determined by and imposed by the Dean of Student’s Office or its equivalent after consultation with EOS and consistent with the component institution’s policies and procedures related to student conduct/discipline.

11.7. **Step Seven: Appeal**

11.7.1. If the Complainant or the Respondent is dissatisfied with EOS’ finding, the party can appeal to the component institution’s appellate board (“Board”). An appeal must be filed with the Title IX Coordinator within 10 business days of receiving EOS’ finding. Absent extenuating circumstances, the Title IX Coordinator will schedule a hearing to be held within 30 business days from the filing of the appeal. Written requests for rescheduling the hearing will be considered by the Board’s chairperson in consultation with the Title IX Coordinator. No later than five 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 Board’s chairperson and will simultaneously provide to the other party. The materials must include the names of any witnesses intended to be called during the hearing (along with a brief summary concerning the subject matter of the witness’ expected testimony), and the name of any advisor to be in attendance at the hearing (and whether that advisor is an attorney). No witness, document/tangible evidence, or advisor will be permitted at the hearing unless such information was timely submitted.

11.7.2. Appeals/Grievances relating to sanctions assessed by the appropriate administrators are not considered under this Policy. Therefore, if the Complainant or the Respondent is dissatisfied with any sanction determined by the appropriate administrator under Sections 11.6.1 through
11.6.3 above, he/she may appeal the sanction as follows: any challenge to the sanction against a faculty member must be addressed through the component institution’s faculty handbook/manual; any challenge to the sanction against an employee must be addressed through the component institution’s policies and procedures related to employee grievances; any challenge to the sanction against a student must be addressed through the appeal process in the component institution’s student code of conduct or its equivalent.

11.8. Step Eight: Designation of Hearing Panel
The hearing will be conducted by a Hearing Panel (“Panel”), which is charged with upholding or rejecting EOS’ finding based on the preponderance of the evidence. The Board’s chairperson is responsible for selecting the Panel members from available Board members. The Panel will be comprised of three board members. The Board’s chairperson will select the Panel’s chairperson. The appellant and the appellee shall be notified of the Panel’s composition. Within five business days of such notification, the appellant and the appellee shall have an opportunity to challenge in writing any Panel member for cause. The Board’s chairperson, in consultation with the Title IX Coordinator, will consider any challenge and replace the Panel member if appropriate.

11.9. Step Nine: Hearing
11.9.1. The general course of the hearing procedure will be as follows, subject to the discretion of the Panel chairperson:
   a) The Panel chairperson will convene the hearing, introduce the individuals, give a brief description of the process and invite questions about the process;
   b) The appellant shall present his or her evidence (including calling and questioning his or her own witnesses) to the Panel;
   c) The appellee shall present his or her evidence (including calling and questioning his or her own witnesses) to the Panel; and
   d) An investigative summary will be presented to the Panel by EOS.
11.9.2. The Panel chairperson and/or Panel may question any individual at any time during the hearing.
11.9.3. The Panel chairperson may impose reasonable time limits on any stage of the hearing. The Panel chairperson may also determine the relevance of, and place restrictions on, any witness or information presented.
11.9.4. The appellant and the appellee may question their own witness and the EOS representative but not the opposing party’s witnesses. However, the appellant and appellee may request that the Panel chairperson ask questions of the other witnesses. Both parties may request that the Panel Chair ask questions of the other witnesses by submitting proposed questions to the Panel chairperson in writing either prior to, or during, the hearing. The Panel chairperson may determine which questions are relevant, and the Panel chairperson has the discretion to revise a question or to decline asking the question.
11.9.5. An audio recording of the hearing will be kept for the use of the Panel and for any appeal.
11.9.6. In cases where an appellant or an appellee refuses to participate in the hearing, the Panel will convene and make a decision based on the evidence and testimony available to the Panel. Any party who declines to participate in a hearing waives any additional right to appeal.
11.9.7. Because the hearing process is an internal University process and not a formal courtroom process in which rules of evidence and courtroom procedures apply, this procedure is intended to reduce the adversarial
nature of the hearing and will be conducted accordingly. The appellant and the appellee may bring an advisor. Advisors may attend the hearing and sit with their respective advisee during the hearing, communicate quietly orally and/or in writing with their respective advisee during the hearing and may respond to a direct question from the Panel. However, an advisor will not be permitted to speak on behalf of the advisee, make an oral presentation, including an opening or closing argument, or to question witnesses, the EOS representative, or the Panel during the hearing.

11.9.8. Alternative testimony options will be available if determined by the Title IX Coordinator or the Panel to be necessary, such as placing a privacy screen in the hearing room, or allowing an alleged victim to testify from another room via closed circuit. Although such options are intended to help make the alleged victim more comfortable, they are not intended to work to the disadvantage of the Respondent.

11.10. Step Ten: Panel Decision
After the hearing has concluded, the Panel will deliberate in private. The Panel will uphold or reject EOS’ finding based on the preponderance of the evidence. The Panel’s decision will be by majority vote. The Panel will communicate its decision in writing to the Title IX Coordinator within three business days of the hearing. The Title IX Coordinator will then provide a copy of the decision to the appellant, the appellee, and EOS.

11.11. Step Eleven: Final Appeal to Appropriate Administrator
If the Panel upholds EOS’ finding, the appellant may appeal the Panel’s decision to the appropriate administrator. Conversely, if the Panel rejects EOS’ finding, the appellee and/or EOS may appeal the Panel’s decision to the appropriate administrator. Any appeal must be filed in writing within 10 business days of the Panel’s decision. The administrator will render a decision within 10 business days from the date that the appeal is filed.

12. SPECIAL PROVISIONS
12.1. Violations. Any act that falls within the definition of sexual misconduct constitutes a violation of this Policy.

12.2. University as Complainant. The University reserves the right to initiate a complaint, to serve as a Complainant, or to initiate proceedings under this Policy without a formal complaint by the victim of sexual misconduct.

12.3. Off campus conduct. When an individual is alleged to have engaged in sexual misconduct off University premises, the University reserves the right to investigate and adjudicate under this Policy.

12.4. Immunity for Victims. The University encourages the reporting of sexual misconduct. Sometimes victims and/or witnesses are hesitant to report because they fear that they themselves may be charged with policy violations, such as underage drinking at the time of the incident. It is in the best interest of the University to report incidents of sexual misconduct. To encourage reporting, the University follows a policy of offering victims and witnesses of sexual misconduct amnesty from being charged with alcohol or drug-related University policy violations if they had been using drugs or alcohol at or near the time of the sexual misconduct incident.

12.5. Notification of Outcomes. The Title IX Coordinator and/or EOS will concurrently notify the Complainant and the Respondent in writing of the outcome of any finding and any appeal to the extent permissible and/or required by law.
3.3 Definitions of Disciplinary Actions

3.3.1 The following penalties may be imposed when a student engages in prohibited conduct and may be imposed separately or in addition to other penalties:

3.3.1.1 “Warning” is a verbal or written notice to a student who has violated a published University policy and whose continuation of such conduct may result in further disciplinary action.

3.3.1.2 “Restricted privileges” is denial or restriction of one or more privileges granted to students on University property. These may be, but are not limited to, the use of an automobile on campus, dining on campus, visiting the campus, or participating in athletics or other extracurricular activities. The restriction may be imposed only for a definite period of time.

3.3.1.3 “Restitution” is paying, either with money or the performance of specific duties, for damage to or loss/misappropriation of property.

3.3.1.4 “Disciplinary probation” is a warning that a student’s continued enrollment is conditioned upon adherence to published University policies. Probation may be imposed only for a definite period of time but automatically restricts the following privileges:

A student on disciplinary probation is ineligible to hold or be elected to an office of any student organization recognized by the University.

A student on disciplinary probation may not represent the University in any special honorary role.

3.3.1.5 “Withholding transcripts” is a penalty, which prohibits a student from receiving or the Registrar from issuing official transcripts.

3.3.1.6 “Non-readmission” is a prohibition against a student’s readmission to the University.

3.3.1.7 “Suspension” is separation from the University for a definite time during which the student will not be permitted to attend classes or participate in any University activity.

3.3.1.8 “Expulsion” is permanent separation from the University.

12.0 Emergency Response and Evacuation Procedures

Immediate Notification and Notification to the UHD Community about an Immediate Threat

In the event of a serious incident that poses an immediate threat to members of the UHD community, the University has various systems in place for communicating information quickly. The methods of communication include network emails, emergency text messages that can be sent to a phone (individuals can sign up for this service by going into My UHD) classroom notification system, scrolling message boards, desktop computer notifications and voice mail.

Upon confirmation of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of students or employees, Federal law requires that the institution immediately notify the campus community or the appropriate segment(s) of the community that may be affected by the situation. An immediate threat encompasses an imminent or impending threat, such as a fire in one of the university buildings. Other examples of significant emergencies or dangerous situations are:

- Approaching tornado, hurricane or other extreme weather conditions
- Earthquake
- Gas leak
- Terrorist incident
- Armed intruder
- Bomb threat
- Civil unrest or rioting
- Explosion
- Nearby chemical or hazardous waste spill
UHD-PD and the Office of University Communication will determine the appropriate segment of the UHD community if the danger/threat is limited to a particular building or segment of the population to receive notification of the incident.

UHD-PD and the Office of University Communication will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system. If issuing a notification will, in the judgment of the first responders, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency, then notification may be delayed.

UHD-PD and the Office of University Communication will communicate the threat to the UHD community, or to the appropriate segment of the UH community if the danger/threat is limited to a particular building or segment of the population

All members of the UHD community are encouraged to notify UHD-PD of any situation or incident on campus that involves a significant emergency, or any dangerous situation that may involve an immediate or ongoing threat to the health and safety of students, faculty, staff and/or visitors to campus. UHD-PD has the responsibility of responding to, and summoning the necessary resources to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, UHD-PD has a responsibility to respond to such incidents to determine if the situation does in fact pose a threat to the community. If so, Federal Law requires that the institution notify the campus community or the appropriate segments of the community that may be affected by the situation.

Emergency Response and Evacuation Procedures

In the event of a fire or other emergency, every second counts. The safe, orderly and prompt evacuation of building occupants depends on having the physical safety features of a building in operating condition as well as having an emergency evacuation plan. The cooperation and participation of every building’s occupant is essential. Every person who works in a building on campus has an individual responsibility to know how to evacuate in an emergency and to accomplish the evacuation when the fire alarm device sounds or when directed by an official authority. This guide will help you to prepare for emergency situations that might arise within buildings on the UHD campus.

Preplan Your Escape:

Know the location of at least two stairways/ exits. The alarm pull stations are located at each stairway/exit. Know where fire extinguishers are located on your floor.

Make sure your area has at least two unobstructed ways out.

**Do not use the elevators.** Use is reserved for the Fire Fighters and Emergency Response Teams.

Become familiar with the sound of your building’s fire alarm. (More details are below.)

Know where your department’s outside Assembly (Muster) Point is located and go to the area if a total building evacuation is required.

Take personal items with you such as keys, purses, and briefcases/backpacks.
In the Event of an Alarm: Step out into the hallway. Listen and Follow the announced instructions:

1. **The Automatic Alarm** - One continuous whooping tone is heard with the following message:

   —This is the University Police. We have an Alarm on your floor. The Fire Department has been notified. If the alarm is sounding on your floor, please proceed to the nearest stairwell and prepare to exit. If there is evidence of a fire on your floor, please evacuate the floor using the exit stairwells, DO NOT USE ELEVATORS!

2. **Fire/Smoke Reported Alarm** — Two short tones are heard followed with a live message:

   “This is the University Police. We have an emergency on the (Floor of Incident) floor. The Fire Department has been notified. Floors (Floor of Incident, Floor Above, and Floor Below) must evacuate IMMEDIATELY, DO NOT USE ELEVATORS!”

3. **All Clear Alarm** — Two short tones followed with a live message

   —May I Have Your Attention Please? This is the University Police. The situation is clear. You may return to your offices and classrooms. The elevators are now in service (provided they were taken out of service) and you may move about the building. Thank you for your cooperation.

**If No Visible Fire or Smoke**

PROCEED to the nearest stairwell and wait for further announcements or an official authority (Police, EHS, or Facilities Management).

**If There is Visible Fire or Smoke: IMMEDIATELY EVACUATE THE BUILDING!**

When you discover a fire or smoke condition, sound the building alarm by activating the nearest pull station. Immediately make a follow-up call to UHD Campus Police at x8911 (713-221-8911) or from a Yellow Emergency Call Box to verify UHD Police received the alarm and to give more information. [Note: Put the number in your cell phone.]

Whenever you hear the fire alarm sound, LEAVE YOUR AREA IMMEDIATELY! Don’t assume the fire alarm is false or a test and wait to see what others do. In a fire, seconds count.

Take personal items with you: keys, purse, and briefcases and backpacks.
Try to help others, if you can do so safely.
When leaving, close (do not lock) the door behind you. If the door locks automatically, take your key with you in case you need to get back in for refuge.

Unless unusual conditions dictate otherwise, the best evacuation route is the nearest stairway and out the nearest exit.

Once outside, meet at your designated assembly point and report to your supervisor so he or she can take a head count to make sure everyone is out of the building and accounted for. Never attempt to re-enter the building to search for someone missing. Let fire or police officials know where they were last seen.
Is the Door Hot? During an alarm, check for fire on opposite side of door by using the back of your hand to touch the door, door knob, or door frame. If anything feels hot, don’t open it, there’s probably fire on the other side. If cool, open the door slowly, leave the area, and close the door behind you.

Stay Low if There is Smoke. If you encounter smoke while escaping, crawl or get as low as you can until you enter a clear area or are outside. The cleanest air will be within 1 to 2 feet of the floor. If the main exit is blocked by fire or smoke, you should use your alternate route. If you cannot escape, return to your room and do the following:

- Close all doors between you and the fire.
- Seal cracks around doors with cloth (wet, if possible) to keep the smoke out.
- Call the UHD Campus Emergency Number at x8911 (713-221-8911) to notify them of your location.

Additional Planning for Persons with Physical Disabilities
If you have a temporary or permanent disability that might prevent your safe, orderly, and prompt evacuation during an emergency, you need to do some additional planning. You should plan to:

- Identify primary and secondary routes out of an area to the exits or a safe area of refuge. Stairwells are designed to provide protection from smoke and fire; however, doors to these areas must be kept closed in order to afford you this protection.
- Locate communication devices (phones, call boxes).
- Get with your supervisor and establish a Buddy System with individuals who are familiar with your disability to obtain assistance during an evacuation.
- Be prepared to call University Police (x8911, 713-221-8911) and describe where you are located within the building.
- When the alarm sounds proceed to the nearest exit and evacuate the building with assistance from your buddy.
- If no one is able to assist you down the stairs, proceed to the stairwell or designated area of refuge and inform other evacuees that you need immediate rescue. Ask individuals to inform rescuers of your where about.
- Some individuals can plan for a horizontal exit from an operational elevator to a floor that connects to another building (Main One to Academic Bldg.) or to the ground floor.

Keep Exits Clear
All stairwells, exits, corridors shall be kept free of all obstructions at all times. No furnishings, decorations, other combustible objects or flammables shall obstruct exits. Corridors and other portions of the means of egress are required to be a certain width so that the expected numbers of people in the building can quickly exit or evacuate in a fire situation. Any time there are obstructions, the possibility of people becoming trapped or slowed down in a fire, increases greatly. Since the prime function of corridors is to allow people to escape during a fire, these areas should not be the origin of fire, or a means to allow fire to spread. This can very easily happen if combustibles are stored and allowed to accumulate in corridors.

Every building occupant should know what to do in case of fire. Fire drills are conducted to provide the opportunity for all building occupants to practice the fire evacuation plan. Every building occupant is expected to participate in drills occurring within their building. Each drill should be treated as if it were the real thing by showing a sense of urgency, immediate evacuation, and following the instructions of the Evacuation Coordinators conducting the drill.
Laboratory/Hazardous Operation Procedures

All areas that have hazardous operations, including laboratories, must have an emergency plan that details the emergency shutdown procedures. If the equipment requires numerous steps for emergency operation or shutdown, this plan must be in writing. In the event of an emergency evacuation, hazardous operations and equipment must be shutdown. This would include:

- Turning off flames and other ignition sources.
- Unplugging electrical equipment that cannot be shut down or secured, for example, a coffee pot.
- Securing all process equipment and hazardous materials, including compressed gases. Closing the fume hood sash.

Emergency Response

University departments are responsible for developing contingency plans and continuity of operations plans for their staff and areas of responsibility. UHD has received training in Incident Command and Responding to Critical Incidents. When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually UHD Bureau personnel, HPD and the Houston Fire Department (HFD) and Emergency Medical Services. These agencies typically respond and work together to manage the incident. Depending on the nature of the incident, other UHD departments and other local or federal agencies could also be involved in responding to the incident.

In an Emergency: By Emergency Call Box

Emergency call boxes are located throughout the campus and provide instant contact with UHD-PD. The call boxes are either pole or wall mounted, are bright yellow have “Emergency/Information” signs above them. The call boxes outside also have a blue light on the top of them for increased visibility.
Shelter-in-Place Procedures

What it Means to Shelter-in-Place

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to shelter-in-place means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

Basic Shelter-in-Place Guidance

If an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belongings (purse, wallet, Gator card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest University building quickly. If police or fire department personnel are on the scene, follow their directions.

How You Will Know to Shelter-in-Place

A shelter-in-place notification may come from several sources, including UHD-PD, other University employees, the federal or state government, HPD, or other authorities utilizing the University’s emergency communications tools.
Accidents/Injury

For Major Medical Emergencies immediately CALL UHD Campus Emergency Number at x8911 (713-221-8911). The UHD Police will coordinate the arrival of Emergency Medical Technicians. If you use a personal phone to directly dial 911 any phone other than a UHD phone, you will also need to contact the UHD Police Department.

- Work related Medical Emergencies involving employees must immediately be reported to the supervisor of the injured person and the Environmental Health and Safety Office @ x8040 (713-221-8040) and supervisor should then contact ESO @ x8060 (713-221-8060).
- An accident, —near miss or hazardous situation not involving an injury should be reported to the Environmental Health and Safety Office @ x8040 (713-221-8040). Near misses will be tracked to identify areas of concern.
- Please ensure the injured person receive proper medical care as soon as possible. After hours please call the UHD Campus Emergency Number at x8911 (713-221-8911).

Helpful Telephone Numbers

<table>
<thead>
<tr>
<th>Service</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police Emergency</td>
<td>911</td>
</tr>
<tr>
<td>Police Non-Emergency</td>
<td>713-221-8065</td>
</tr>
<tr>
<td>Parking Enforcement</td>
<td>713-743-5849</td>
</tr>
<tr>
<td>Investigations</td>
<td>713-221-8065</td>
</tr>
<tr>
<td>Lost and Found</td>
<td>713-221-8065</td>
</tr>
<tr>
<td>UHD Counseling</td>
<td>713-221-8121</td>
</tr>
<tr>
<td>UHD Health Center</td>
<td>713-221-8137</td>
</tr>
<tr>
<td>Houston Sexual Assault Hotline</td>
<td>713-528-7273</td>
</tr>
<tr>
<td>Houston Police Department</td>
<td>713-884-3131</td>
</tr>
<tr>
<td>Harris County Sheriff</td>
<td>713-755-5300</td>
</tr>
<tr>
<td>AIDS Hotline</td>
<td>713-524-AIDS</td>
</tr>
<tr>
<td>Covenant House</td>
<td>713-523-2231</td>
</tr>
<tr>
<td>Crisis Hotline</td>
<td>713-228-1505</td>
</tr>
<tr>
<td>Houston Area’s Women’s Center (WIRES)</td>
<td>713-528-2121</td>
</tr>
<tr>
<td>MHMRA Crisis Clinic</td>
<td>713-970-7070</td>
</tr>
<tr>
<td>Houston Council on Alcoholism &amp; Drug Abuse</td>
<td>713-942-4100</td>
</tr>
</tbody>
</table>
This PS emphasizes the University of Houston - Downtown (UHD) commitment to the prevention of accidents and injuries within the university community; to inform students, faculty and staff of their responsibility for safety and accident prevention; and to establish a mechanism for the development and review of UHD’s safety process.

**POLICY/PROCEDURES**

The Safety Process at UHD is organized around a 3-tier plan.

**Tier 1** is the Director of Safety and the Safety Inspector, as assigned by the Vice President for Administration.

**Tier 2** is the Safety Committee, as assigned by the President.

**Tier 3** is the Vice President for Administration and the President.

The responsibilities of each tier are outlined below.

The Director of Safety and the Safety Inspector are responsible for emergency operations; evacuation process; safety enforcement; safety training coordination; site safety inspection and evaluation; safety process record keeping; fire safety; coordination and involvement of managers, directors and deans in the safety process; unit-based planning and budget development of the safety process; and University compliance coordination.

The Safety Committee is responsible for promoting and maintaining the University community’s interest in safety through participation, education and training; group/committee support for safety projects and campaigns; individual member assistance in the safety process objectives.

The Vice President for Administration and President are responsible for executive support of the safety process through the following means: inclusion of the safety process in executive decision-making; financial support for the safety process; support for internal enforcement of the safety process standards as determined by the Safety Committee, the Director of Safety, and the Safety Inspector.

The general rules of implementation are as follows:

The Vice President for Administration will appoint the Chief of Police as the Director of Safety.

The President will appoint the members of the Safety Committee by September 1 of each academic year, to two year staggered terms, such that only half of the committee members are reappointed each year.

The Safety Committee will be composed of one permanent member from each of the following areas: Student Health Services, Counseling and Career Services, Disabled Student Services, Human Resources, Physical Plant, Police Department, and each of the colleges. Additionally, a student from the Student Government Association and a student from the Disabled Student Services will serve as members of the Committee.

The Safety Committee will meet monthly as a group and individually, when necessary, with the Director of Safety and the Safety Inspector when working on inspections or safety campaigns.
The Director of Safety and the Safety Inspector will submit meeting minutes and quarterly reports to the Vice President for Administration and President and an annual report before the end of each calendar year.

The Director of Safety and the Safety Inspector will develop a safety library for the University community. The safety library will include literature, training materials and resource information. Major resource information will include the following titles: Life Safety Code, Employees' Safety and Health Program for Texas State Agencies, Texas Safety Association and National Safety Council Literature.

13.0 Sexual Assault Policy

In accordance with the directives outlined in the Violence Against Women Act, specifically the terms provided under Section 13925(a) of Title 42 the University of Houston System has implemented its Administrative Memorandum Number 01.D.08, “Sexual Misconduct Policy.”

UNIVERSITY OF HOUSTON SYSTEM
ADMINISTRATIVE MEMORANDUM
SECTION: General Administration NUMBER: 01.D.08
AREA: Legal Affairs
SUBJECT: Sexual Misconduct Policy (Interim)
Interim November 29, 2012 Page 1 of 16

1. PURPOSE

1.1. The University of Houston System and its component institutions ("University") are committed to maintaining and 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 action in an effort to eliminate sexual misconduct from happening, prevent its recurrence and address its effects.

1.2. The University aims to eradicate sexual misconduct through education, training, clear policies and serious consequences for violations of its policies. This Sexual Misconduct Policy ("Policy") defines and describes prohibited sexual conduct and establishes a procedural mechanism for processing complaints of sexual misconduct. (Please see the University’s Discrimination and Harassment Policy, SAM 01.D.07, to find the procedural recourse for responding to unlawful discrimination and harassment incidents that do not constitute sexual misconduct.)

1.3. Consistent with its commitment to addressing sex discrimination and harassment, 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, and Title VII of the Civil Rights Act of 1964 ("Title VII"), which prohibits sex discrimination in employment. Sexual misconduct, as defined in this Policy, constitutes a form of sex discrimination prohibited by Title IX and Title VII.

1.4. All members of the University are expected to adhere to this policy, to cooperate with the procedures for responding to complaints and to report conduct or behavior that they believe to be in violation of this Policy (See Sections 8 and 9 for reporting procedures). The University will take seriously allegations of sexual
misconduct by conducting an investigation, and the University will work to ensure that all persons are given appropriate support and fair treatment.

1.5. This Policy provides the exclusive mechanism for handling the non-criminal investigation of any alleged sexual misconduct, the determination of whether this Policy was violated, and the appeal of Equal Opportunity Services’ (EOS’) finding as to violation/no violation of this Policy.

2. GENERAL DEFINITIONS

2.1. Complainant – A party or entity (in the case of the University) who makes a complaint of sexual misconduct under Section 11 of this Policy.

2.2. Respondent – A party who has been accused of committing an act of sexual misconduct by a Complainant.

2.3. Sexual Activity – Intercourse, however slight, meaning vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact or genital to mouth contact). Sexual activity also includes any intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch the Complainant or themselves with or on any of these body parts; and any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

2.4. Student – Any person currently or previously enrolled in the University pursuing undergraduate, graduate or professional studies, whether full-time or part-time, and a person who is registered for a future semester.

2.5. Title IX Coordinator – The person who has been designated on each component institution 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 Assistant Title IX Coordinators. The Title IX Coordinators for each component institution campus are:

- University of Houston System/University of Houston
  Assistant VC/VP for Equal Opportunity Services or Richard Anthony Baker, M.P.A., Ph.D., J.D., Equal Opportunity Services
  (713) 743-8835; rabaker4@uh.edu

- University of Houston – Downtown
  Assistant VP for Employment, Training, Campus Relations and Affirmative Action Officer or Douglas J. teDuits, Ed D, SPHR, Employment Services and Operations
  (713) 222-5366; TeDuitsD@uhd.edu

- University of Houston – Clear Lake
  Executive Director, Human Resources and Affirmative Action or Katherine Justice, Human Resources and Affirmative Action
  (281) 283-2164; Justice@uhcl.edu
2.6 University-Affiliated Activity – Any activity on or off campus that is initiated, aided, authorized or supervised by the University or by an officially-recognized organization of the University.

2.7 University Premises – Buildings or grounds owned, leased, operated, controlled or supervised by the University.

3. DEFINITION OF SEXUAL MISCONDUCT

“Sexual misconduct” is a broad term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature. The term includes sexual assault, sexual exploitation, sexual intimidation, and sexual harassment as further described in Section 6. Sexual misconduct can be committed by men or women, strangers or acquaintances, and can occur between people of the same or opposite sex. This Policy applies regardless of the complainant’s or the respondent’s sex, sexual orientation, gender identity or gender expression. An attempt to engage in conduct that constitutes sexual misconduct under this Policy may be treated itself as an act of sexual misconduct.

4. JURISDICTION

The University has jurisdiction over, and will respond to, allegations of sexual misconduct occurring on the University’s premises, at University-affiliated activities and/or where the misconduct involves students, faculty, staff and visitors of the University. A sexual misconduct complaint rising to the level of a potential criminal violation may be considered separately under this Policy and in the criminal justice system. Proceedings under this Policy will not be dismissed or delayed because criminal prosecution is pending, charges have been dismissed, or the charges have been reduced. Proceedings may also continue if a party is no longer employed with or a student of the University.

5. CONSENT

5.1. For purposes of this Policy, consent is an informed and freely and affirmatively communicated willingness to participate in a particular sexual activity. 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 engage in the sexual activity to ensure that s/he has the consent of the other to engage in each instance of sexual activity.

5.2. Consent is active, not passive, and cannot be inferred from the absence of a “no.” Therefore, silence or lack of protest or resistance, without actions demonstrating permission, cannot be assumed to show consent. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and gauging the receipt of consent, and individuals are thus urged to seek consent in verbal form for each instance of sexual activity. 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.

5.3. Consent must be present throughout the sexual activity, and consent to some form of sexual activity cannot be automatically taken as consent to any other sexual activity.
activity. Importantly, at any time, a participant can communicate that s/he no longer consents to continuing the sexual activity. If there is confusion as to whether an individual has consented or continues to consent to sexual activity, it is essential that the participants stop the sexual activity until the confusion is clearly resolved.

5.4. In determining whether a person gave consent, various factors are relevant. However, there is no consent when physical force or violence is used or threatened, where a person is unconscious or otherwise unable to resist, where the person is unaware that a sexual assault is occurring, or where the person does not have the legal capacity to consent. Further, a person may be unable to consent when the person is mentally or physically incapacitated due to the influence of drugs, alcohol, or medication and as a result is rendered temporarily incapable of understanding, appraising or controlling his or her conduct. A person’s incapacity to understand, appraise or control his or her conduct may be analyzed based on surrounding factors including, but not limited to, hallucinations, seizures, vomiting, slurred speech, disorientation, incoordination and other relevant factors.

6. FORMS OF SEXUAL MISCONDUCT

6.1. Sexual Assault

Sexual assault is any form of non-consensual sexual activity. Sexual assault represents a continuum of conduct from forcible rape to non-physical forms of pressure that compel individuals to engage in sexual activity against their will. Examples of sexual assault under this policy include, but are not limited to, the following non-consensual sexual activity:

a) Sexual intercourse (vaginal or anal);

b) Oral sex;

c) Rape or attempted rape;

d) Penetration of an orifice (anal, vaginal, oral) with the penis, finger or other object;

e) Unwanted touching of a sexual nature;

f) Use of coercion, manipulation or force to make someone else engage in sexual touching, including breasts, chest and buttocks;

g) Engaging in sexual activity with a person who is unable to provide consent; or

h) Knowingly transmitting a sexually-transmitted disease to another.

6.2. Sexual Exploitation

Sexual exploitation occurs when a party takes non-consensual or abusive sexual advantage of another for his/her 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 behaviors:

a) Prostituting another;

b) Non-consensual electronically recording, photographing or transmitting intimate or sexual utterances, sounds or images without the knowledge and consent of all parties involved;

c) Voyeurism (spying on others who are in intimate or sexual situations);
d) Going beyond the boundaries of consent (such as letting friends hide in the closet to watch another friend having consensual sex); or
e) Distributing intimate or sexual information about another person without that person’s consent.

6.3. Sexual Intimidation
Sexual intimidation involves:
   a) Threatening another with a non-consensual sex act;
   b) Stalking or cyber-stalking; or
   c) Engaging in indecent exposure.

6.4. Sexual Harassment
Sexual harassment is a form of sex discrimination that includes verbal, written or physical behavior of a sexual nature, directed at someone, or against a particular group, because of that person’s or group’s sex, or based on gender stereotypes, when that behavior is unwelcome, severe or pervasive, and where it meets either of the following criteria:
   a) Submission or consent to the behavior is believed to carry consequences for the individual’s education, employment, on-campus living environment or participation in a University-affiliated activity. Examples of this type of sexual harassment include, but is not limited to:
      1) Pressuring another to engage in sexual behavior for some educational or employment benefit; or
      2) Making a real or perceived threat that rejecting sexual behavior will result in a negative tangible employment or academic consequence.
   b) The behavior has the purpose or effect of substantially interfering with another’s work or educational performance by creating an intimidating or hostile environment for employment, education, on-campus living or participation in a University-affiliated activity. Examples of this type of sexual harassment can include, but is not limited to:
      1) Persistent unwelcome efforts to develop a romantic or sexual relationship;
      2) Unwelcome commentary about an individual’s body or sexual activities;
      3) Unwanted sexual attention;
      4) Repeatedly engaging in sexually-oriented conversations, comments or horseplay, including the use of language or the telling of jokes or anecdotes of a sexual nature in the workplace, office or classroom, even if such conduct is not objected to by those present; or
      5) Gratuitous use of sexually-oriented materials not directly related to the subject matter of a class, course or meeting even if not objected to by those present.
7. USE OF ALCOHOL OR OTHER DRUGS
Alcohol or other drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and effectively given. The perspective of a reasonable person will be the basis for determining whether one knew or should have known about the impact of the use of alcohol or drugs on another’s ability to give consent. Being intoxicated or high is never an excuse for engaging in sexual misconduct.

8. ANONYMOUS AND CONFIDENTIAL REPORTING
8.1. When considering reporting options, victims should be aware that certain University personnel can maintain strict confidentiality, while others have mandatory reporting and response obligations. University personnel who receive a report of sexual misconduct may be required to share the information with appropriate administrative authorities for investigation and follow up. Although the University will comply with a victim’s request for confidentiality to the extent possible, such a request will be considered in the context of the University’s responsibility to provide a safe and non-discriminatory environment for the University community. Where the University cannot take disciplinary action against an alleged discriminator or harasser because of a complainant’s insistence of confidentiality, the University will pursue other steps to limit the effects of the alleged sexual misconduct and attempt to prevent its recurrence.

8.2. Each component institution has on-campus personnel who can maintain strict confidentiality. Campus crisis counselors can assist in a crisis situation and provide information about options including medical assistance, psychological counseling, University disciplinary action, and criminal prosecution. The crisis counselors can provide safe and confidential support, explain common reactions to crises, and discuss coping methods that may assist immediately following the assault and later. Talking about concerns may help the victim sort through feelings and decide what to do. Victims need not reveal their names if calling for information. Crisis counselors will not reveal the victim’s identity to anyone without the victim’s permission except under very limited exceptions (e.g., if an immediate threat to the victim or others is present, or if the victim is a minor).

8.3. In addition, a victim (or any individual who has information about an incident of alleged sexual misconduct) may submit a report through a secure web-based reporting system called MySafeCampus, which allows the option of anonymity. The web address for MySafeCampus is http://www.mysafecampus.com. However, the reporter should know that, during the course of an investigation, his or her identity may be discovered. If that occurs, the reporter will receive the same confidentiality safeguards offered to those who make a formal report under this Policy.

9. FORMAL REPORTING
9.1. The University supports and encourages anyone who believes they have been sexually assaulted, or believes they are otherwise the victim of sexual misconduct, to report the incident to the reporting source of their choice, which can include, but is not limited to, any entity or individual listed in Section 2 above and/or in subsections A through E of this Section 9. Prompt reporting may preserve options that delayed reporting does not, including the preservation of physical evidence, the support of crisis counseling, and immediate police response.
9.2. Formal reporting as described in this section cannot provide complete anonymity, but the only persons who will be provided information relating to the report are those persons that need to know, unless additional disclosure is required by law. The University will make all reasonable efforts to maintain the confidentiality and privacy of parties involved in sexual misconduct investigations. Breaches of confidentiality or privacy committed by anyone involved in any investigation of alleged sexual misconduct, including the complainant, the accused, witnesses or the investigators, may be considered a separate violation of this Policy and may result in disciplinary sanctions.

9.3. When an incident of sexual misconduct is formally reported, the University will consider interim accommodations to protect the alleged victim while the incident is investigated and adjudicated through this Policy. The Title IX Coordinator and other appropriate University administrators will work together to identify alternative arrangements that will preserve the rights of both the alleged victim and the accused, as well as provide a safe overall educational or working environment until (and perhaps after) the report is investigated and any appropriate action is taken. Failure to adhere to the parameters of any interim accommodation may be considered a separate violation of this Policy and may result in disciplinary sanctions.

9.4. As mentioned above, an individual may report an incident of sexual misconduct by various means, including reporting to appropriate local law enforcement agencies. Any University person receiving a report of sexual misconduct must promptly contact the Title IX Coordinator to discuss the report. In addition, there are specific University offices and individuals prepared to respond to incidents of sexual misconduct:

A. **University Police.** Reporting to the police helps protect others from future victimization, apprehend the alleged assailant and maintain future options regarding criminal prosecution, University disciplinary action and/or civil action against the alleged wrongdoer. When the victim reports the incident, a police officer will take a statement from the victim regarding what happened. A victim can request that his or her identity be kept confidential. Remember, reporting an incident is separate from choosing to prosecute. When a police report is filed, the victim is not obligated to continue with criminal proceedings or University disciplinary action.

A victim of sexual misconduct can make a report to their component institution’s Police Department as noted below:

- University of Houston Main Campus Police Department
  - [http://www.uh.edu/police](http://www.uh.edu/police)
  - 713-743-3333
- University of Houston - Clear Lake Police Department
  - [http://www.uhcl.edu/police](http://www.uhcl.edu/police)
  - 281-283-2273
B. **Title IX Coordinator.** Any incident of sexual misconduct can be brought to the attention of the Title IX Coordinator (See Section 2.5 for the contact information for each Title IX Coordinator). The Title IX Coordinator will promptly inform the University of Houston System’s Office of Equal Opportunity Services (EOS) and EOS will begin its review process in consultation with the Title IX Coordinator. Although the University strongly encourages reporting sexual misconduct to the police, a victim may request administrative action by EOS with or without the filing of a police report. The administrative review process for sexual misconduct complaints utilizes a team approach, with EOS serving as fact finder/investigator and the appropriate University administrator consulting on and implementing the proposed sanctions, if any.

C. **Campus Security Authority.** A complaint of sexual misconduct can be brought to a Campus Security Authority (CSA), who is a person that has significant responsibility for students and campus activities. The CSA will promptly inform the Title IX Coordinator and/or EOS of the complaint, and EOS will begin its review process.

D. **Dean of Students Office.** A complaint of sexual misconduct involving a student can be brought to the Dean of Students Office, or its equivalent. The Dean of Students Office (or its equivalent) will promptly inform the Title IX Coordinator and/or EOS of the complaint and EOS will begin its review process.

E. **Human Resources.** A complaint of sexual misconduct involving a staff person can be brought to the Human Resources Department. The Human Resources Department will promptly inform the Title IX Coordinator and/or EOS of the complaint, and EOS will begin its review process.
10. RETALIATION
The University takes reports of sexual misconduct very seriously and will not tolerate retaliation against those who make such reports or participate in the investigatory or adjudicatory process. Retaliation includes, but is not limited to, any adverse employment or educational action taken for making a report of sexual misconduct, or otherwise participating under this Policy. Any actual or threatened retaliation, or any act of intimidation to prevent or otherwise obstruct the reporting of sexual misconduct or the participation in proceedings relating to sexual misconduct, may be considered a separate violation of this Policy and may result in disciplinary sanctions. Any person who believes that they have been subjected to retaliation should immediately report this concern to their Title IX Coordinator.

11. SEXUAL MISCONDUCT COMPLAINT PROCEDURES

11.1. Step One: Filing a Complaint
If the victim wishes to pursue a sexual misconduct complaint, s/he will be asked to complete a Formal Complaint Questionnaire with their Title IX Coordinator, who will forward the Complaint Questionnaire to EOS. The University does not limit the timeframe for filing a complaint of sexual misconduct. Complaints can be submitted at any time following an incident, although the University’s ability to take any action may be limited because of the passage of time. Once a complaint is filed, if the Complainant decides that s/he wants to withdraw the complaint, the University’s investigation may still proceed.

11.2. Step Two: Consideration of Interim Accommodations
Although interim accommodations may have already been considered and made, EOS will consider interim accommodations at this step to protect the complainant while the incident is investigated and adjudicated through this Policy. EOS and other appropriate University administrators will work together to identify alternative arrangements that will preserve the rights of both the complainant and the accused, as well as provide a safe overall educational or working environment until (and perhaps after) the complaint is investigated and adjudicated. Failure to adhere to the parameters of any interim measure may be considered a separate violation of this Policy and may result in disciplinary sanctions.

11.3. Step Three: EOS Investigation
EOS will begin an investigation upon its receipt of a complaint or other notice of alleged sexual misconduct. EOS will attempt to interview the Complainant, the Respondent and any witnesses, as appropriate. EOS will also gather and review any information it deems pertinent, as well as any information submitted by the Complainant, the Respondent and/or any witnesses.

11.4. Step Four: Response to a Complaint
Within five business days after receiving a complaint, EOS will contact the Respondent to obtain the Respondent’s response. The response is due to EOS within 10 business days from the Respondent’s receipt of the Complaint. The response should address and respond to the specific allegations made in the Complaint and can include any other rebuttal information. Failure to respond may be considered a separate violation of this Policy and may result in disciplinary action.

11.5. Step Five: EOS Finding
EOS will issue a finding as soon as practicable and make every effort to issue its finding within 60 business days from its receipt of the complaint. The finding will be determined by a preponderance of the evidence; that is, whether it is more likely than not that the Respondent violated this Policy. If EOS determines that this Policy was violated, EOS will recommend appropriate university action in an effort to eliminate sexual misconduct from happening, prevent its recurrence and address its effects. Even if EOS determines that this Policy was not violated, EOS may recommend that the Respondent undertake educational initiatives and/or trainings. EOS will concurrently notify the Complainant and the Respondent in writing of the outcome of its finding and any appeal rights under this Policy, to the extent permissible by law. EOS will notify the appropriate university administrator of any recommended university action.

11.6. **Step Six: Sanctions**

11.6.1. If EOS finds a violation of this policy against a faculty member, EOS will recommend appropriate university action, and any sanction imposed on the faculty member will be determined by and implemented by the appropriate administrator after consultation with EOS and consistent with the component institution’s faculty handbook/manual.

11.6.2. If EOS finds a violation of this policy against a non-faculty university employee, EOS will recommend appropriate university action, and any sanction imposed on the employee will be determined by and implemented by the appropriate administrator after consultation with EOS and consistent with the component institution’s policies and procedures related to employee discipline.

11.6.3. If EOS finds a violation of this policy against a student, EOS will recommend appropriate university action, and any sanction imposed on the student will be determined by and imposed by the Dean of Student’s Office or its equivalent after consultation with EOS and consistent with the component institution’s policies and procedures related to student conduct/discipline.

11.7. **Step Seven: Appeal**

11.7.1. If the Complainant or the Respondent is dissatisfied with EOS’ finding, the party can appeal to the component institution’s appellate board (“Board”). An appeal must be filed with the Title IX Coordinator within 10 business days of receiving EOS’ finding. Absent extenuating circumstances, the Title IX Coordinator will schedule a hearing to be held within 30 business days from the filing of the appeal. Written requests for rescheduling the hearing will be considered by the Board’s chairperson in consultation with the Title IX Coordinator. No later than five 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 Board’s chairperson and will simultaneously provide to the other party. The materials must include the names of any witnesses intended to be called during the hearing (along with a brief summary concerning the subject matter of the witness’ expected testimony), and the name of any advisor to be in attendance at the hearing (and whether that advisor is an
attorney). No witness, document/tangible evidence, or advisor will be permitted at the hearing unless such information was timely submitted.

11.7.2. Appeals/Grievances relating to sanctions assessed by the appropriate administrators are not considered under this Policy. Therefore, if the Complainant or the Respondent is dissatisfied with any sanction determined by the appropriate administrator under Sections 11.6.1 through 11.6.3 above, he/she may appeal the sanction as follows: any challenge to the sanction against a faculty member must be addressed through the component institution’s faculty handbook/manual; any challenge to the sanction against an employee must be addressed through the component institution’s policies and procedures related to employee grievances; any challenge to the sanction against a student must be addressed through the appeal process in the component institution’s student code of conduct or its equivalent.

11.8. **Step Eight: Designation of Hearing Panel**

The hearing will be conducted by a Hearing Panel (“Panel”), which is charged with upholding or rejecting EOS’ finding based on the preponderance of the evidence. The Board’s chairperson is responsible for selecting the Panel members from available Board members. The Panel will be comprised of three board members. The Board’s chairperson will select the Panel’s chairperson. The appellant and the appellee shall be notified of the Panel’s composition. Within five business days of such notification, the appellant and the appellee shall have an opportunity to challenge in writing any Panel member for cause. The Board’s chairperson, in consultation with the Title IX Coordinator, will consider any challenge and replace the Panel member if appropriate.

11.9. **Step Nine: Hearing**

11.9.1. The general course of the hearing procedure will be as follows, subject to the discretion of the Panel chairperson:

a) The Panel chairperson will convene the hearing, introduce the individuals, give a brief description of the process and invite questions about the process;

b) The appellant shall present his or her evidence (including calling and questioning his or her own witnesses) to the Panel;

c) The appellee shall present his or her evidence (including calling and questioning his or her own witnesses) to the Panel; and

d) An investigative summary will be presented to the Panel by EOS.

11.9.2. The Panel chairperson and/or Panel may question any individual at any time during the hearing.

11.9.3. The Panel chairperson may impose reasonable time limits on any stage of the hearing. The Panel chairperson may also determine the relevance of, and place restrictions on, any witness or information presented.

11.9.4. The appellant and the appellee may question their own witness and the EOS representative but not the opposing party’s witnesses. However, the appellant and appellee may request that the Panel chairperson ask questions of the other witnesses. Both parties may request that the Panel Chair ask questions of the other witnesses by submitting proposed
questions to the Panel chairperson in writing either prior to, or during, the hearing. The Panel chairperson may determine which questions are relevant, and the Panel chairperson has the discretion to revise a question or to decline asking the question.

11.9.5. An audio recording of the hearing will be kept for the use of the Panel and for any appeal.

11.9.6. In cases where an appellant or an appellee refuses to participate in the hearing, the Panel will convene and make a decision based on the evidence and testimony available to the Panel. Any party who declines to participate in a hearing waives any additional right to appeal.

11.9.7. Because the hearing process is an internal University process and not a formal courtroom process in which rules of evidence and courtroom procedures apply, this procedure is intended to reduce the adversarial nature of the hearing and will be conducted accordingly. The appellant and the appellee may bring an advisor. Advisors may attend the hearing and sit with their respective advisee during the hearing, communicate quietly orally and/or in writing with their respective advisee during the hearing and may respond to a direct question from the Panel. However, an advisor will not be permitted to speak on behalf of the advisee, make an oral presentation, including an opening or closing argument, or to question witnesses, the EOS representative, or the Panel during the hearing.

11.9.8. Alternative testimony options will be available if determined by the Title IX Coordinator or the Panel to be necessary, such as placing a privacy screen in the hearing room, or allowing an alleged victim to testify from another room via closed circuit. Although such options are intended to help make the alleged victim more comfortable, they are not intended to work to the disadvantage of the Respondent.

11.10. Step Ten: Panel Decision
After the hearing has concluded, the Panel will deliberate in private. The Panel will uphold or reject EOS’ finding based on the preponderance of the evidence. The Panel’s decision will be by majority vote. The Panel will communicate its decision in writing to the Title IX Coordinator within three business days of the hearing. The Title IX Coordinator will then provide a copy of the decision to the appellant, the appellee, and EOS.

11.11. Step Eleven: Final Appeal to Appropriate Administrator
If the Panel upholds EOS’ finding, the appellant may appeal the Panel’s decision to the appropriate administrator. Conversely, if the Panel rejects EOS’ finding, the appellee and/or EOS may appeal the Panel’s decision to the appropriate administrator. Any appeal must be filed in writing within 10 business days of the Panel’s decision. The administrator will render a decision within 10 business days from the date that the appeal is filed.

12. SPECIAL PROVISIONS
12.1. Violations. Any act that falls within the definition of sexual misconduct constitutes a violation of this Policy.

12.2. University as Complainant. The University reserves the right to initiate a complaint, to serve as a Complainant, or to initiate proceedings under this Policy.
without a formal complaint by the victim of sexual misconduct.

12.3. **Off campus conduct.** When an individual is alleged to have engaged in sexual misconduct off University premises, the University reserves the right to investigate and adjudicate under this Policy.

12.4. **Immunity for Victims.** The University encourages the reporting of sexual misconduct. Sometimes victims and/or witnesses are hesitant to report because they fear that they themselves may be charged with policy violations, such as underage drinking at the time of the incident. It is in the best interest of the University to report incidents of sexual misconduct. To encourage reporting, the University follows a policy of offering victims and witnesses of sexual misconduct amnesty from being charged with alcohol or drug-related University policy violations if they had been using drugs or alcohol at or near the time of the sexual misconduct incident.

12.5. **Notification of Outcomes.** The Title IX Coordinator and/or EOS will concurrently notify the Complainant and the Respondent in writing of the outcome of any finding and any appeal to the extent permissible and/or required by law.

13. **REVIEW AND RESPONSIBILITY**

   Responsible Party: Vice Chancellor for Legal Affairs and General Counsel
   Review: Every three years on or before August 31
   Interim Due Date for Review: September 1, 2013

14. **APPROVAL**

   Approved: Dona Cornell
   Vice Chancellor for Legal Affairs and General Counsel
   Renu Khator
   Chancellor
   Date: November 29, 2012

**REVISION LOG**

   **Revision Number**
   **Approval Date**
   **Description of Changes**

   Interim 11/29/2012 Initial version (submitted as Interim)
16.0 Discrimination and Harassment Policy

1. PURPOSE

1.1. The University of Houston System and its component institutions (“University”) are committed to maintaining and strengthening an educational, working and living environment where students, faculty, staff and visitors are free from discrimination and harassment of any kind. Discrimination and harassment is antithetical to the standards and ideals of the University. The University will take appropriate action in an effort to eliminate discrimination and harassment from happening, prevent its recurrence and address its effects.

1.2. This Discrimination and Harassment Policy (“Policy”) defines and describes prohibited discrimination and harassment and establishes a mechanism for processing complaints of unlawful discrimination and harassment against University faculty, staff, students and visitors. This Policy does not address allegations of sexual misconduct, which includes sexual harassment. (Please see the University’s Sexual Misconduct Policy, SAM 01.D.08, which defines and describes prohibited sexual misconduct and establishes a mechanism for processing complaints of sexual misconduct.) Nothing in this Policy shall be construed to limit the rights of University students or employees to seek remedies available to them outside of the University’s internal processes.

1.3. All members of the University community are expected to adhere to this Policy, to cooperate with the procedures for responding to complaints of unlawful discrimination and harassment and to report conduct or behavior that they believe to be in violation of this Policy to their component institution’s Equal Opportunity Coordinator, who will coordinate its investigation and response as necessary with the appropriate individuals from the applicable campus. The University will take seriously allegations of unlawful discrimination and harassment by conducting an investigation, and the University will work to ensure that all persons are given appropriate support and fair treatment.

1.4. This Policy provides the exclusive mechanism for handling the investigation of any alleged unlawful discrimination or harassment, the determination of whether this Policy was violated, and the appeal of Equal Opportunity Services’ (EOS') finding as to violation/no violation of this Policy.

2. GENERAL DEFINITIONS

2.1. Complainant – A party or entity (in the case of the University) who formalizes a complaint of discrimination or harassment under Section 5.3 of this Policy.

2.2. 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.

2.3. Equal Opportunity Coordinator – The person who is designated to coordinate efforts to comply with and implement this Policy. The Equal Opportunity Coordinator is responsible for conducting the administrative investigation of reports of discrimination or harassment and is available to discuss options, provide support, explain University policies and procedures and provide education on relevant issues. The Equal Opportunity Coordinator may designate one or more Assistant Equal Opportunity Coordinators. The Equal Opportunity Coordinators for each component institution campus are:
University of Houston System/University of Houston

Assistant VC/VP for Equal Opportunity Services or
Richard Anthony Baker, M. P. A., PhD, J.D., Equal Opportunity Services
(713) 743-8835; rabaker4@uh.edu.

University of Houston – Downtown

Assistant VP for Employment, Training, Campus Relations and
Affirmative Action Officer or Douglas J. teDuits, Ed D, SPHR,
Employment Services and Operations
(713) 221-8667; teduitsd@uhd.edu.

University of Houston – Clear Lake

Executive Director, Human Resources and Affirmative Action or
Katherine Justice, Human Resources and Affirmative Action
(281) 283-2164; Justice@uhcl.edu.

University of Houston – Victoria

Director, Human Resources/Affirmative Action or Laura Smith, Human
Resources/Affirmative Action
(361) 570-4800; SmithL@uhv.edu.

2.4. Harassment – Defined as subjecting an individual on the basis of her or his membership in a Protected Class to unlawful severe, pervasive or persistent treatment that constitutes:

- Humiliating, abusive or threatening conduct or behavior that denigrates or shows hostility or aversion toward an individual or group;
- An intimidating, hostile or abusive learning, living or working environment or an environment that alters the conditions of learning, living or working; or
- An unreasonable interference with an individual’s academic or work performance.

Harassment that satisfies this legal standard includes, but is 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.

2.5. 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, genetic information, religion, age, national origin, disability, veteran status or
any other legally protected status. Additionally, for purposes of this Policy, the term “Protected Class” includes sexual orientation, gender identity and gender expression.

2.6. Respondent – A party who has been accused of committing an act of discrimination or harassment by a Complainant.

2.7. Student – Any person currently or previously enrolled in the University pursuing undergraduate, graduate or professional studies, whether full-time or part-time, and a person who is registered for a future semester.

3. DUTY TO ACT AND TO REPORT

A duty to act is imposed on all persons to take reasonable and necessary action to prevent unlawful discrimination and harassment and for responding promptly and thoroughly to any such claims. Upon learning directly or indirectly of conduct or behavior that might violate this Policy, all persons shall report the conduct or behavior to the Equal Opportunity Coordinator for advice and assistance on addressing the matter. A person who fails to act may be found to have violated this Policy, even if the underlying event does not constitute unlawful discrimination or harassment.

4. RETALIATION

The University takes reports of discrimination or harassment very seriously and will not tolerate retaliation against those who make reports or who participate in the investigatory or adjudicatory process. Retaliation includes, but is not limited to, any adverse employment or educational action taken for making a report of unlawful discrimination or harassment, or for otherwise participating under this Policy. Any actual or threatened retaliation or any act of intimidation to prevent or otherwise obstruct the reporting of unlawful discrimination or harassment or the participation in proceedings relating to unlawful discrimination or harassment, may be considered a separate violation of this Policy and may result in disciplinary sanctions. Any person who believes that they have been subjected to retaliation should immediately report this concern to their Equal Opportunity Coordinator.

5. COMPLAINT PROCEDURES

5.1. Step One: Self-Help

5.1.1. An individual who believes that s/he is the subject of unlawful discrimination or harassment 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. 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 she or he believes to be discriminatory or harassing will not be treated negatively under this Policy.

5.1.2. Other forms of self-help include taking the issue up the supervisory chain, to Human Resources or to the University’s Ombudsperson, if available. If self-help measures prove unsuccessful or if the individual determines that it is not appropriate to engage in self-help measures, the individual may choose to pursue other appropriate methods of resolution.

5.2. Step Two: Contacting an Equal Opportunity Coordinator
5.2.1. To request any action under this Policy, an individual should contact an Equal Opportunity Coordinator as close to the date of the incident(s) as possible. Early reporting and intervention have proven to be the most effective methods of resolving actual or perceived incidents of unlawful discrimination and harassment, and the University strongly urges the prompt reporting of concerns so that rapid and constructive action can be taken. To the extent that a concern is raised in an untimely manner, it is within the Equal Opportunity Coordinator’s discretion not to pursue the matter. Individuals may discuss with the Equal Opportunity Coordinator issues relating to unlawful discrimination and harassment, with or without filing a formal complaint. An individual should be aware that by contacting the Equal Opportunity Coordinator, s/he is placing the University on notice of potential unlawful discrimination or harassment and, depending on the facts and circumstances of the case, the Equal Opportunity Coordinator may not be able to keep the information confidential and may be obligated to act.

5.2.2. After reporting allegations of unlawful discrimination or harassment to the Equal Opportunity Coordinator, an individual may ask that no further action be taken. Depending on the facts and nature of the case, the Equal Opportunity Coordinator may or may not be able to honor the individual’s request. The University reserves at all times the right to file a complaint on its own. Where the University cannot take disciplinary action against an alleged discriminator or harasser because of an individual’s insistence on confidentiality, the University will pursue other steps to limit the effects of the alleged discrimination or harassment and attempt to prevent its recurrence.

5.2.3. The Equal Opportunity Coordinator may conduct a preliminary fact finding review by gathering information from all sources judged necessary for a fair resolution of a concern. In this process, confidentiality cannot be guaranteed; however, all parties and witnesses involved will be admonished to respect the integrity of the procedures and maintain confidentiality. At the conclusion of the preliminary fact-finding review, the Equal Opportunity Coordinator will inform the individual of the available options. These options may include no further action, a mediated solution to the issues raised, or a full investigation.

5.2.4. In cases of alleged unlawful discrimination or harassment under this Policy, the Equal Opportunity Coordinator will determine whether mediation is an appropriate mechanism of potential resolution based on the nature of the allegations. Mediation is an informal and confidential solution’s. Mediation requires the consent of both parties and suspends the complaint procedures for up to 30 calendar days, a period that can be extended at the discretion of the Equal Opportunity Coordinator upon consent of both parties. The parties may agree upon a variety of resolutions such as modification of work assignment, training for a department, or an apology. If mediation results in a resolution, the matter will be closed. If the parties are unable to reach a resolution, a formal complaint may be filed under Step Three (Section 5.3).

5.3. Step Three: Formalizing the Complaint

5.3.1. If an individual wishes to formalize a complaint, s/he will be asked to complete a Formal Complaint Questionnaire with the Equal Opportunity Coordinator, who will forward the Complaint Questionnaire to EOS. The deadline for filing a discrimination or harassment complaint is 180 calendar days from the date of the alleged incident(s), although it is within EOS’ discretion to pursue a matter that is untimely filed. It should be noted that once a complaint is filed, if the Complainant decides to withdraw the complaint, the University’s investigation may still proceed. The University has a responsibility to investigate reported allegations of unlawful discrimination and harassment in an adequate, prompt, reliable and impartial manner.
5.3.2. When an incident of discrimination or harassment is reported, the University will consider providing interim accommodations to protect the Complainant as necessary while the incident is adjudicated through this Policy. EOS and other appropriate University administrators will work together to identify alternative arrangements that will preserve the rights of both the Complainant and the Respondent, as well as provide a safe overall educational or working environment until (and perhaps after) the complaint is investigated and adjudicated. Failure to adhere to the parameters of any interim measure may be considered a separate violation of this Policy and may result in disciplinary action.

5.4. Step Four: EOS Investigation

EOS will begin a formal investigation upon its receipt of a complaint as defined under Section 5.3.1 of this policy. EOS will attempt to interview the Complainant, the Respondent and any witnesses, as appropriate. EOS will also gather and review any pertinent information as well as information submitted by the Complainant, the Respondent and/or any witness.

5.5. Step Five: Response to a Complaint

Within five business days after receiving a complaint, EOS will contact the Respondent to obtain the Respondent’s response. The response is due to EOS within 10 business days from the Respondent’s receipt of the complaint. The response should address and respond to the specific allegations made in the complaint and can include any other rebuttal information. Failure to respond may be considered a separate violation of this Policy and may result in disciplinary action.

5.6. Step Six: EOS Finding

EOS will issue a finding as soon as practicable and make every effort to issue its finding within 60 business days from its receipt of the formalized complaint. The finding will be determined by a preponderance of the evidence; that is, whether it is more likely than not that the Respondent violated this Policy. If EOS determines that this Policy was violated, EOS will recommend appropriate university action in an effort to eliminate unlawful discrimination or harassment from happening, prevent its recurrence and address its effects. Even if EOS determines that this Policy was not violated, EOS may recommend that the Respondent undertake educational initiatives and/or trainings. EOS will concurrently notify the Complainant and the Respondent in writing of the outcome of its finding and any appeal rights under this Policy, to the extent permissible by law. EOS will notify the appropriate university administrator of any recommended university action.

5.7. Step Seven: Sanctions

5.7.1. If EOS finds a violation of this Policy against a faculty member, EOS will recommend appropriate university action, and any sanction imposed on the faculty member will be determined by and implemented by the appropriate administrator after consultation with EOS and consistent with the component institution’s faculty handbook/manual.

5.7.2. If EOS finds a violation of this Policy against a non-faculty university employee, EOS will recommend appropriate university action, and any sanction imposed on the employee will be determined by and implemented by the appropriate administrator after consultation with EOS and consistent with the component institution’s policies and procedures related to employee discipline.

5.7.3. If EOS finds a violation of this Policy against a student, EOS will recommend appropriate university action, and any sanction imposed on the student will be determined by and imposed by the Dean of Student’s Office or its equivalent after consultation with EOS and consistent with the component institution’s policies and procedures related to student conduct/discipline.

5.8. Step Eight: Appeal
5.8.1. If the Complainant or the Respondent is dissatisfied with EOS’ finding, the party can appeal to the component institution’s appellate board ("Board"). An appeal must be filed with the component institution’s Equal Opportunity Coordinator within 10 business days of receiving EOS’ finding. Absent extenuating circumstances, the Equal Opportunity Coordinator will schedule a hearing to be held within 30 business days from the filing of the appeal. Written requests for rescheduling the hearing will be considered by the Board’s chairperson in consultation with the Equal Opportunity Coordinator. No later than five business days prior to the hearing, all materials that will be used at the hearing must be submitted to the Equal Opportunity Coordinator, who will forward the materials to the Board’s chairperson and will simultaneously provide to the other party. The materials must include the names of any witnesses intended to be called during the hearing (along with a brief summary concerning the subject matter of the witness’ expected testimony), and the name of any advisor to be in attendance at the hearing (and whether that advisor is an attorney). No witness, document/tangible evidence, or advisor will be permitted at the hearing unless such information was timely submitted.

5.8.2. Appeals/Grievances relating to sanctions assessed by the appropriate administrators are not considered under this Policy. Therefore, if the Complainant or the Respondent is dissatisfied with any sanction determined by the appropriate administrator under Sections 5.7.1 through 5.7.3 above, he/she may appeal the sanction as follows: any challenge to the sanction against a faculty member must be addressed through the component institution’s faculty handbook/manual; any challenge to the sanction against an employee must be addressed through the component institution’s policies and procedures related to employee grievances; any challenge to the sanction against a student must be addressed through the appeal process in the component institution’s student code of conduct or its equivalent.

5.9. **Step Nine: Designation of Hearing Panel**

The hearing will be conducted by a hearing panel ("Panel"), which is charged with upholding or rejecting EOS’ finding based on the preponderance of the evidence. The Board’s chairperson is responsible for selecting the Panel members from available Board members. The Panel will be comprised of three Board members. The Board’s chairperson will select the Panel’s chairperson. The appellant and the appellee shall be notified of the Panel’s composition. Within five business days of such notification, the appellant and the appellee shall have an opportunity to challenge in writing any Panel member for cause. The Board’s chairperson, in consultation with the Equal Opportunity Coordinator, will consider any challenge and replace the Panel member if appropriate.

5.10. **Step Ten: Hearing**

5.10.1. The general course of the hearing procedure will be as follows, subject to the discretion of the Panel chairperson:

a) The Panel chairperson will convene the hearing, introduce the individuals, give a brief description of the process and invite questions about the process;

b) The appellant shall present his or her evidence (including calling and questioning his or her own witnesses) to the Panel;

c) The appellee shall present his or her evidence (including calling and questioning his or her own witnesses) to the Panel; and

d) An investigative summary will be presented to the Panel by EOS.

5.10.2. The Panel chairperson and/or Panel may question any individual at any time during the hearing.

5.10.3. The Panel chairperson may impose reasonable time limits on any stage of the hearing. The Panel chairperson may also determine the relevance of, and place restrictions on, any witness or information presented.
5.10.4. The appellant and the appellee may question their own witness and the EOS representative, but not the opposing party’s witnesses. However, both parties may request that the Panel chairperson ask questions of the other witnesses by submitting proposed questions to the Panel chairperson in writing either prior to, or during, the hearing. The Panel chairperson may determine which questions are relevant and the Panel chairperson has the discretion to revise a question or to decline asking the question.

5.10.5. An audio recording of the hearing will be kept for the use of the Panel and for any appeal.

5.10.6. In cases where an appellant or an appellee refuses to participate in the hearing, the Panel will convene and make a decision based on the evidence and testimony available to the Panel. Any party who declines to participate in a hearing waives any additional right to appeal.

5.10.7. Because the hearing process is an internal University process and not a formal courtroom process in which rules of evidence and courtroom procedures apply, this procedure is intended to reduce the adversarial nature of the hearing and will be conducted accordingly. As such, the appellant and the appellee may bring an advisor. Advisors may attend the hearing and sit with their respective advisee during the hearing, communicate quietly orally and/or in writing with their respective advisee during the hearing, and may respond to a direct question from the Panel. However, an advisor will not be permitted to speak on behalf of the advisee, make an oral presentation, including an opening statement or closing argument, or to question witnesses, the EOS representative or the Panel during the hearing.

5.10.8. Alternative testimony options will be available such as allowing a witness to appear via other virtual means (e.g., via telephone) if determined by the Panel to be necessary.

5.11. **Step Eleven: Panel Decision**

After the hearing has concluded, the Panel will deliberate in private. The Panel will uphold or reject EOS’ finding based on the preponderance of the evidence. The Panel’s decision will be by majority vote. The Panel will communicate its decision in writing to the Equal Opportunity Coordinator within three business days of the hearing. The Equal Opportunity Coordinator will then provide a copy of the decision to the appellant, the appellee and EOS.

5.12. **Step Twelve: Final Appeal to Appropriate Administrator**

If the Panel upholds EOS’ finding, the appellant may appeal the Panel’s decision to the appropriate administrator. Conversely, if the Panel rejects EOS’ finding, the appellee and/or EOS may appeal the Panel’s decision to the appropriate administrator. Any appeal must be filed in writing within 10 business days of the Panel’s decision. The administrator will render a decision within 10 business days from the date that the appeal is filed.