2018 Annual Security Report

UNIVERSITY OF HOUSTON – DOWNTOWN, UHD NORTHWEST, UHD CY-FAIR, AND UHD KINGWOOD

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Police Department
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http://www.uhd.edu/police-department/Pages/default.aspx
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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 14,000 students annually and claims over 39,000 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 seven 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.
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/police-department/Pages/default.aspx/.

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

Michael Benford
Chief of Police

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.

Campus.
(i) 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

(ii) Any building or property that is within or reasonably contiguous to the area identified in paragraph (i) 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).

Campus security authority.
(i) A campus police department or a campus security department of an institution.

(ii) 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 (i) of this definition, such as an individual who is responsible for monitoring entrance into institutional property.

(iii) 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.

(iv) 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.

Clery geography.

(i) For the purposes of collecting statistics on the crimes listed in paragraph (c) of this section for submission to the Department and inclusion in an institution’s annual security report, Clery geography includes—

(A) Buildings and property that are part of the institution’s campus;
(B) The institution’s non-campus buildings and property; and
(C) Public property within or immediately adjacent to and accessible from the campus.

(ii) For the purposes of maintaining the crime log required in paragraph (f) of this section, Clery geography includes, in addition to the locations in paragraph (i) of this definition, areas within the patrol jurisdiction of the campus police or the campus security department.

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

(i) The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
(ii) For the purposes of this definition—

(A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
(B) Dating violence does not include acts covered under the definition of domestic violence.
(iii) For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Domestic violence.

(i) A felony or misdemeanor crime of violence committed—
(A) By a current or former spouse or intimate partner of the victim;
(B) By a person whom the victim shares a child in common;
(C) By a person who is cohabitating with, or has cohabited with, the victim as a spouse or intimate partner;
(D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
(E) By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

(ii) For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Federal Bureau of Investigation’s (FBI) Uniform Crime Reporting (UCR) program. A nationwide, cooperative statistical effort in which city, university and college, county, State, Tribal, and federal law enforcement agencies voluntarily report data on crimes brought to their attention. The UCR program also serves as the basis for the definitions of crimes in Appendix A to this subpart and the requirements for classifying crimes in this subpart.

Hate crime. A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. For the purposes of this section, the categories of bias include the victim’s actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.
**Hierarchy Rule.** A requirement in the FBI's UCR program that, for purposes of reporting crimes in that system, when more than one criminal offense was committed during a single incident, only the most serious offense be counted.

**Non-campus building or property.**

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

(ii) 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.

**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.

**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 the counselor's license or certification.

**Programs to prevent dating violence, domestic violence, sexual assault, and stalking.**

(i) Comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that—

(A) Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and

(B) Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

(ii) Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees, as defined in paragraph (i)(2) of this section.

**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.

**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.

**Sexual assault.** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program and included in Appendix A of this subpart.

**Stalking.**

(i) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

(A) Fear for the person's safety or the safety of others; or

(B) Suffer substantial emotional distress.

(ii) For the purposes of this definition—

(A) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

(B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the
victim.

(C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

(iii) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

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

Reporting Criminal Activities, Emergencies & Other Incidents

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:

- Murder & Manslaughter by Negligence
- Rape
- Fondling
- Incest
- Statutory Rape
- Aggravated Assault
- Robbery
- Sexual Assault
- Arson
- Burglary
- Motor Vehicle Theft
- Hate Crimes
- VAWA Crimes

The UHD Police Department will send an email and text 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 and TV monitors along the hallways.

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.
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
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-Downtown 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 are required 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 Departments**

UHD-PD conducts 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.

**Reporting a Crime or Emergency**

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety-related incidents 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 incidents 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, in N-118. The department’s dispatch center and patrol operations are staffed 24-hours a day, 7 days a week.

To report an emergency or crime in progress (on-campus) (713) 221-8911
For other police assistance (on-campus) (713) 221-8065
To report an emergency or crime in progress (off-campus) 911*

**UHD Lone Star Kingwood, UHD Cy-Fair and the UHD Northwest**

Campus Police Emergency line: 5911
Off-Campus: 911
Operator: 9911
Non-emergency call: 832-813-6800

* 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/](http://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 that occurred within our Clery geography and typically includes the case number, classification, date reported, date occurred, time occurred, general location, and disposition of each crime if known.

a. 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 https://www.uhd.edu/police-department/Pages/pd-crimelog.aspx

For updated crime alerts visit https://www.uhd.edu/police-department/Pages/default.aspx for the latest Tweets.

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, Convercent anonymous incident reporting system. In order to make a report, simply visit https://app.convercent.com/en-us/LandingPage/b3d1c670-e06c-e711-80cf-000d3ab0d899, click on “Get Started”. From there, follow the prompts to make your report. If you prefer using the telephone, you may call the Convercent hotline at 1-800-461-9330 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.

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.

UHD-PD will work with counselors on the procedures that victims 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.
Facility Access, Security & Maintenance

Campus Buildings

Central Campus:

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 show their UHD I.D. and 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.

UHD Northwest, UHD Cy-Fair, UHD Kingwood buildings: The academic and administrative buildings are open to the public during normal business hours. Access to some of these buildings and rooms are also controlled by card readers and/or security cameras recording activity before, during and after normal business hours. All of these buildings have varied levels of access.

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.

UHD Northwest, UHD Cy-Fair, and UHD Kingwood: Call 832-813-6800 24 hours a day.
Campus Law Enforcement

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. At this time we do not have any agreements, such as written memoranda of understanding with the Houston Police Department.

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.

**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.

**Security Awareness & Crime Preventions 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. Additionally, the following programs are institutional by the University throughout the calendar year:

- Freshmen and Transfer Student Orientation Presentation – Officers provide an introduction to the University and security operations. This is done for all new students each semester.
- Pizza with the Police – public outreach event every semester that creates an opportunity for students to interact with campus law enforcement in a relaxed and collegiate environment.
- UHD-PD maintain an Information Kiosk during Welcome Week to help introduce students to best practices for Campus Safety.
- National Night Out - an annual community-building campaign that promotes police-community partnerships and neighborhood camaraderie to make our neighborhoods safer, better places to live.
- Active Shooter Defense and Survival Online Training conducted by UHD-PD.
- Security Escort Services – UHD-PD will provide building to parking area security escort for students and employees upon request.
- Self Defense Classes offered in the Fall semester
- Health Fair offered during the Fall semester
- Sexual Assault Prevention is offered during the Winter semester
- Sexual Violence Prevention and Reporting provided to evening, Kingwood, Northwest and online students.
For your safety we offer escort service by calling:

UHD: Contact (713) 221-8065 to request a security escort.
UHD Northwest, UHD Cy-Fair, and UHD Kingwood Call 832-813-6800 24 hours a day.

Identification

It is required, 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." Identification cards can be obtained at the Student Life behind the One Main building. Monday – Thursday 7:00 am to 9:00 pm and Friday 7:00 am to 7:00 pm.

Preparing the Annual Disclosure of Crime Statistics

Under the Clery Act, campuses are required to report campus crime statistics for certain criminal 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](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 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 Bias Crime—A committed criminal offense that is motivated, in whole or in part, by the offender’s bias(es) against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity; also known as Hate Crime. Note: Even if the offender was mistaken in his or her perception that the victim was a member of the group he or she was acting against, the offense is still a bias crime because the offender was motivated by bias against the group.
UHD Central

1. This Category includes all incidents occurring on main campus.

2. Non-Campus Buildings & Property – Buildings and property that are controlled by the University of Houston Downtown or a component thereof, but are not located on or adjacent to the main campus proper.

3. Public Property – Non-private property adjacent to the University of Houston central campus that is not under the control or authority of the University of Houston Downtown, in which police actions were taken by the university’s police department.

4. Other Police Agencies Public Property – Non-private property adjacent to the University of Houston Downtown that is not under the control or authority of the University of Houston Downtown where a crime was reported to another police agency, and subsequently reported to the campus police.

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UNFOUNDED CRIMES: There were no unfounded crimes in 2015. There was one unfounded crime in 2017.

UHD Central - Continued

Arrests

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# UHD Central - Continued

## VAWA

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## Hate Crimes

There were no hate crimes reported in 2015, 2016 or 2017.
## UHD Northwest

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**UNFOUNDED CRIMES:** There were no unfounded crimes in 2015, 2016. There was one unfounded crime in 2017.
## Arrests

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### Hate Crimes

There were no hate crimes reported in 2015, 2016 or 2017.
## UHD Cy-Fair

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**UNFOUNDED CRIMES:** There were no unfounded crimes in 2015, 2016 or 2017.
## UHD Cy-Fair - Continued

### Arrests

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### Hate Crimes

There were no hate crimes reported in 2015, 2016 or 2017.
UHD Kingwood

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**UNFOUNDED CRIMES:** There were no unfounded crimes in 2015, 2016 or 2017.
### UHD Kingwood - Continued

#### Arrests

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- **Drug Violations**
- **Liquor Law Violations**
- **Weapons Violations**

#### Referrals

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- **Drug Violations**
- **Liquor Law Violations**
- **Weapons Violations**
UHD UHD Kingwood - Continued

VAWA

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</table>

Hate Crimes

There were no hate crimes reported in 2015, 2016 or 2017. UHD Kingwood was closed from August 2017 through December 2017 due to hurricane Harvey.

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 dormitories or other residential facilities for students on campus (UHD has no on-campus housing)
- In or on a non-campus building or property
- In or on public property immediately adjacent to campus building

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.

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

This definition includes any gender of victim or perpetrator. Sexual penetration means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.

**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 (Texas defines a child for the purpose of sexual offenses as anyone under the age of 17).

**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.
- **Simple Assault**: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- **Intimidation**: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction/Damage/Vandalism 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.
- **Dating violence, domestic violence, and stalking as defined below.**

**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**

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. 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 before they initiate the sexual activity. It is the responsibility of the person who wants to initiate a sexual activity to ensure that they have the consent of the other(s) to initiate in each instance of sexual activity before they initiate the sexual activity. Consent is active, not passive, and cannot be inferred from the absence of a “no.” Silence or lack of protest or resistance, without actions demonstrating permission, cannot be assumed to show consent. The existence of a dating relationship or a previous sexual relationship between the persons involved does not provide the basis for an assumption of consent to future sexual activity. 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. At any time, a participant can communicate that they no longer consent 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 initiating person stops the sexual activity until the confusion is clearly resolved. Alcohol or other drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and effectively given. Because consent is difficult to discern when a person has ingested alcohol and other drugs, anyone wanting to initiate sexual activity is strongly encouraged to err on the side of caution when either they or the person(s) they want to initiate the activity with appear(s) to be intoxicated. Being under the influence of drugs and/or alcohol is never a defense for not obtaining consent. A person cannot consent if physical force or violence is used or threatened.

**Sexual Assault**

Sexual assault is sexual intercourse that occurs without consent. Examples of sexual assault include, but are not limited to, the following non-consensual sexual acts:

a. Penetration of an orifice (anal, vaginal, oral) with the penis, finger or other object, and
b. Oral sex

The definition of sexual assault as used in this Policy may constitute sexual assault in Texas. Relevant state law can be found at [http://www.statutes.legis.state.tx.us/docs/PE/htm/PE.21.htm](http://www.statutes.legis.state.tx.us/docs/PE/htm/PE.21.htm).

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**

Domestic Violence includes felony or misdemeanor crimes of violence committed by:

- A current or former spouse or intimate partner of an alleged victim
- A person with whom an alleged victim shares a child in common
- A person who is cohabitating with or has cohabitated with an alleged victim as a spouse or intimate partner
- A person similarly situated to a spouse of an alleged victim under the domestic or family violence laws of the State of Texas [http://www.statutes.legis.state.tx.us/SOTWDocs/CR/htm/CR.5.htm](http://www.statutes.legis.state.tx.us/SOTWDocs/CR/htm/CR.5.htm)

**Dating Violence**

Means violence committed by a person—

Dating violence includes acts between people who are currently or formerly in a social relationship of a romantic or intimate nature. For the purposes of this Policy, the existence of such a relationship shall be determined by the alleged victim with consideration of the following:
• 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
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.

Off-campus Crime

The University of Houston-Downtown does not have off-campus student organizations recognized by the University. The University does not have student organizations with off-campus housing facilities. Therefore 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.

Alcohol 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 the applicable laws and applicable university policies. (See UHD student, faculty and staff handbooks). Individuals, organizations or groups violating alcohol/substance policies or laws may be subject to sanctions by the University.
Drug Policy

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*, outlines the regulations for the service, consumption and distribution of alcoholic beverages on campus.

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 termination, depending on the severity of the infraction as outlined in *PS 02.B.03, Discipline and Dismissal of Regular Staff Employees Policy*, 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 (ESO) and the Employee Assistance Program (EAP) staff.

Any student having violated *PS 04.A.01, Student Rights and Responsibilities Policy*, 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 Dean of Students or designee 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, Dean of Students or designee, and the Student Assistance Program (SAP) staff.

Each student will receive a copy of PS 01.A.05, Drug and Alcohol Abuse Policy and the Drug and Alcohol Abuse 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.
**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](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.mylivevalues.com](http://new.mylivevalues.com) for additional help.

Username: uhds, password: uhds

**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.

**Firearms and Weapons Policies**

UHD is committed to maintaining a safe and secure environment that supports the academic mission of the University.

Beginning August 1, 2017, any individual who holds a current and valid License to Carry (LTC) may carry a concealed handgun on or about the license holder’s person where permitted on University property. The handgun must be wholly concealed on or about the license holder’s person. The license holder must not intentionally or knowingly reveal or display the handgun, even if the handgun is holstered. Accidental exposure of a handgun by a person holding a current and valid LTC is not a violation of the law. Universities may establish areas on campus where handguns will not be permitted for reasons of campus safety, subject to the approval of the Board of Regents. “Effective notice” must be given prior to entrance into gun-free areas. Appropriate rules, regulations, and provisions related to carrying handguns based on the student population, safety considerations, and the uniqueness of the campus environment may be established. Universities may not establish provisions that generally prohibit or have the effect of generally prohibiting the carrying of concealed handguns on campus by LTC holders.

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.
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 Downtown 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.

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 non-forcible 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.

Emergency Response and Evacuation Procedures

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

In the event of a serious incident posing 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, but are not exclusive to, network and personal emails, emergency text messages sent to cell phones (individuals can sign up for this service by going into My UHD), classroom notification system, scrolling message boards, desktop computer notifications, social media and voice mail.

Federal law requires that UHD immediately notifies the campus community or the appropriate segment(s) of the community of any confirmed imminent or impending threat or hazard that may affect the health and safety of students, employees or the public. Examples of significant emergencies or dangerous situations are:

- Fire or smoke in any campus facility or adjacent to
- Severe weather such as a hurricane, tornado or flooding
- Terrorist incident
- Hostile Intruder
- Bomb Threat
- Civil unrest or rioting
- Explosion
- Nearby hazardous material spill

According to the UHD Emergency Management Plan (EMP), UHD-PD is responsible for determining the urgency and severity level of any incident occurring on or around the UHD campus which has the potential to impact the people and/or property affiliated with UHD. Information regarding the incident will be reported immediately to University Advancement and Relations using Police Department protocol.

As per the requirements of the law, UHD-PD and University Advancement and Relations will, without delay and taking into account the safety of the university community, determine the content of the notification and initiate notification system(s), unless issuing a notification will, in the professional judgment of the first responders (including, but not limited to: UHD PD, Houston PD, Houston Fire and Emergency Medical Services, Harris County Sheriff), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

UHD-PD and the Office of University Advancement and Relations will communicate the threat to the UHD community, or to the appropriate segment of the UHD 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 Evacuation

The safe, orderly and prompt evacuation of a building depends on the preparation and coordination of all occupants. Every person on campus has an individual responsibility to know how to evacuate in an emergency, when an alarm sounds or directed by an official authority. Participating in drills and exercises will enhance your ability to react in an emergency. This guide will help you prepare for emergency situations on the UHD campus.

Please visit the UHD Emergency Management web page for printable copy of guides
https://www.uhd.edu/administration/emergency-management/

<table>
<thead>
<tr>
<th>Quick tips</th>
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<tbody>
<tr>
<td>Know the location of:</td>
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<tr>
<td>• A minimum of two exits/stairways</td>
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<tr>
<td>• Fire extinguishers on your floor</td>
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<tr>
<td>• Alarm Pull Stations</td>
</tr>
<tr>
<td>• Call boxes</td>
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<tr>
<td>• AED (Automated External Defibrillator)</td>
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In the event of an alarm: Step out into the hallway, listen to 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!”

   **If you see FIRE or SMOKE: IMMEDIATELY EVACUATE THE BUILDING!**

   If you **do not see fire or smoke**, proceed to the nearest stairwell and await instructions.
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.*

**Evacuation Procedures for all buildings:**

- The standard protocol is to prepare to evacuate, unless there is obvious, clear and present danger.
- All occupants of a building are required to respond to alarms and instructions issued by authorities.
- When you hear an alarm, grab your critical belongings (purse, brief case, keys), alert others in the vicinity, close doors as you leave (without locking the door), and proceed to the nearest exit or stairwell and wait for further announcements.
- After the alarm tone ends, a voice will come over the intercom to provide information and direction.
- UHD may issue more information via email, SMS text, or other electronic means.
- Stay low if you if you encounter smoke. The cleanest air will be within the first 1 to 2 feet from the floor.
- Check doors for heat with the back of your hand. If it feels hot, do not open the door and seek another path.
- If directed to evacuate, calmly descend the stairs, allowing room for responders to ascend, until you can exit the building.
- Try to assist others if you can do so safely.
- If you cannot evacuate and are trapped, call UHD Emergency Campus Number x8911 or (713) 221-8911. You may also call 9-1-1
- People with functional needs or disabilities should move to and remain in Areas of Rescue Assistance if unable to exit and request emergency responders be informed of their location.
- Move away from the building to designated Assembly/Muster points. Using a “buddy system,” inform at least three other people from your department, class, or group that you have safely exited.
- Do not attempt to re-enter the building to search for someone missing. Alert emergency responders of the person’s last known location.

**Evacuation Tips for People with Functional Needs**

- If you have a temporary or permanent disability that might prevent your safe, orderly and prompt evacuation during an emergency, additional planning may be needed.
- Download, complete and submit an Emergency Evacuation Assistance Form(available online or from Emergency Management)
- Prepare an information card regarding your capabilities, limitations and specific needs ahead of time. The card can be provided to someone that will take it to first responders.
- Identify at least two ways to exit an area and locate Areas of Rescue Assistance
- Communication is important. If you own a cellphone, be sure to always have it charged and with you. Locate other communication devices such as telephones and call boxes. Be prepared to contact UHD Police (x8911 or dial 713-221-8911) and describe where you are located.
- Stairwells are designed to provide protection from smoke and fire. If you must wait in a stairwell for assistance, keep the doors closed.
- Establish a Buddy System with people who are familiar with your functional needs/disability. If they are unable to assist your exit, they will be able to provide valuable information to first responders.
- When an alarm sounds, proceed to the nearest exit or Area of Rescue Assistance and wait for further instructions. If an evacuation is ordered, proceed as directed with your buddy. Should your buddy or others be unable to assist you, ask them to provide information of your location and needs to first
responders.

- Once out of the building, proceed to an outside Assembly (Muster) Point.

**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.

**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.

The Department of Environmental Health and Safety has published Chemical, Biological and Field Safety Guidelines/Forms online:

https://www.uhd.edu/administration/environmental-health-safety/ls/Pages/Chemical-Biological-and-Field-Safety-Guidelines.aspx

For your safety, Emergency Management will be running tests and drill throughout the year. These will include building lockdowns, evacuation drills and will make use of the Emergency Notification System.
Prevention of Sexual Misconduct

The University is committed to providing a safe campus community environment, free from the risk of sexual violence. Sexual Misconduct is antithetical to the standards and ideals of the University, and the University prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking as those terms are defined under the Clery Act, federal, and state statute. The University will take appropriate action in an effort to eliminate Sexual Misconduct from happening, prevent its recurrence and address its effects.

The University aims to eradicate Sexual Misconduct through education, training, policies and serious consequences for violations of its policies. The University will conduct educational programs, including ongoing prevention and awareness campaigns, designed to promote awareness and prevent Sexual Misconduct. Some of the current programs used to educate the campus community include:

Primary and Continuing Prevention and Awareness Programs:

- R.A.D. (Rape – Aggression- Defend) Classes offered multiple times per year.
- New Employee Sexual Misconduct Orientation conducted by Title IX Coordinator
- Monthly Departmental Staff Meetings geared to discuss issues surrounding Sexual Misconduct on campus – presented by Title IX coordinator.
- Sexual Assault Prevention Month in spring of each semester.
- Self-defense classes in the fall of each year.

Bystander Intervention

One of the most effective methods of preventing sexual assault is bystander intervention. Some people might be concerned that they are being encouraged to place themselves in jeopardy to stop crimes in progress. This is not the case. There are many situations that occur prior to Sexual Misconduct that are appropriate for intervention. Bystander intervention encourages people to watch for those behaviors and situations that appear to be inappropriate, coercive and harassing.

WAYS TO INTERVENE

- Making up an excuse to get a person out of a potentially dangerous situation;
- Letting an individual know that his/her actions may lead to serious consequences;
- Not leaving a person’s side who may be in trouble despite the efforts of someone else to get him/her alone or away from you;
- Using a group of friends to remind someone behaving inappropriately that his/her behavior should be respectful;
- Taking steps to curb someone’s use of alcohol before problems occur;
- Calling the authorities when the situation warrant.

RISK REDUCTION STRATEGIES

Acts of Sexual Misconduct not only devastate their victims, but also the campus communities where they occur. For these reasons, the University of Houston System shall engage in risk reduction strategies emphasizing the collective responsibility of the campus community to reduce the risk of Sexual Misconduct throughout the system. As a part of that effort, every new student and employee shall attend a prevention and education program about Sexual Misconduct. The program will incorporate risk reduction strategies and include bystander intervention training which enables community members to take a role in preventing and interrupting incidents of Sexual Misconduct. The program will also provide resources, including information regarding this sexual misconduct policy.
Common sense, situational awareness and trusting your instincts will reduce your risk of being subjected to sexual misconduct.

Risk reduction strategies include, but are not limited to, the following:

A. If you consume alcohol, do so in moderation.
B. Do not leave your beverage unattended or accept a drink from an open container.
C. When you are with someone, communicate clearly to ensure he or she knows your limits from the beginning (both verbal and nonverbal (body language) communication can be used to ensure the message is understood).
D. If you go on a date with someone you do not know very well, tell a close friend what your plans are.
E. You have the right to say "No" even if you first say "Yes" and then change your mind, have had sex with this partner before, have been kissing or "making out" or are wearing what is perceived to be "provocative" clothing.
F. Always have extra money to get home and have a plan for someone you can call if you need help.
G. If you feel uncomfortable, scared or pressured, act quickly to end the situation by saying "Stop it" and leave or call for help.
H. When you go to a party, go with a group of friends, arrive together, watch out for each other and leave together.
I. Be aware of your surroundings at all times.
J. Do not allow yourself to be isolated with a person you do not know or trust.
K. Travel with a friend or in a group.
L. Walk only in lighted areas after dark.
M. Keep the doors to homes and cars locked.
N. Know where a phone is located.

**Security Escorts**

Our security escort service is designed for community members who have safety concerns and desire having another present when traversing the campus. Based on availability, either a UHDPD Police Officer or Security Officer will escort students, faculty and staff to locations beginning and ending on campus. If you believe you need an escort please call 713-221-8065.

**UHD Northwest, UHD Cy-Fair, and UHD Kingwood** Call 832-813-6800 24 hours a day.
Sexual Misconduct

Definitions under Texas law

**DATING VIOLENCE**
(a) "Dating violence" means an act, other than a defensive measure to protect oneself, by an actor that:
(1) is committed against a victim or applicant for a protective order:
   (A) with whom the actor has or has had a dating relationship; or
   (B) because of the victim's or applicant's marriage to or dating relationship with an individual with whom the
       actor is or has been in a dating relationship or marriage; and
(2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably
    places the victim or applicant in fear of imminent physical harm, bodily injury, assault, or sexual assault.
(b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a
    continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined
    based on consideration of:
    (1) the length of the relationship;
    (2) the nature of the relationship; and
    (3) the frequency and type of interaction between the persons involved in the relationship.
(c) A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating
    relationship" under Subsection (b).

**Sexual Assault**
(a) A person commits an offense if the person:
(1) intentionally or knowingly:
   (A) causes the penetration of the anus or female sexual organ of another person by any means, without that person's
       consent;
   (B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's
       consent; or
   (C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus,
       or sexual organ of another person, including the actor; or
(2) intentionally or knowingly:
   (A) causes the penetration of the anus or female sexual organ of a child by any means;
   (B) causes the penetration of the mouth of a child by the sexual organ of the actor;
   (C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person,
       including the actor; or
   (D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor;
   (E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.
(b) A sexual assault under Subsection (a)(1) is without the consent of the other person if:
    (1) the actor compels the other person to submit or participate by the use of physical force or violence;
    (2) the actor compels the other person to submit or participate by threatening to use force or violence against the
        other person, and the other person believes that the actor has the present ability to execute the threat;
    (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to
        resist;
    (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault
        incapable either of appraising the nature of the act or of resisting it;
    (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is
        occurring;
(6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;
(7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;
(8) the actor is a public servant who coerces the other person to submit or participate;
(9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor; or
(10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser.

**Family Violence** (Texas does not recognize the term domestic violence)

"Family violence" means:

(1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;
(2) abuse, as that term is defined by Sections 261.001(1)(C), (E), (G), (H), (I), (J), and (K), by a member of a family or household toward a child of the family or household; or
(3) dating violence, as that term is defined by Section 71.0021.

**Stalking**

(a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:

(1) constitutes an offense under Section 42.07, or that the actor knows or reasonably should know the other person will regard as threatening:
   (A) bodily injury or death for the other person;
   (B) bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
   (C) that an offense will be committed against the other person's property;
(2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and
(3) would cause a reasonable person to:
   (A) fear bodily injury or death for himself or herself;
   (B) fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
   (C) fear that an offense will be committed against the person's property; or
   (D) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

**Reporting Instances of Sexual Misconduct**

1. Although the victim of Sexual Misconduct may decline to report the incident, the University supports, encourages and will assist anyone who believes they have been the victim of Sexual Misconduct to report the incident to the reporting source of their choice. Prompt reporting may preserve options that delayed reporting does not, including the preservation of physical evidence (which may be necessary to the proof of Sexual Misconduct or in obtaining an order of protection), the support of crisis counseling, and immediate police response. Regardless, whenever a student, faculty, staff or visitor alerts the University that she or he has been the victim of Sexual Misconduct, she or he will be provided a copy of or link to this Policy, which fully explains her or his rights and options.
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.

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. A lawfully issued no contact, restraining order, or order of protection, will be adhered to by the University to the fullest extent permitted by law and while still maintaining a safe and non-discriminatory environment at the University. Additionally, the University may take measures to protect the victim of such crimes, to include academic, work, transportation accommodations, and no-contact orders. The University will maintain the confidentiality of any accommodations or protective measures to the extent that maintaining would not impair the ability of the University to provide such accommodations. In addition, the University will honor any order of protection, no contact order, restraining order or similar lawful order issued by any criminal, civil or tribal court.

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. Reporting also allows the police to make a determination of issuing a crime alert if necessary, to protect the campus community, as well as having the incident recorded for the purpose of reporting statistics. 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. A victim may also request to have a support person with you during the interview. 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; you can choose whether or not to participate in proceedings at any point.

This process does not preclude a victim from reporting a dating violence, domestic (family) violence, sexual assault or stalking incident to another agency within the jurisdiction of the incident. If the victim wishes to file the report with the local police department, UHPD will assist in directing them to the appropriate agency.

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

- University of Houston Downtown Police Department  
  [http://www.uhd.edu/police](http://www.uhd.edu/police) 713-221-8065

- UHD Lone Star Kingwood Police Department  
  [http://www.lonestar.edu/campus-police](http://www.lonestar.edu/campus-police) 832-813-6800

- UHD Lone Star Cy-Fair Police Department  
  [http://www.lonestar.edu/campus-police](http://www.lonestar.edu/campus-police) 281-290-3979

- UHD Lone Star Northwest Police Department  
  [http://www.lonestar.edu/campus-police](http://www.lonestar.edu/campus-police) 281-290-2820
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. The following are the University of Houston System Title IX Coordinators:

**Samuel Santos**  
Dean of Students and Assistant Vice President of Student Affairs  
Title IX Coordinator / Student Conduct Officer  
(for student Title IX complaints)  
UHD  
One Main Street, Suite S380  
Houston, TX 77002-1001  
713-221-5042  
santoss@uhd.edu  
Also covers: Kingwood Campus, UHD Cy-Fair and North West Campus

**Dr. Meritza Tamez**  
Director, Student Disability Services (for student Title IX complaints)  
UDH  
Deputy Title IX Investigator  
One Main Street, Suite GSB 314  
Houston, TX 77002-1001  
713-221-8430  
tamezm@uhd.edu

**Ceshia Love**  
Director, Undergraduate Admissions (for student Title IX complaints)  
Deputy Title IX Investigator  
UHD  
One Main Street, Suite GSB 308  
Houston, TX 77002-1001  
713-221-8454  
lovec@uhd.edu

**Ivonne Montalbano, MBA, SPHR, SHRM-SCP**  
Vice President for Employment Services and Operations  
Title IX Coordinator (for employee Title IX complaints)  
UDH  
One Main Street, Suite S910  
Houston, TX 77002-1001  
Telephone: (713) 221-8060  
MontalbanoI@uhd.edu  
Also covers: Kingwood Campus, UHD Cy-Fair and North West Campus

**Bernice Guillen**  
Talent Management and Employee Relations Coordinator  
Title IX Deputy Coordinator (for employee Title IX complaints)  
UDH  
One Main Street, Suite S910  
Houston, TX 77002-1001  
Telephone: (713) 221-2738  
GuillenB@uhd.edu

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. A CSA, by virtue of
their status as a Campus Security Authorities are required to promptly report all crimes affecting the University community to UHPD. In addition, 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, Samuel Santos in S380, 713-221-5042 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. Mr. Santos is Title IX for all campuses.

E. **Human Resources.** A complaint of Sexual Misconduct involving a staff member can be brought to the attention of UHD Employment Services & Operations (ESO). ESO is located in room S-910 in the One Main Building, and can be reached at 713-221-8060. ESO will promptly inform the Title IX Coordinator and/or EOS of the complaint, and EOS will begin its review process.

**REPORTING RIGHTS**

Alleged victims of a violation of this Policy have the right to decide if and when they report the incident(s) to the University, law enforcement, or to any other member of the University community. The University strongly encourages individuals to access services, such as counseling and medical help, that can respond to the immediate mental and physical impact of an act of Sexual Misconduct. Individuals can access these services regardless of whether they report what happened.

The University strongly encourages reporting as soon as possible. Prompt reporting may preserve options that delayed reporting does not, including immediate police response and the preservation of physical evidence that may be necessary to prove an alleged criminal offense or to obtain a protective order.

When a student or employee alerts the University that they have been a victim of sexual misconduct, regardless of whether the offense occurred on or off campus, they will be provided with written information including the University’s governing policy, their rights, reporting options, and support resources.

If a victim chooses to report sexual misconduct to University’s authorities as outlines above, and wishes to notify law enforcement, campus authorities will assist in such notification. Finally, a victim of such crime may choose to decline to notify such authorities.

A victim of sexual misconduct, whether student or employee, will be notified in writing about existing counseling, health, mental health, victim advocacy, and other services available to them through the University and the local outside community. Written notification of options regarding available academic assistance and how to request such assistance will also be provided to victims of sexual misconduct regardless of whether such victim choses report the crime to campus police or law enforcement.

**CONFIDENTIALITY**

Alleged victims and others who are either not required to report or are bound by state law to remain confidential have the right to remain confidential.

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

Anyone can receive information about this Policy, their rights under the Policy, reporting options, and support resources without disclosing facts related to the alleged incident.
The following members of the University community can provide this information:

- Title IX Coordinator and any assistant coordinators
- Campus law enforcement and/or security
- Campus-based counseling staff
- Campus-based student health center staff
- Human Resources
- Dean of Students Office staff

**ANONYMOUS REPORTING**

Alleged victims and others not required to report may submit a report through a web-based reporting system called Convercent, which allows the option of anonymity. The web address for Convercent is https://app.convercent.com/en-us/LandingPage/b3d1c670-e06c-e711-80cf-000d3a Reports received through this site will be forwarded to and reviewed by the Dean of Students Office and may be investigated.

**ADMINISTRATIVE PROCESS AND SANCTIONS**

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.

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. Interim accommodations may include changing academic, living, transportation or working situations. 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.

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 conduct a prompt, fair, and impartial investigation by gathering and reviewing any information it deems pertinent, as well as any information submitted by the Complainant, the Respondent and/or any witnesses. The EOS investigators will receive training at least annually on the issues related to Sexual Misconduct, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

Throughout any investigative meeting or hearing, either party may be represented by an advisor of their own choosing.

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.

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 simultaneously 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.

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.

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.

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.

The sanctions for committing an act of Sexual Misconduct may include any of the following:

- Verbal counseling
- Written reprimand
- Educational programs such as state-certified batterer’s intervention
- Temporary or permanent ban from residence hall communities
- Ban from participating in campus organizations
- Ban from campus (institution and/or UH System)
- Permanent no contact order
- Disqualification from student employment positions
- Withholding of transcripts, grades, diploma, or degree
- Partial or full criminal trespass
- Involuntary transfer or relocation
- Demotion
- Probation (including disciplinary probation)
- Suspension of employment with or without pay
- Suspension (academic)
- Revocation of admission and/or degree
- Dismissal of tenure for adequate cause
- Ineligible for rehire or admission
- Termination of employment
- Expulsion (from institution and/or UH System)
If the Complainant or the Respondent is dissatisfied with EOS’ finding, the party can appeal to the component institution’s appellate board (“Board”). Members of the Board will receive training at least annually on the issues related to Sexual Misconduct, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

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. 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, 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.

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. Both parties will be notified simultaneously in writing of any changes to the prior results and when such results become final.
SECTION: General Administration            NUMBER: 01.D.08

AREA: Legal Affairs

SUBJECT: Sexual Misconduct Policy

1. PURPOSE

1.1. This Policy provides the exclusive mechanism for managing the non-criminal reporting, processing, investigation, and resolution of complaints of sexual misconduct filed with the University of Houston System and its universities ("University"). For the purpose of this Policy, Sexual Misconduct is defined as:

- Sexual Harassment
- Non-Consensual Sexual Contact
- Sexual Assault
- Sexual Exploitation
- Sexual Intimidation
- Intimate Partner Violence (Domestic and Dating Violence)
- Stalking

1.2. The University is 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 (as defined in this policy), a form of sex discrimination, is antithetical to the standards and ideals of the University. The University will take appropriate action in an effort to eliminate Sexual Misconduct from occurring, prevent its recurrence, and address its effects.

1.3. The University aims to eradicate Sexual Misconduct through education, training, policies, and serious consequences for violations of its policies. The University will conduct educational programs, including ongoing prevention and awareness campaigns, designed to promote awareness and prevent Sexual Misconduct.

1.4. This Sexual Misconduct Policy ("Policy") defines and describes prohibited sexual conduct and establishes a procedural mechanism for providing a prompt, fair, and impartial investigation and resolution of complaints of Sexual Misconduct. (Please see the University’s Anti-Discrimination Policy, SAM 01.D.07, to find the procedural recourse for responding to unlawful discrimination and harassment incidents that do not constitute Sexual Misconduct.)

1.5. 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, Title VII of the Civil Rights Act of 1964 ("Title VII"), which prohibits sex discrimination in employment, and Section 304 of the Violence Against Women Reauthorization Act of 2013 (also known as the Campus Sexual Violence Elimination Act (SaVE Act)). Sexual Misconduct, as defined in this Policy, constitutes a form of sex discrimination prohibited by Title IX and Title VII. The University also prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking as those terms are defined for purposes of the Jeanne Clery Disclosure of Campus Security.
Policy and Campus Crime Statistics Act. Inquiries concerning the application of Title IX may be referred to the University Title IX Coordinator or to the U.S. Department of Education Office for Civil Rights.

1.6. All Members of the University Community 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, 9, and 10 for reporting procedures). The University will take allegations of Sexual Misconduct seriously and will take prompt disciplinary action against any individuals within its control who violate this Policy. During its investigation into these matters, the University will work to ensure that all persons are given appropriate support and fair treatment.

1.7. This Policy applies to all University administrators, faculty, staff, students, and third parties within the University's control, including visitors and applicants for employment. This Policy applies regardless of the Complainant’s or Respondent’s sex, sexual orientation, gender identity, gender expression, immigration status, or citizenship status. Moreover, acts of Sexual Misconduct can occur between strangers or acquaintances.

1.8. Prohibited actions defined in this Policy may also constitute a violation of criminal law. Anyone who reports Sexual Misconduct will be notified of their right to speak to the appropriate law enforcement agency and file a report for possible criminal prosecution.

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 15 of this Policy.

2.2. Intimate Partner Violence – A term used to describe a range of prohibited actions that occur between people who have or have had a romantic or sexual relationship. Intimate partner violence can be a single event or a pattern of behavior that includes sexual and/or physical abuse. The term encompasses domestic violence and dating violence as further described in Section 6.7 of this Policy.

2.3. Respondent – A party who has been accused of committing an act of Sexual Misconduct by a Complainant under Section 15 of this Policy.

2.4. Responsible Employee – A University employee who has the duty to report incidents of sexual misconduct to the Title IX Coordinator or other appropriate designee, or an employee whom an individual could reasonably believe has this duty. Responsible employees include all administrators, athletic coaches, faculty, supervisory staff, residence life coordinators and graduate teaching assistants, and any employee who has significant responsibility for student and/or campus activities, except any employee with confidentiality obligations as defined in Section 10 of this Policy.

2.5. Sexual Activity – Penetration, however slight, of the:

   A. Vulva by a penis, object, tongue, or finger;

   B. Anus by a penis, object, tongue, or finger;

   C. Mouth by a penis, vulva, object, tongue, or finger in a sexual manner.

   Sexual Activity also includes:

   A. Any intentional contact with another’s intimate body parts defined as the person’s breasts, buttock(s), groin, or genitals;

   B. Touching another with any of these body parts;

   C. Making or causing another to touch a person or themselves with or on any of these body parts; and/or

   D. Any intentional bodily contact in a sexual manner, even if it does not involve contact with/of/by breasts, buttock(s), groin, genitals, mouth, or other orifice.
2.6. **Sexual Misconduct** – A broad term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, stalking, and intimate partner violence as further described in this Policy.

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

2.8. **Title IX Coordinator** – The person who has been designated on each component university’s campus to coordinate efforts to comply with and implement this Policy. The Title IX Coordinator is responsible for conducting the administrative investigation of reports of Sexual Misconduct and is available to discuss options, provide support, explain University policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate one or more Assistant Title IX Coordinators. The Title IX Coordinators for each university are located here:

- University of Houston System/University of Houston
  Assistant VC/VP for Equal Opportunity Services
  (713) 743-8835
- University of Houston – Downtown
  Vice President for Employment Services and Operations 713-222-5366
  Student Conduct Officer/Title IX Coordinator or (713) 221-8056
- University of Houston – Clear Lake
  Title IX Coordinator
  (281) 283-2305
- University of Houston – Victoria
  Title IX Coordinator
  (361) 570-4835

In the event that there is a conflict of interest for a university’s Title IX Coordinator, the UH System Title IX Coordinator will appoint another university’s Title IX Coordinator to serve in their place. If there is a conflict for the System Title IX Coordinator, the Vice Chancellor for Legal Affairs will appoint another university’s Title IX Coordinator to serve in their place.

2.9. **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.

2.10. **University Community** – Members of the University Community include:

- University faculty, staff, administrators, employees, and contractors;
- University students;
- Volunteers and participants in any University program or activity; and
- Guests and visitors to campus, to any property owned or leased by the University, or to any property owned or leased by any University-Affiliated organization or group.

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

3. **JURISDICTION**
3.1. 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 both the accused person and alleged victim are either a student, faculty member, or staff member. Other than the University Police Department which may conduct a criminal investigation as appropriate, the University does not have jurisdiction over allegations between visitors or non-affiliated persons under this Policy.

3.2. The University has the discretion to investigate conduct occurring off University premises or at a non-University-Affiliated Activity if either the Complainant or Respondent is University-Affiliated.

3.3. The process outlined in this Policy is separate from any criminal proceeding related to the reported behavior and may occur while criminal proceedings are ongoing.

3.4. Proceedings under this Policy will not be dismissed or delayed because criminal prosecution is pending, criminal charges have been dismissed, or the criminal charges have been reduced.

3.5. Proceedings may also continue if a party is no longer employed with or a student of the University.

3.6. The University does not limit the time frame for filing a complaint of Sexual Misconduct. Complaints can be submitted at any time following an incident, although the University’s ability to take action may be limited by the passage of time.

4. CONSENT

4.1. For purposes of this Policy, consent is an informed and freely and affirmatively communicated willingness to participate in a particular sexual activity by a capacitated or legally competent person.

4.2. 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.

4.3. 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 before they initiate the sexual activity.

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

4.5. Consent is active, not passive, and cannot be inferred from the absence of a “no.”

4.6. Without words or actions demonstrating permission, silence, lack of protest, or lack of resistance cannot be assumed to show consent.

4.7. 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.

4.8. 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.

4.9. A participant can communicate that they no longer consent to continuing the sexual activity at any time.

4.10. If there is confusion as to whether an individual has consented or continues to consent to sexual activity, it is essential that the initiating person stops the sexual activity until the confusion is clearly resolved.

4.11. Alcohol or other drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and effectively given. Consent is difficult to discern when a person has ingested alcohol and/or other drugs. Anyone wanting to initiate sexual activity is strongly encouraged to err on the side of caution when either they or the person(s) they want to initiate the activity with appear(s) to be intoxicated or there is reasonable cause to believe either party is intoxicated.
4.12. Being under the influence of drugs and/or alcohol is never a defense for not obtaining consent.

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

5. **INCAPACITATION**

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

   (The definition of consent in the State of Texas Penal Code can be found at http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.011.)

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

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

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

6. **FORMS OF SEXUAL MISCONDUCT**

6.1. **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 are 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 are 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.

The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the harassment is physical. A single or isolated instance of sexual harassment may create a hostile environment if the incident is sufficiently severe.

6.2. Nonconsensual Sexual Contact

Nonconsensual Sexual Contact is any intentional touching in a sexual manner, however slight or momentary, or the use of an object to touch another in a sexual manner.

Examples of Nonconsensual Sexual Contact under this Policy include, but are not limited to, the following non-consensual sexual activity:

A. Unwanted touching of a sexual nature; and
B. Use of force or intimidation to make someone else engage in nonconsensual sexual touching.

6.3. Sexual Assault

For purposes of this Policy, Sexual Assault is sexual intercourse that occurs without consent.

Examples of Sexual Assault under this Policy include, but are not limited to, the following non-consensual sexual acts:

A. Penetration, however slight, of an orifice (anal, vaginal, oral) with the vulva, anus, or mouth, by a penis, finger, or other object; and
B. Other acts of oral sex or anal stimulation, and
C. Knowingly exposing a person to and/or transmitting a sexually-transmitted infection or HIV/AIDS to another person.

The definition of Sexual Assault as used in this Policy may constitute sexual assault in Texas. Relevant state law 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).

6.4. Sexual Exploitation

Sexual Exploitation occurs when a party takes nonconsensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other Sexual Misconduct offenses. Examples can include, but are not limited to, the following behaviors:

A. Prostituting another;
B. Non-consensual recording, photographing, or transmitting intimate or sexual utterances, sounds, or images electronically or by other means without the knowledge and consent of all parties involved;
C. Voyeurism or watching or recording someone when that person is in a place where they would have a reasonable expectation of privacy;
D. Going beyond the boundaries of consent (such as engaging in actions that were not consented to during an otherwise consensual encounter);

E. Distributing intimate or sexual images about another person without that person’s consent, even if the images were obtained consensually;

6.5. Sexual Intimidation

Sexual Intimidation involves threatening another with behavior of a sexual nature. Examples of this include, but are not limited to, engaging in indecent exposure (aka “flash ing”), or transmitting or displaying a nude image where the action was unsolicited and a reasonable person would feel threatened or intimidated.

6.6. Stalking

A. Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
   1. Fear for their safety and/or the safety of others; or
   2. Suffer substantial emotional distress.

B. For the purposes of this Policy, Stalking is considered a severe or pervasive form of harassment. This Policy will apply to acts of Stalking that:
   1. Occur between people who currently have or have had a romantic or sexual relationship; or
   2. Occur because of the accused person’s desire to have a romantic or sexual relationship with the alleged victim.

C. For the purposes of defining Stalking under this Policy:
   1. A “course of conduct” is a pattern of behavior composed of two or more acts, whether directly by a Respondent or through third parties, over a period of time, however short, that evidence a continuity of purpose.
   2. “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
   3. A “reasonable person” means a reasonable person in the Complainant’s circumstances.

D. The University may consider multiple actions outlined in this definition as one act of stalking. Stalking. A report of Stalking will be considered a new and distinct report if the behavior continues after an official intervention, including, not limited to:
   1. University disciplinary action
   2. The issuance of a no-contact order, or any warning/action by the University or a court.

The Policy’s definition of Stalking also extends to cyberstalking.

E. The definition of Stalking as used in this Policy may constitute stalking in Texas. Relevant state law can be found at http://www.statutes.legis.state.tx.us/SOTWDocs/PE/htm/PE.42.htm.

6.7. Intimate Partner Violence

A. For purposes of this Policy, Intimate Partner Violence includes Domestic (Family) Violence and Dating Violence.

B. Actions that may violate this policy include, but are not limited to:
1. Acts of physical violence
2. Threats of physical violence
3. Abduction, restraint, or false imprisonment
4. Actions that may constitute a felony or misdemeanor crime of violence according to the laws of jurisdiction where the incident occurred.

C. Domestic Violence

Domestic Violence includes felony or misdemeanor crimes of violence committed by:

1. A current or former spouse or intimate partner of an alleged victim
2. A person with whom an alleged victim shares a child in common
3. A person who is cohabitating with or has cohabitated with an alleged victim as a spouse or intimate partner
4. A person similarly situated to a spouse of an alleged victim under the domestic or family violence laws of the State of Texas

http://www.statutes.legis.state.tx.us/SOTWDocs/CR/htm/CR.5.htm

D. Dating Violence

Dating violence includes acts between people who are currently or were formerly in a social relationship of a romantic or intimate nature.

For the purposes of this Policy, the existence of such a relationship shall be determined by the alleged victim; however, EOS will also consider the following:

1. The length of the relationship; and
2. The type of relationship; and
3. The frequency and nature of interaction between the persons involved in the relationship.

6.8. Additional Actions that Constitute a Violation of this Policy

A. An attempt and/or threat to engage in conduct that would otherwise constitute a violation of this Policy;
B. Knowingly aiding another in violating this Policy;
C. Knowingly covering up actions by oneself or others that would constitute a violation of this Policy, including removing, hiding, altering, or destroying evidence;
D. Knowingly engaging in actions that impede or obstruct a University investigation related to this Policy; and
E. Attempting to coerce, compel, or prevent an individual from providing testimony or relevant information.

7. REPORTING RIGHTS

7.1. The University encourages reporting violations of this policy to any of the following University entities:

- EOS/Title IX Office
Additionally, anonymous reporting may be conducted through the Fraud and Non-Compliance Hotline, as described in Section 9 of this policy.

7.2. Alleged victims of a violation of this Policy have the right to decide if and when they report the incident(s) to the University, law enforcement, or to any other member of the University community. The University strongly encourages individuals to access services, such as counseling and medical help, that can respond to the immediate mental and physical impact of an act of Sexual Misconduct. Individuals can access these services regardless of whether they report what happened.

7.3. The University strongly encourages reporting as soon as possible. Prompt reporting may preserve options that delayed reporting does not, including immediate police response and the preservation of physical evidence that may be necessary to prove an alleged criminal offense or to obtain a protective order.

7.4. Once an individual alerts the University of an alleged violation of this Policy they will be provided with written information including this Policy, their rights, reporting options, and support resources.

7.5. Alleged victims of a violation of this policy have multiple options regarding involvement of law enforcement and campus authorities, including:
   
   • The option to notify proper law enforcement authorities including on-campus and local police; and
   • The option to be assisted by campus authorities in notifying law enforcement authorities; and
   • The option to decline to notify such authorities.

7.6. Whether an alleged violation of this Policy occurs on or off-campus, an alleged victim will be provided written notification of their rights and options.

7.7. Anyone can receive information about this Policy, their rights under the Policy, reporting options, and support resources without disclosing facts related to the alleged incident.

The following members of the University community can provide this information but may be required reporters (see Section 8):

• Title IX Coordinator and any Assistant Coordinators
• Campus law police and/or security
• Campus-based counseling staff
• Campus-based student health center staff
• Human Resources staff
• Dean of Students Office staff
• Student Housing and Residence Life professional staff

Each component may have their own programs and services related to the issues covered by this Policy so there may be additional resources for information on your campus.
8. REQUIRED REPORTING

8.1. All employees, students, and third parties are strongly encouraged to immediately report any incidents alleged Sexual Misconduct to the Title IX Coordinator and/or an Assistant Coordinator.

8.2. All Responsible Employees who receive a report of Sexual Misconduct must share that information with the Title IX Coordinator and/or an Assistant Coordinator and cannot maintain confidentiality, with the exception of:

A. The staff of a counseling or health center acting in their capacity as a counseling or health provider, and
B. Individuals who are associated with the University in the role of a pastoral counselor or confidential advisor acting in that capacity.

8.3. In addition, some individuals who are not Responsible Employees who must share reports of Sexual Misconduct with the Title IX Coordinator and/or an Assistant Coordinator, include, but are not limited to:

A. Academic Advisors
B. Residence Advisors
C. Elected Members of Student Government Associations, and
D. Individuals, including students, serving as responsible persons, even if they are volunteers, at a University-Affiliated activity. These individuals could be teaching, graduate assistants, research assistants, chaperones, peer mentors, or retreat counselors.

These individuals are required to report because they are either in a position to do something about the alleged actions, may be perceived to be able to do something about the alleged action, or would otherwise have to report known or suspected incidents of Sexual Misconduct.

8.4. Any person who is required to report known or suspected violations of this Policy must promptly contact the Title IX Coordinator and/or an Assistant Coordinator and disclose what they know about the alleged incident. Even if a required reporter is a Campus Security Authority, and must provide a report to law enforcement or other campus departments, the reporter must also directly notify the Title IX Coordinator and/or Assistant Coordinator as soon as possible.

8.5. Reports should include all relevant details including the following:

A. The name of the accused person (if known)
B. The name of the alleged victim
C. The names of other people who may be involved, and
D. Relevant facts, including date, time, and location of the incident(s)

8.6. The University will comply with all applicable state laws regarding mandatory reporting for known or suspected abuse, neglect, or exploitation of a child or a vulnerable adult.

8.7. Individuals who are required to report under this Policy but fail to do so may face disciplinary action by the appropriate administrator.

8.8. Individuals who are not required to report and who are not bound by state confidentiality laws are still encouraged to report known or suspected violations of this Policy and may do so through the confidential and non-confidential methods listed in Sections 9 and 10 of this Policy.

8.9. Public awareness events such as “Take Back the Night,” candlelight vigils, protests, “survivor speak outs” or other forums in which members of the community disclose incidents of violations of this Policy are not considered notice to the University for the purpose of triggering its obligation to investigate. However,
information regarding rights under this Policy will be available to anyone who discloses Sexual Misconduct at one of these types of events.

8.10. Reporting to Outside Entities: An individual wishing to make a complaint may also contact the U.S. Department of Education, Office for Civil Rights (OCR) to complain of sex discrimination or sexual misconduct:

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

Employees may also contact the U.S. Equal Employment Opportunity Commission to complain of sex discrimination or sexual harassment:

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

9. ANONYMOUS REPORTING

9.1. Alleged victims and others not required to report may submit a report through a web-based reporting system called the Fraud and Non-Compliance Hotline, which allows the option of anonymity.

9.2. The web address for the Fraud and Non-Compliance Hotline is https://app.convercent.com/en-us/LandingPage/b3d1c670-e06c-e711-80cf-000d3ab0d899.

9.3. Reports received through this site will be reviewed and may be investigated.

9.4. The University will work with anyone who is identified via a Fraud and Non-Compliance Hotline report or subsequent investigation to provide anonymity to the full extent possible under this policy.

9.5. Upon receipt of an anonymous report that implicates the Sexual Misconduct policy, the Title IX Coordinator will invite the reporter to formalize the report into a formal complaint. While interim measures and actions are available to anonymous reporters without filing a formal complaint, Equal Opportunity Services (“EOS”) Finding(s) as described in Section 15.5 requires a formal complaint.

9.6. If the anonymous reporter decides to pursue a formal complaint, the complaint process will follow Section 15, “Formal Complaint Procedures.”

9.7. If the anonymous reporter declines to pursue a formal complaint, the Title IX Coordinator may pursue a complaint on behalf of the University after considering the factors described in Section 15.1.B.2 of this Policy.

10. CONFIDENTIALITY

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

10.2. University staff working in campus counseling or health centers, individuals operating in the role of a pastoral counselor or a confidential advisor, and other University employees whose job is to provide medical and mental health care are exempt from required reporting.
10.3. Community-based programs not affiliated with the University may also be confidential resources and would follow their own policies and procedures regarding reporting duties.

10.4. Individuals may request that their report be investigated by the University without providing their name to the Respondent or witnesses. However, this may reduce the University’s ability to thoroughly investigate a report. When the University cannot fully investigate a report or take appropriate disciplinary action because of a request for an investigation with an anonymous Complainant, the University will pursue other steps to limit the effects of the alleged violation, attempt to prevent its recurrence, and respond to the impact on the involved parties and the community.

10.5. If an individual discloses an incident to a responsible employee but wishes to maintain confidentiality and/or requests that no investigation into a particular incident be conducted or disciplinary action taken, the University will balance a request for confidentiality with its responsibility to provide a safe and non-discriminatory environment for the University community.

10.6. Requests for confidentiality will be evaluated on a case-by-case basis by the Title IX Coordinator in cooperation with appropriate administrators and will consider a range of factors, including but not limited to the following:

A. Whether there is an increased risk that the accused person may commit additional violations of this Policy;
B. Whether a weapon was used;
C. Whether the alleged victim is a minor;
D. Whether there are other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence); and
E. Whether the report reveals a pattern of alleged actions.

The presence of one or more of these factors could lead the University to investigate, and, if appropriate, pursue disciplinary action against Respondents under its control.

10.7. Information will be shared within the University only to those individuals with a legitimate need to know.

10.8. The University will protect the confidentiality of alleged victims and other necessary parties while ensuring Clery Act statistical reporting requirements, specifically, such statistical reporting will be done without inclusion of personally identifying information about an alleged victim.

10.9. The University will maintain as confidential any accommodations or protective measures provided to the alleged victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

11. RETALIATION

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

11.2. 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.

11.3. Any actual or threatened retaliation, or any act of intimidation to prevent or otherwise obstruct the reporting of a violation of this Policy or the participation in proceedings relating to a report of Sexual Misconduct, may be considered a separate violation of this Policy and may result in disciplinary sanctions.

11.4. Any person who believes that they have been subjected to retaliation should immediately report this concern to their Title IX Coordinator or an Assistant Coordinator.
12. IMMEDIATE ASSISTANCE

12.1. Medical Assistance: An individual who experiences any form of sexual, domestic, or dating violence is encouraged to seek immediate medical care. Also, preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Victims can undergo a medical exam to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, individuals who have experienced a sexual assault may have a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) within four (4) days of the incident. With the examinee’s consent, the physical evidence collected during this medical exam can be used in a criminal investigation; however, a person may undergo a SAFE even without contacting, or intending to contact, the police. To undergo a SAFE, please go to the nearest hospital that provides SAFE services.

For more information about the SAFE, see http://www.uhssalutations.com/reporting/. The cost of the forensic portion of the exam is covered by the law enforcement agency that is investigating the assault or, in cases in which a report will not be made to the police, the Texas Department of Public Safety. This does not include fees related to medical treatment that are not a part of the SAFE.

An individual who experiences any form of sexual, domestic, or dating violence is encouraged to seek immediate medical care because he or she may be prescribed medications to prevent sexually transmitted infections and/or pregnancy even if the police are not contacted or if a SAFE is not performed.

12.2. Police Assistance: Because the prohibited actions outlined in this policy may also constitute a criminal acts, individuals seeking emergency assistance or who want to file a criminal report may contact their University police department or the appropriate municipal law enforcement agency. In addition to any possible criminal action, the University Police will forward the report to the Title IX Coordinator.

Reporting to the police helps maintain future options regarding criminal prosecution. Generally, when the victim reports the incident, a police officer will take a statement from the victim regarding what happened.

An adult victim can request that their identity be kept confidential.

When a police report is filed, the victim is not obligated to participate in criminal proceedings or University disciplinary action.

Anyone wishing to file a report with University police can make a report to their component institution’s Police Department as noted below:

- University of Houston Campus Police Department
  http://www.uh.edu/police  713-743-3333

- University of Houston - Clear Lake Police Department
  http://www.uhcl.edu/police  281-283-2273

- University of Houston - Downtown Police Department
  http://www.uhd.edu/police-department/Pages/default.aspx  713-221-8911

- University of Houston – Victoria
  http://www.uhv.edu/police/  361-570-4245

- University of Houston – Katy Campus
  Security station is located on the third floor of the UHV – Katy, 2002 W. Grand Parkway N., Building 2, Katy, Texas. Security can be reached at the duty desk at 281-396-3777.

- UH at Sugar Land
  http://www.uh.edu/sugarland/
Security officers are assigned to UH at Sugar Land. Should anyone need assistance concerning an escort, safety or security matter, contact the police officer or security officer on duty by calling 832-842-2929.

If the security officer is not available during an emergency situation, dial 911.

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

12.4. Alleged victims of violations of this Policy will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available both within the University and in the community.

12.5. Interim Measures and Ongoing Assistance: When an incident of Sexual Misconduct is reported, the University will consider interim measures to protect involved persons and/or the community while the incident is investigated and adjudicated through this Policy.

A. An alleged victim does not need to file a formal complaint to receive interim measures. Some interim measures may be implemented without an alleged victim disclosing identifying information related to the incident(s). Interim measures include, but are not limited to, changes to academic, living, transportation, working situations, or protective measures. The University will make such accommodations or provide such protective measures if requested and if they are reasonably available, regardless of whether the victim chooses to report the alleged violations of this Policy to University Police or local law enforcement. The University will assess whether an interim measure will involve making these changes to the alleged victim or accused person’s circumstances on a case-by-case basis.

B. When the University offers counseling through University-Affiliated student counseling and employee assistance programs as an interim action, an alleged victim will not have to pay related fees for that counseling while the processes outlined in this Policy are on-going.

C. If an interim measure is refused by a party it may still be available at a later date.

D. No-contact orders can be issued under this Policy between the parties involved in a report or others related to a report as an interim measure. No-contact orders issued under this Policy can remain in effect indefinitely and are not contingent upon a formal complaint.

E. Violations of interim measures may be considered a separate violation under this Policy or may be investigated and adjudicated through other relevant University policies.

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

12.6. Resolution Agreement

If a report or complaint alleges a violation of this policy other than Sexual Assault, the Title IX Coordinator will determine if the issue is eligible for informal resolution using a Resolution Agreement. If so, the Complainant and Respondent may agree to resolve the report or complaint by agreement rather than after a finding by EOS under this policy. Under a Resolution Agreement, the parties agree that without a finding by EOS, the Respondent will participate in training or other conditions as set forth in the Resolution Agreement. The Resolution Agreement is not an admission of guilt or responsibility by the Respondent, and neither party has the right to appeal.

13. REPORT PRELIMINARY RESPONSE PROCEDURES

13.1. A report of a violation of this Policy does not automatically begin the formal complaint procedures, listed in Section 15 of this Policy.
13.2. The University will determine the appropriate preliminary response to each report based on the information available at the time of the report and, whenever possible, with the input of the alleged victim.

13.3. When the University receives a report regarding an alleged violation of this Policy, it will take reasonable measures to do the following:
   A. Contact the alleged victim to notify them of their rights and options under this Policy;
   B. Implement any appropriate interim measures; and
   C. Complete a preliminary investigation, as appropriate.

14. PERSONAL ADVISORS

Any named party will have the same opportunity to have a personal advisor of their choice present during any meeting or proceeding related to the investigation of Sexual Misconduct. This advisor may be an attorney, provided at their own expense, with no cost to the University.

14.1. The student will need to sign a FERPA Release form for the advisor to be present at any meeting or proceeding. The form allows staff to speak freely about the student’s case when the advisor is present. The student may revoke the release form in writing if they choose to no longer have the individual serve as their advisor or have access to the matter.

14.2. Advisors may attend any meeting or proceeding related to the investigation, but may not speak on the part of the individual he or she is advising or be a witness. An advisor may ask to briefly suspend any meetings, interviews, or hearings to provide private consultation related to the meeting or proceeding in process.

14.3. An advisor will not be permitted to speak on behalf of the advisee, make an oral presentation, including an opening or closing argument, be a witness, or question witnesses, the EOS representative, or the Panel during the hearing. An advisor may respond to a direct question from the investigator during a meeting or the Panel/Non-affiliated Hearing Officer during a hearing.

14.4. An advisor is subject to the same confidentiality expectations applicable to others in attendance. Accommodations, including scheduling of interviews or hearings, will not be made for any advisors if they unduly delay the process.

15. FORMAL COMPLAINT PROCEDURES

EOS, located at the University of Houston System/University of Houston, works in conjunction with each university’s Title IX Coordinator to administer all aspects of this Policy. Investigations can be completed by the university’s Title IX Coordinator, their appointee, or by EOS.

A formal complaint may be filed by the alleged victim or by the University.

The timeframes set forth in this Policy may be extended when there is good cause to do so. The Complainant (or the non-participating alleged victim in cases where the University files the complaint) and the Respondent(s) will be notified in writing of the delay and the reason for the delay. Any proceedings under this Policy will be conducted in a prompt, fair and impartial manner from initial investigation to final result.

15.1. Step One: Filing a Complaint

A. If the alleged victim wishes to pursue a formal complaint, they will be asked to complete a Formal Complaint Questionnaire with their Title IX Coordinator, who will forward the complaint to EOS.

B. If the alleged victim does not wish to pursue a formal complaint:
   1. The University may determine that it will serve as the Complainant if the alleged victim declines to file a formal complaint.
2. The decision to file a complaint with the University as Complainant is not taken lightly and will be determined based on various factors including, but not limited to, the type of actions alleged in the report, prior reports received, potential for repeated behavior, and/or potential on-going risk to the alleged victim and/or the University Community.

C. 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.

D. Within five (5) business days after receiving a formal complaint, EOS will provide a copy of the complaint to the Respondent(s), as well as a copy of this policy and other available resources.

E. Once a complaint is filed, if the Complainant decides that they want to withdraw the complaint, the University’s investigation may still proceed.

F. EOS may decline to pursue a complaint for failure to state a valid claim under this Policy. Before making this decision, EOS will discuss the complaint with the Complainant, and will suggest other options for assistance where applicable.

15.2. Step Two: Consideration of Interim Measures

A. Although interim measures may have already been considered and implemented, EOS will again consider interim measures when a Formal Complaint has been filed to protect involved parties while the incident is investigated and adjudicated under this Policy.

B. 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(s), as well as provide a safe overall educational or working environment until (and perhaps after) the complaint is investigated and adjudicated.

C. 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.

15.3. Step Three: Response to a Complaint

A. A Respondent’s response to the complaint is due to EOS within five (5) business days from the Respondent’s receipt of the Complaint. EOS may grant an extension for good cause.

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

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

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

15.4. Step Four: EOS Investigation

A. Absent extenuating circumstances, an investigation will begin upon receipt of a complaint of alleged Sexual Misconduct.

B. An investigation may begin prior to receiving a response from a Respondent.

C. The investigator(s) will attempt to interview the Complainant, the Respondent(s), and any witnesses, as appropriate.
D. The investigator(s) will also gather and review any information they deem pertinent, as well as any information submitted by the Complainant, the Respondent(s), and/or any witnesses.

E. If during the course of an investigation additional actions that may constitute a violation of Policy are identified, the University will determine on a case-by-case basis whether and how to investigate those allegations. Facts used to make this determination include, but are not limited to, the type of action identified and whether the actions occurred during the same incident or during a separate incident.

15.5. **Step Five: EOS Finding**

A. A finding by EOS will be issued as soon as practicable. The Complainant and Respondent(s) will have the opportunity, but are not required, to respond, to the EOS investigation report in writing in advance of the EOS finding. The Complainant and Respondent(s) should be provided updates on the progress of the investigation and issuance of the report.

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

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

D. Even if it is determined that this Policy was not violated, a recommendation may be made that a Respondent undertake educational initiatives and/or trainings.

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

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

G. Once findings have been made, either any party to the complaint may request to meet with the investigator(s) to discuss the investigation and, finding(s), and/or to inspect the investigative file.

15.6. **Step Six: New Information**

A. If a party has new information they believe would have significantly impacted the finding(s) (e.g., witness testimony, documents or other tangible evidence), they may submit that information to the Title IX Coordinator.

B. If the Title IX Coordinator determines that the submitted information should be reviewed, and the information was not available for the party to present during the investigation, the case may be reopened.

C. The Title IX Coordinator will inform the party(ies) of any new information. These parties will have the opportunity to respond to this information, and the Title IX Coordinator will consider the response(s) in deciding whether to reopen the investigation.

D. If the Title IX Coordinator decides to reopen the investigation, the process will resume at Step Four (Section 15.4) above.

15.7. **Step Seven: Grounds for Appeal Following an EOS Finding**

A. **Filing an Appeal**

   1. An appeal of EOS’ finding(s) must be submitted in writing to the Title IX Coordinator within five (5) business days of receiving the finding(s).
2. The Complainant and the Respondent(s) both have the right to appeal a finding for any error or procedural defect occurring during the investigation that could have significantly impacted the finding.

3. An appeal is not a new investigation of the complaint.

4. A non-appealing party does not have to participate.

5. If an appeal is filed in accordance with this Section, the appeal will automatically be presented to the University’s Equal Opportunity Services Hearing Board (“Board”) by the Title IX Coordinator.

6. The appellant may withdraw an appeal by submitting a request in writing to the Title IX Coordinator prior to the scheduled start of the hearing. A withdrawn appeal will conclude the matter.

B. Composition of the Board

1. Members of the Board are selected from recommendations from the university’s Faculty Senate, Staff Council, and Student Affairs departments/offices, who shall each recommend at least five (5) individuals to the university’s President. The President shall then select a Board of eight (8) with representation from each group recommended. Except for the first Board, members shall serve staggered terms of three (3) years.

2. If a conflict of interest arises for any of the Board members, the Title IX Coordinator will make a recommendation to the Board Chair to reduce or eliminate the conflict of interest.

3. Upon the Board’s receipt of the appeal, a poll will be taken of the Board members by the Title IX Coordinator to identify four (4) members to hear the appeal and compose the Hearing Panel (three (3) members of the Hearing Panel will serve as voting members and one (1) will serve as an alternate, non-voting member).

C. Responsibilities of the Hearing Panel/Non-Affiliated Hearing Officer

1. If the appeal concerns Sexual Assault, the appealing party may waive their right to a hearing before the Hearing Panel and have their appeal heard by an individual hearing officer not affiliated with the University (“Non-affiliated Hearing Officer”). To waive their right to a Hearing Panel, the appealing party must submit written notice to the Title IX Coordinator within five (5) business days of receiving EOS’ finding(s).

2. The Hearing Panel/Non-affiliated Hearing Officer will make decisions using a preponderance of the evidence standard.

3. The role of the Hearing Panel/Non-affiliated Hearing Officer is to recommend that the Appropriate Administrator accept, remand, or reject EOS’ finding(s).

4. The Hearing Panel/Non-affiliated Hearing Officer can only recommend remanding EOS’ finding(s) if:
   a. an error or procedural defect occurred during the investigation that could have significantly impacted its finding(s), or
   b. further EOS investigation is warranted for any other material reason.

5. The Hearing Panel/Non-affiliated Hearing Officer can only recommend rejecting EOS’s finding(s) if
   a. the weight of the evidence does not support or is contrary to EOS’ finding(s), or
b. an error or procedural defect that significantly impacted the finding(s) is discovered and the error cannot be remedied.

6. While the Hearing Panel/Non-affiliated Hearing Officer will have the opportunity to review any evidence presented on appeal, their role is not to reinvestigate the original complaint or to review allegations that would otherwise constitute a new complaint under this Policy or any other University policy.

D. Preparing for a Hearing

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

2. Once the hearing is scheduled, requests to reschedule the hearing must be submitted in writing to the Title IX Coordinator and will be considered by the Hearing Panel/Non-affiliated Hearing Officer and the Title IX Coordinator.

3. The Complainant and Respondent(s) will be notified of the composition of the Hearing Panel or the identity of Non-affiliated Hearing Officer for their hearing. Within five (5) business days of this notification, the Complainant and Respondent(s) have the opportunity to object to a panel member or the Non-affiliated Hearing Officer for cause. The objection should be made in writing. The Title IX Coordinator, in consultation with the members of the panel, will consider any objection and replace the panel member or the Non-affiliated Hearing Officer if appropriate.

4. Both parties may bring an advisor of their choosing, consistent with the provisions of Section 14 of this policy. This advisor may be an attorney, provided by the party and at no cost to the University.

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

   a. All documents and other tangible evidence that will be used as evidence during the hearing.

   b. The names of any witnesses and a brief summary concerning the subject matter of the witness’ expected testimony.

   c. The name of any advisor to be in attendance at the hearing and whether that person is an attorney.

6. No advisor, witness, or document, or tangible evidence will be permitted at the hearing unless such information was timely submitted.

7. No new information as defined by Section 15.6 will be presented to the Hearing Panel/Non-affiliated Hearing Officer before or during the hearing.

8. It is the responsibility of the party wanting to present a witness to secure that witness.

15.8. Step Eight: Hearing

A. Prior to the beginning of a hearing, the members of a Hearing Panel will select a Chairperson for the hearing.

B. The general course of the hearing procedure will be as follows, subject to the discretion of the Panel Chairperson/Non-affiliated Hearing Officer:
1. The Panel Chairperson/Non-affiliated Hearing Officer will convene the hearing, introduce the individuals present, give a brief description of the process and, invite questions about the process, and allow the parties the opportunity to present a brief opening statement;

2. The appellant shall present their evidence (including calling and questioning their own witnesses) to the Panel/Non-affiliated Hearing Officer. If the other party participates, they shall have the same opportunity to present their evidence;

3. EOS shall present their its’ documentation related to the finding(s) to the Panel/Non-affiliated Hearing Officer;

4. The Panel Chairperson/Non-affiliated Hearing Officer will allow the parties the opportunity to present a brief closing statement before concluding the hearing.

C. During the hearing, the Panel Chairperson/Non-affiliated Hearing Officer may impose the following guidelines:

1. The Panel Chairperson/Non-affiliated Hearing Officer may impose reasonable time limits on any stage of the hearing.

2. The Panel Chairperson/Non-affiliated Hearing Officer may also determine the relevance of, and place restrictions on, any witness or information presented.

D. The Panel Chairperson and/or Panel/Non-affiliated Hearing Officer may question any individual at any time during the hearing.

E. The parties may question their own witnesses, but they cannot directly question each other or the any other party’s witnesses.

F. The parties may request that the Panel chairperson/Non-affiliated Hearing Officer ask questions of another party or their witnesses by submitting proposed questions to the Panel chairperson in writing either prior to, or during, the hearing.

G. The Panel Chairperson/Non-affiliated Hearing Officer may determine which questions are relevant, and the Panel Chairperson/Non-affiliated Hearing Officer has the discretion to revise a question or to decline to ask the question.

H. An audio recording of the hearing will be kept for the use of the Panel/Non-Affiliated Hearing Officer and for any appeal.

I. In cases where an appellant refuses to participate in the hearing, the Panel/Non-affiliated Hearing Officer will convene and make a decision based on the evidence and testimony available to the Panel/Non-affiliated Hearing Officer.

J. This hearing process is an internal University process and not a formal courtroom process in which rules of evidence and courtroom procedures apply.

K. Advisors may attend the hearing and sit with their advisee during the hearing, communicate quietly orally and/or in writing with their advisee during the hearing, and may respond to a direct question from the Panel/Non-affiliated Hearing Officer.

L. 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/Non-affiliated Hearing Officer during the hearing.

M. If the Panel/Non-affiliated Hearing Officer determines it is necessary or advisable, alternative testimony options will be available such as allowing a witness to appear via other virtual means (e.g., via telephone).
15.9. **Step Nine: Panel/Non-Affiliated Hearing Officer Decision**

A. If a Hearing Panel is utilized,
   1. After the hearing has concluded, the three voting members of the Panel will deliberate in private.
   2. The Panel’s decision as described in Section 15.7.C.2 will be by majority vote.

B. If a Non-Affiliated Hearing Officer is utilized, they will make their decision alone.

C. The Panel/Non-affiliated Hearing Officer will communicate its decision by completing the Hearing Decision Form and forwarding it to the Title IX Coordinator within three (3) business days of the hearing. If the decision is to remand the case to EOS to correct an investigative error(s), the Panel/Non-affiliated Hearing Officer will indicate the error(s) to be corrected.

D. The Title IX Coordinator will then provide a copy of the decision simultaneously to all parties involved in the complaint.

E. If the case is remanded to EOS to correct an investigative error, EOS will investigate and submit an Amended Report of Finding(s) which includes the actions taken to correct the investigative error to the same Panel/Non-affiliated Hearing Officer for review. Once the hearing is scheduled, the process will then restart at Step 15.7.D.

F. At the second hearing, testimony will begin with EOS’ presentation, and all parties will be given the opportunity to respond to the new information provided by EOS, ask questions of EOS, and present any relevant witnesses and/or information.

G. If the Panel accepts or rejects EOS’ finding(s), any party or EOS may appeal the decision of the Panel/Non-affiliated Hearing Officer to the Appropriate Administrator.

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

15.10. **Step Ten: Final Appeal to Appropriate Administrator**

A. The role of the Appropriate Administrator is to accept, reject, or remand the Panel/Non-affiliated Hearing Officer’s recommendation(s).

B. The Appropriate Administrator can remand the case back to EOS’ if they find:
   1. an error or procedural defect occurred during the investigation that could have significantly impacted EOS’ finding(s), or
   2. further EOS investigation is warranted for any other material reason.

C. The Appropriate Administrator can reject EOS’ finding(s) if they find:
   1. the weight of the evidence does not support or is contrary to EOS’ finding(s), or
   2. an error or procedural defect that significantly impacted the finding(s) is discovered and the error cannot be remedied.

D. The Appropriate Administrator can remand the case back to the Panel/Non-affiliated Hearing Officer if they find an error or procedural defect occurred during the hearing that could have significantly impacted the Panel/Non-affiliated Hearing Officer’s recommendation(s), or which caused harm to the appellant or appellee.
E. If the Appropriate Administrator accepts or rejects the Panel/Non-affiliated Hearing Officer’s recommendation(s), the decision becomes final.

F. The Appropriate Administrator will review the record on appeal which may include the case file, appeal documentation, and hearing recording only, and will render a decision within fifteen (15) business days from the date that the appeal is filed.

G. If the Appropriate Administrator extends the fifteen (15) day deadline, they must provide an explanation to the parties, EOS, and the Title IX Coordinator in writing by that deadline and every ten (10) business days thereafter.

15.11. Step Eleven: Sanctions and Remedies

A. If there is a finding of a violation of this Policy, and any appeal of the finding has been exhausted, EOS will recommend that appropriate university action be taken, and any sanction imposed on the Respondent(s) will be determined by and implemented by the appropriate administrator after consultation with the Title IX Coordinator.

1. If there is a finding of a violation of this Policy against a faculty member, any sanctions imposed on the faculty member will be determined by and implemented by the appropriate administrator after consultation with the Title IX Coordinator and consistent with the university’s faculty handbook/manual.

2. If there is a finding of a violation of this Policy against a non-faculty University employee, any sanction imposed on the employee will be determined by and implemented by the appropriate administrator after consultation with the Title IX Coordinator and consistent with the university’s policies and procedures related to employee discipline.

3. If there is a finding of a violation of this Policy against a student, any sanction imposed on the student will be determined by and imposed by the Dean of Students’ Office or its equivalent after consultation with the Title IX Coordinator and consistent with the university’s policies and procedures related to student conduct/discipline.

B. The sanctions for committing an act of Sexual Misconduct will be commensurate with the offense and may include, but are not limited to, the following:
Probation (including disciplinary probation)

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

C. If a party is dissatisfied with a sanction determined by the appropriate administrator under Section 15.11, they may appeal the sanction as follows:

1. Any appeal to the sanction against a faculty member must be addressed through the university’s faculty handbook/manual;
2. Any appeal to the sanction against a non-faculty University employee must be addressed through the university’s policies and procedures related to employee grievances;
3. Any appeal to the sanction against a student must be addressed through the appeal process in the university’s Student Code of Conduct or its equivalent.

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

1. Ensuring the Complainant and Respondent do not share classes, working environments, or extracurricular activities;
2. Making modifications to the on-campus living arrangements of a Respondent or Complainant (if the Complainant requests to be moved);
3. Providing comprehensive, holistic victim services including medical, counseling, and academic support services such as tutoring;
4. Determining whether Sexual Misconduct adversely affected the Complainant’s University standing;
5. In conjunction with University leaders, conducting a University climate check to assess the effectiveness of efforts to ensure that the University is free from Sexual Misconduct, and using that information to inform future proactive steps that the University will take;
6. Providing targeted group training;
7. Issuing policy statements or taking other steps to clearly communicate that the University does not tolerate Sexual Misconduct and will respond to any incidents and to any individual who reports such incidents.
These remedies are separate from, and in addition to, any interim measures that may have been provided before the end of the University’s investigation. If the Complainant did not take advantage of a specific service (e.g., counseling) when offered as an interim measure, the Complainant should still be offered, and is still entitled to, appropriate final remedies that may include services the Complainant declined as an interim measure.

15.12. **Step Twelve: Notification of Outcomes**

**A.** The Title IX Coordinator and/or EOS will simultaneously notify the Complainant and the Respondent(s) in writing of the outcome of the following stages of the process:

1. The initial finding(s), including a rationale
2. The procedures to appeal a finding
3. The outcome of any appeal, including any changes to the finding(s)
4. Any interim sanctions imposed
5. Any changes to interim sanctions
6. The final outcome of the complaint
7. Any imposed sanctions, including a rationale
8. When the outcome is final
9. Changes to sanctions related to the party once the outcome is finalized

**B.** These notifications may be combined if they occur at the same time.

**C.** In the case of a complaint alleging Dating or Domestic Violence, Non-consensual Sexual Contact, Sexual Assault, or Stalking, both parties will be notified of all imposed sanctions.

**D.** In the case of a complaint alleging Sexual Harassment, Sexual Exploitation, or Sexual Intimidation, the Complainant will be notified of any sanctions that directly relate to the Complainant.

**E.** The university will provide information regarding remedies available such as those discussed in Section 12. If a hostile environment was found to exist, the university will notify the Complainant of any additional steps the University has taken to eliminate the hostile environment and to prevent recurrence.

16. **SPECIAL PROVISIONS**

16.1. **Immunity**

To encourage reporting, the University may offer alleged victims and witnesses of Sexual Misconduct immunity for collateral misconduct provided such misconduct is of a non-violent nature, such as unauthorized use of alcoholic beverages. The University may impose educational responses rather than sanctions, in such cases. Decisions regarding immunity are made by the Title IX Coordinator in conjunction with the appropriate sanctioning body.

16.2. **Allegations Involving University-Affiliated Organizations**

**A.** If a report is made alleging that a University-Affiliated organization has violated this Policy, EOS will make a referral to the appropriate administrative department and/or adjudicative body over that organization to ensure a timely, equitable process to determine if an Organization violated relevant University policies.
B. EOS will work in partnership with the appropriate adjudicative body should there be concurrent investigations involving individuals and organizations, including, but not limited to, sharing information with appropriate University administrators who have a legitimate need to know.

C. If a report is made involving an organization, EOS will seek to identify any individuals who may be involved. EOS will, in collaboration with the alleged victim whenever possible, determine whether a formal complaint under this Policy will be filed against any identified individuals.

16.3. Non-Participating Alleged Victims

A. Alleged victims who decline to serve as a Complainant as per Section 15.1.B will maintain certain rights as per this Policy.

B. When the University serves as a Complainant, it will work with the alleged victim to the extent they would like to participate.

C. Non-complainant alleged victims do not have appeal rights as per this Policy.

D. Non-complainant alleged victims receive the same notifications as the Complainant and Respondent as outlined in Section 15.12 of this Policy, unless they request otherwise.

E. Non-complainant alleged victims always maintain the right to reasonable interim measures as outlined in Sections 12 and 15.2 of this Policy.

16.4. Additional Interventions

A. When a report is received alleging a violation of this Policy, the University will take appropriate steps to assess whether additional actions, beyond a formal investigation and possible disciplinary sanctions, are appropriate.

B. These actions may be implemented regardless of whether a formal complaint is filed and regardless of whether a finding of a violation is made.

C. Actions may respond to the specific needs of impacted persons and/or may address the needs of the University community.

D. Actions may include extending interim measures provided to impacted persons such as those listed in Sections 12 and 15.2 or new actions taken the respond to immediate and long-term concerns regarding personal safety, academic success, and emotional well-being.

E. Actions to address the needs of the University community may include, but are not limited to, training (both targeted training and campus-wide programs), campus safety assessments, campus climate surveys, and evaluation of policies and procedures.

16.5. Reports Outside of University Jurisdiction

If the University is notified that a member of the University community has reported an incident of Sexual Misconduct, but the University does not have jurisdiction to handle the case as defined in Section 3, the University will still take reasonable steps to ensure the individual’s safety while on campus and to offer the individual information about resources both on campus and in the community.

16.6. Training

A. Investigator(s) will receive training at least annually on the issues related to Sexual Misconduct and how to conduct the processes outlined in this Policy while being both trauma-informed and impartial while protecting the safety of alleged victims and promoting accountability.
B. Members of the Equal Opportunity Services Hearing Board will receive training at least annually on the issues related to Sexual Misconduct. These individuals will also receive training regarding the role of EOS to enforce this Policy, best practices for hearings and hearing panelists, and their role in ensuring and promoting safety, due process, and accountability.

C. The University will provide training for all incoming students and new employees that increase their knowledge about this Policy, their rights, and resources, as well as strategies to prevent violence, promote safety, and reduce perpetration. Employees will receive initial mandatory training within thirty (30) days after their hire date and supplemental training every two (2) years.

D. The University will provide on-going prevention and awareness campaigns for students and employees that will increase their knowledge about this Policy, their rights and resources, as well as strategies to prevent violence, promote safety, and reduce perpetration.

17. REVIEW AND RESPONSIBILITY
Responsible Party: Vice Chancellor for Legal Affairs and General Counsel

Review: Every three years on or before August 31

18. APPROVAL

Approved: 

Dona Cornell  
Vice Chancellor for Legal Affairs and General Counsel

Renu Khator  
Chancellor

Date: March 8, 2018

REVISION LOG

<table>
<thead>
<tr>
<th>Revision Number</th>
<th>Approval Date</th>
<th>Description of Changes</th>
</tr>
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<tbody>
<tr>
<td>Interim</td>
<td>11/29/2012</td>
<td>Initial version (submitted as Interim)</td>
</tr>
<tr>
<td>Revision Number</td>
<td>Approval Date</td>
<td>Description of Changes</td>
</tr>
<tr>
<td>-----------------</td>
<td>--------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>Interim 2</td>
<td>08/07/2013</td>
<td>Added information to Section 1.2 on educational programs. Added Campus SaVE Act statement to Section 1.5. Revised Section 2.4 definition for “Student.” Added additional parameters of Sexual Misconduct to Section 3. Revised Section 4 to be consistent with the Dear Colleague Letter. The web site definition for consent was added to Section 5.1, and the web site definition for sexual assault was added to Section 6.1. Sections 6.5 through 6.7 were added with information from the Campus SaVE Act. Added Section 8, Risk Reduction Strategies, including documentation on bystander intervention from the Campus SaVe Act. Information on confidentiality and services available to victims was added to Section 9 from the Campus SaVE Act. Added “Order of Protection” phrase to Section 10 from the Campus SaVE Act. Documentation on EOS investigator training was added to Section 12.3. Added Section 12.6.4. Added information on Board training to Section 13.7. A brief opening statement for hearings was added to Section 13.9.1.a. Added documentation on reporting offenses off campus to Section 14.3. Added information to Section 14.5 on notification of outcomes from the Violence Against Women Reauthorization Act of 2013 and the Campus SaVE Act.</td>
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<tr>
<td>1</td>
<td>08/25/2015</td>
<td>Current revisions after Interim 2 approved by the Board of Regents (BOR) during meeting on August 20, 2015, based on input from team composed of various system component members. Requirement for document approval prior to September 1, 2015 based on state law changes.</td>
</tr>
<tr>
<td>2</td>
<td>12/04/2015</td>
<td>Revisions from BOR approval on August 20, 2015 include all current information regarding sexual misconduct policy guidelines from Texas Penal Code Title 5, Offenses Against the Person. Changed numbering in Section 14 through Section 19.</td>
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<tr>
<td>3</td>
<td>06/29/2016</td>
<td>Updated Section 2.8 with hyperlink to the component campus Title IX Coordinators. Updated links as applicable.</td>
</tr>
<tr>
<td>4</td>
<td>10/05/2017</td>
<td>Revised reference in Sections 9.1, 9.2, and 9.4 from “My Safe Campus” to “Fraud &amp; Non-Compliance Hotline” to reflect current operating requirements. No additional changes were made by the Subject Matter Expert(s).</td>
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<tr>
<td>5</td>
<td>03/08/2018</td>
<td>Revised and rearranged entire document for easier readability and updated standards to reflect current operating requirements. Current revisions approved at March 8, 2018 meeting.</td>
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# Helpful Telephone Numbers

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<tr>
<th>Service</th>
<th>Phone Number</th>
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<tbody>
<tr>
<td>Police Emergency</td>
<td>911</td>
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<tr>
<td>Police Non-Emergency</td>
<td>713-221-8065</td>
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<tr>
<td>Parking Enforcement</td>
<td>713-743-5849</td>
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<tr>
<td>Investigations</td>
<td>713-221-8065</td>
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<td>Lost and Found</td>
<td>713-221-8065</td>
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<td>UHD Counseling</td>
<td>713-221-8121</td>
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<td>UHD Health Center</td>
<td>713-221-8137</td>
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<tr>
<td>Houston Sexual Assault Hotline</td>
<td>713-528-7273</td>
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<tr>
<td>Houston Police Department</td>
<td>713-884-3131</td>
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<tr>
<td>Harris County Sheriff</td>
<td>713-755-5300</td>
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<tr>
<td>AIDS Hotline</td>
<td>713-524-AIDS</td>
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<tr>
<td>Covenant House</td>
<td>713-523-2231</td>
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<tr>
<td>Crisis Hotline</td>
<td>713-228-1505</td>
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<tr>
<td>Houston Area’s Women’s Center (WIRES)</td>
<td>713-528-2121</td>
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<tr>
<td>MHMRA Crisis Clinic</td>
<td>713-970-7070</td>
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<tr>
<td>Houston Council on Alcoholism &amp; Drug Abuse</td>
<td>713-942-4100</td>
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<tr>
<td>UHD Lone Star Kingwood Police</td>
<td>832-813-6800</td>
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<tr>
<td>Lone Star UHD Cy-Fair Police</td>
<td>832-813-6800</td>
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<tr>
<td>Lone Star UHD Northwest Police</td>
<td>832-813-6800</td>
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