

Memo To: All UH-Downtown/PS Holders  
From: William Flores, President  
Subject: Student Rights and Responsibilities

UH-Downtown/PS 04.A.01  
Issue No. 7  
Effective date: 08/18/2015  
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## 1. PURPOSE

- 1.1 The University of Houston-Downtown, as an educational institution, has a special set of interests and purposes essential to its effective functioning. These include; (a) the opportunity for students to attain their educational objectives, (b) the creation and maintenance of an intellectual and educational atmosphere throughout the University, and (c) the protection of the health, safety, welfare, property, and human rights of all members of the University, and the property of the university itself. In the area of student conduct, the University has a clear responsibility to protect and promote the pursuit of its goals. The Student Rights and Responsibilities policy (PS 04.A.01) emphasizes the University's commitment to promote the freedom, intellectual development, and personal responsibility of its students.
- 1.2 This policy statement (PS) sets forth for all students of the University of Houston-Downtown (UHD), both part-time and full-time, the students' rights and responsibilities, the University's guidelines for conduct, and its disciplinary procedures. All students are expected to be aware of the substance of this PS except in the case of academic dishonesty, which is described in [PS 03.A.19, Academic Honesty Policy](#).
- 1.3 The University of Houston-Downtown supports the concept of educational discipline - educating the student through appropriate sanctioning when circumstances permit; but should the student demonstrate an unwillingness to obey the rules governing conduct, the student will be treated in the same manner as one who has failed academically. Students are expected to adhere to, and will be held accountable for adhering to, all federal, state, and local laws in addition to all University policies and regulations not mentioned herein.
- 1.4 A student admitted to the University of Houston-Downtown accepts the responsibility to conform to all University of Houston-Downtown rules and regulations. Proven failure to meet this obligation will justify appropriate disciplinary action including, but not limited to, expulsion, suspension, disciplinary probation, reprimand or warning. Although the University will make every reasonable effort to make the rules and regulations available, students are responsible for becoming familiar with them.
- 1.5 The University of Houston-Downtown student conduct process is the responsibility of the Dean of Students Office. The Student Conduct Officer, under the direction of the Dean of Students, will supervise the implementation of the student conduct process and procedures.

## 2. DEFINITIONS

- 2.1 “Appellate Officer” includes the Provost and the Dean of Students and/or their respective designees.
- 2.2 “Business Day” means Monday through Friday during regular University business hours.
- 2.3 “Committee” means the Student Discipline Committee.
- 2.4 “Disciplinary action” means proceedings under section 3.3 of this PS.
- 2.5 “Handbook” means the official UHD Student Handbook.
- 2.6 “Hazing” means those activities defined in the Texas Education Code Sec. 37.151 et seq., the Prohibited Conduct Section of the Student Rights and Responsibilities policy regarding Hazing, and the UHD Hazing Policy.
- 2.7 “Hearing Officer” includes the Dean of Students, or the Student Conduct Officer and the Student Discipline Committee.
- 2.8 “Notice” means correspondence sent to the addressee by the means identified in Section 4.3.2. of the Student Rights and Responsibilities regarding Notice.
- 2.9 “Policy” refers to the UHD Student Rights and Responsibilities.
- 2.10 “Preponderance of the evidence” is the standard of review in the student discipline process which evaluates whether it is more likely than not that the student did violate a policy provision and/or University policy.
- 2.11 “Procedures” means the Student Disciplinary Procedures.
- 2.12 “Published University policy” means any provision of a Board of Regents order or rule, a published directive, rule, regulation, or policy statement.
- 2.13 “Record” means correspondence referenced herein relating to the Student Disciplinary Procedures and all hard copy or electronic documents, forms, copies, reports, statements, recordings, or tangible evidence presented in a disciplinary hearing or conference.
- 2.14 “Referral Notice” refers to the notice initiating disciplinary action.
- 2.15 “Respondent” means accused student.
- 2.16 “Sanction” means penalty for violation of the Prohibited Conduct Section of the Student

## Rights and Responsibilities.

- 2.17 “Student” means a person who; (a) is currently enrolled at the University; (b) is accepted for admission or readmission to the University; (c) has been enrolled at the University in a prior semester or summer term and is eligible to continue enrollment in the semester or summer term that immediately follows; (d) is attending an additional program sponsored by the University while that person is on campus; or (e) has engaged in prohibited conduct at a time when he/she met the criteria of (a), (b), (c), or (d).
- 2.18 “Student Conduct Officer” means the person designated to manage the Student Conduct process.
- 2.19 “University” means the University of Houston-Downtown.
- 2.20 “University community” means any full or part- time students, faculty members, members of the staff or any others doing business with the University under contract or on a regular basis.
- 2.21 “University officials” means those persons in an official university capacity or those who have been given the authority and the responsibility by the appropriate agency or person, including regents, officers, faculty, and administrative staff.
- 2.22 “University grounds” means property owned, leased, controlled, used, or occupied by the University including property physically removed from campus.
- 2.23 “University property” means property owned, controlled, used, or occupied by the University, including property physically removed from the campus.
- 2.24. ”Bullying” means humiliating, abusing, or threatening conduct or behavior that denigrates or shows hostility or aversion toward and individual or a group, or creating an intimidating, hostile, or abusive learning, living or working environment that alters the conditions of learning, living or, or an unreasonable interference with an individual’s academic or work performance. Bullying includes but is not limited to using the internet, interactive, digital technologies or mobile phones to facilitate bullying activities.

## **3. POLICY**

### 3.1 Application and Jurisdiction

- 3.1.1 Students are subject to applicable federal, State, and local laws; University of Houston-Downtown rules, regulations, and policies, including those set forth in UH System Administrative Memoranda.
- 3.1.2 Students may be disciplined by the University for violating any of the conduct standards on University grounds or off University grounds when the incident

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

- 3.1.3 University disciplinary action may be instituted against a student charged with conduct that potentially violates both criminal law and University policy without regard to pending civil litigation or criminal arrest and prosecution. At the discretion of the Dean of Students Office, University disciplinary proceedings may be carried out prior to, simultaneously with, or following criminal proceedings. Determinations made and/or sanctions imposed as a result of University disciplinary proceedings will not be subject to change because criminal charges arising out of the same facts that resulted in the violation of University rules were dismissed, reduced, or resolved in favor of or against a criminal law defendant.
- 3.1.4 Students are subject to University disciplinary action for prohibited conduct that occurs while the student is participating in off-campus activities sponsored by or affiliated with the University including, but not limited to, field trips, retreats, and study abroad programs.
- 3.1.5 Students are subject to University disciplinary action if the student withdraws from classes while a conduct matter is pending.
- 3.1.6 Any conduct that is a potential violation of the University System Sexual Misconduct Policy or Discrimination and Harassment Policy will be exclusively processed, investigated and addressed pursuant to those policies and not the Student Rights and Responsibilities Policy, except as provided herein if the Title IX Coordinator has reasonable cause to believe that a student's presence on University premises or at a University-related or registered student organization activity poses a significant risk of substantial harm to the safety or security of any member of the University community or to property, The Title IX Coordinator may request the issuance of an interim suspension pursuant to the Interim Suspension section of the Student Rights and Responsibilities Policy. If a student is found to be in violation of the University's Sexual Misconduct Policy or Discrimination and Harassment Policy, and s/he wishes to appeal any sanction(s) imposed by the Dean of Students Office, his/her appeal shall be brought pursuant to the appeal section of the Student Rights and Responsibilities Policy.

## 3.2 Rights of Students

### 3.2.1 Access to Higher Education

Admission to the University is open to anyone qualified according to established admissions standards and resource limitations. The University must make

available to all students the academic and behavioral standards required of all who register at this institution.

3.2.2 Freedom from Discrimination

No student or applicant for admission to the University may be discriminated against on the basis of race, color, religion, sex, age, disability or national origin by the University or any member of the University community. The University fully supports equal opportunity and affirmative action.

3.2.3 Freedom of Speech, Expression, and Association

The rights of free speech, expression, and association, as defined by the Constitution of the United States and developed by statutory laws and judicial decisions, are guaranteed to every member of the University community.

3.2.4 Rights of Privacy

Students have the right to be secure in their persons, papers, and personal effects against unreasonable searches and seizures. The University reserves the right to conduct inspections for reasons of health and safety.

3.2.5 Rights of Due Process

In administering this policy, the University guarantees each student accused of violating a published University policy those principles of due process and fundamental fairness established by the Constitution of the United States and developed by statutory law and judicial interpretation. This shall include adequate notice, a meaningful opportunity to be heard, and the right to an appeal.

3.2.6 Confidentiality of Records

Each student must have access to all educational records pertaining to their application to or enrollment in the University and the University must protect student educational records from unauthorized dissemination. It is University policy to comply fully with the provisions and regulations of the Federal [Family Education Rights and Privacy Act of 1974 \(FERPA\)](#) and other privacy regulations where applicable, such as the [Health Insurance Portability and Accountability Act of 1996 \(HIPAA\)](#).

3.2.7 Participation in University Shared Governance

The policy statement (PS) system guarantees that right of any member of the University to express opinions or to initiate or participate in the development of administrative policy as described in [PS 01.A.01, UHD Policy and Procedure System](#), and [PS 01.A.03, Academic Shared Governance Policy](#).

3.2.8 Student Government

The University has authorized and encouraged the establishment of a representative student government with the stipulation that it has no existence separate and apart from the University, and that ultimate authority rests with the President of the University.

### 3.2.9 Student Organizations

The University recognizes the right of students to form organizations not forbidden by federal laws, state laws, or University policy. Student organizations must be registered and approved through the procedures established in [PS 04.A.03, Student Organizations and Activities on Campus](#).

### 3.2.10 Student Complaints

All students have a right to register complaints or concerns regarding their experience at the University of Houston-Downtown and to receive a timely response from the appropriate university official. UHD has established policies to address the following complaints: grade appeals, sexual harassment reports, or concerns about disabilities. The following steps establish the process to be followed by all parties for complaints in areas in which no other specific policies exist.

3.2.10.1 The student should attempt to resolve the issue at the office that is the source of the complaint by speaking with a supervisor or department head. At that time, the supervisor should indicate to the student whether the issue is academic or non-academic, and the appropriate policy and personnel to address the issue. If the process for a particular complaint is not addressed in an existing policy, all parties should proceed according to the following steps.

3.2.10.2 If in the opinion of the student step #1 does not result in a satisfactory resolution, the student may opt to submit a written complaint by filling out the appropriate grievance form, available online and in hard copy format from the Office of the Dean of Students. An administrator or staff member can submit a grievance form on behalf of a student; however, the student must consent to the administrator doing so on his or her behalf.

3.2.10.3 A staff member will then direct the information to the Dean of Students who shall determine an appropriate course of action, including referring the manner to the appropriate office.

3.2.10.4 As noted on the form, students can expect to be contacted within 24 hours regarding their concern by the Office of the Dean of Students or designated office.

The university will maintain a record of complaints for a minimum of five years in the Office of Student Affairs and in accordance with city, state and/or national records maintenance standards.

## 3.3 Responsibilities of Students

### 3.3.1 Conduct Required

The conduct of every student should reflect well on the institution and in no case should include conduct prohibited in section 3.2.2 Conduct Prohibited.

### 3.3.2 Conduct Prohibited

No student may engage in any of the following actions:

- 3.3.2.1 Advocate Prohibited Behavior - Advocate either orally or in writing the conscious and deliberate violation of any federal, state, or local law. "To advocate" means to address an individual or group for imminent action and steer it to such action, as opposed to the abstract espousal of the moral propriety of a course of action.
- 3.3.2.2 Aiding and Abetting - Assisting, hiring, or encouraging another person to engage in a conduct violation.
- 3.3.2.3 Complicity – A student shall not, through act or omission, assist another student, individual, or group in committing or attempting to commit a violation of this policy. A student who has knowledge of another committing or attempting to commit a violation of the Student Rights and Responsibilities policy is required to remove him or herself from the situation and failure to do so when reasonable under the circumstances may be the basis for a violation of this policy.
- 3.3.2.4 Criminal Offense - Commit an offense under any federal, state, or municipal criminal statute.
- 3.3.2.5 Destruction of Property - Intentionally or recklessly damaging, destroying, defacing, or tampering with University property or the property of any person or business on campus.
- 3.3.2.6 Discrimination - Intentional discrimination against a person or group of people on the basis of race, color, religion, national origin, sex, age, disability, veteran status, or sexual orientation except where such distinction is allowed by law.
- 3.3.2.7 Disruption/Obstruction - Obstructing or interfering with University functions or any University activity. Disturbing the peace and good order of the University by, among other things; fighting, quarreling, excessive noise, or any behavior that causes or threatens to cause a material disruption to the residential, business or academic functions of the University, including but not limited to, a material disruption by the use of all types of cameras, electronic tablets, cell phones, and/or communication devices.
- 3.3.2.8 Disruptive Classroom Conduct – Disruptive classroom conduct means engaging in behavior that substantially or repeatedly interrupts either the

instructor's ability to teach or student learning. The classroom extends to any setting where a student is engaged in work toward academic credit or satisfaction of program-based requirements or related activities.

- 3.3.2.9 Failure to Appear - Failing to appear at the request of any Hearing Officer or failure to schedule an appearance with a Hearing Officer as directed by University police or any other University official.
- 3.3.2.10 Failure to Comply or Identify - Failure to comply with directions of University officials, police, or any other law enforcement officers acting in the performance of their duties, or failing to identify oneself to these persons when requested to do so.
- 3.3.2.11 Failure to Maintain Current Address - Failure to maintain a current official mailing address in the Office of the Registrar or give a false address.
- 3.3.2.12 Failure to Report or Respond - Failure to report or respond as directed by the Dean of Students or designee on any matter including, but not limited to, a request to meet concerning an issue or a notice alleging a violation of the Student Rights and Responsibilities policy.
- 3.3.2.13 False Conduct Allegation - Making a prohibited conduct allegation against a member of the University community that is knowingly false.
- 3.3.2.14 False Report of Emergency - Knowingly (1) initiate, communicate, or circulate a report of a present, past, or future bombing, fire, offense, or other emergency that is false or baseless and that would ordinarily cause action by an official or volunteer agency organized to deal with emergencies; (2) place any member(s) of the university community in fear of imminent serious bodily injury; or (3) forcibly prevent or interrupt the occupation of building, room, or aircraft, automobile, or other mode of conveyance.
- 3.3.2.15 False Statements - Being party to falsification; giving or providing false statements, written or oral; and/or providing false information during any University proceeding or to any University official.
- 3.3.2.16 Falsification of Records - Altering, tampering, forging, or knowingly using falsified documents or records of the University, including, but not limited to, UHD parking permits and student IDs. Falsifying, attempting to falsify, conspiring to falsify or knowingly using falsified academic records including, but not limited to, altering or assisting in the alteration of any official record of the University and/or submitting false information or omitting information that is required for or related to any academic record. Academic records include, but are not limited to, applications for



admission, application for the awarding of a degree, registration materials, grade change forms, and other documents or forms used by the Office of the Registrar. A former student who engages in this prohibited conduct may be subject to a bar against readmission, the revocation of a degree, and/or the withdrawal of a diploma under the Student Disciplinary Procedures.

- 3.3.2.17 Forcible Entry or Trespass - Forcible or unauthorized entry to any University building, structure, or facility and/or unauthorized entry to or use of University grounds.
- 3.3.2.18 Gambling, Wagering, and/or Bookmaking - Gambling, wagering, and/or bookmaking as defined by federal, state, and /or local laws on University grounds or by using University equipment or services.
- 3.3.2.19 Hazing - Any intentional, knowing, or reckless act, occurring on or off the University of Houston-Downtown campus, by one or more person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in or maintaining membership in any organization whose members are or include students of the University. Texas Education Code 37.151
- 3.3.2.20 Bullying: Humiliating, abusing, or threatening conduct or behavior that denigrates or shows hostility or aversion toward and individual or a group, or creating an intimidating, hostile, or abusive learning, living or working environment that alters the conditions of learning, living or, or an unreasonable interference with an individual's academic or work performance. Bullying includes but is not limited to using the internet, interactive, digital technologies or mobile phones to facilitate bullying activities.
- 3.3.2.21 Mental or Bodily Harm- (a) Intentionally inflicting mental or bodily harm upon any person; (b) taking any action for the purpose of inflicting mental or bodily harm upon any person; (c) taking any reckless, but not accidental, action from which mental or bodily harm could result to any person; (d) engaging in conduct, including, but not limited to stalking, that causes a person to believe that the offender may cause mental or bodily harm; (e) communicating a threat to cause mental or bodily harm to any person; (f) any act which demeans, degrades, or disgraces any person and that causes, or would be reasonably likely to cause, mental or bodily harm. "Any person" as used in this section may include oneself.
- 3.3.2.22 Misuse of Identification - Transferring, lending, or borrowing University identification.

- 3.3.2.23 Misuse of Safety Equipment - Unauthorized use or alteration of firefighting equipment, safety devices, or other emergency equipment.
- 3.3.2.24 Misuse or Abuse of Computers - Unauthorized use or misuse of any University computer, computer system, service, program, data, network, cable television network, or communication network. The inappropriate or disproportionate use of an information technology resource owned or controlled by the University or use of an information technology resource for an illegal, threatening, harassing, abusive, or intentionally destructive purpose. Failure to comply with laws, license agreements, and contracts governing network, software and hardware use. Abuse of communal resources. Use of computing resources for unauthorized commercial purposes or personal gain. Breach of computer security, harmful access or invasion of privacy.
- 3.3.2.25 Photographing or Videotaping - Photographing, videotaping, filming, digitally recording, or by any other means, secretly viewing with or without a device, another person without that person's consent in any location where the person has a reasonable expectation of privacy, or in a manner that violates a reasonable expectation of privacy. This section does not apply to lawful security surveillance filming, or recording that is authorized by law enforcement or authorized University officials.
- 3.3.2.26 Possession of Dangerous Weapons - Unauthorized possession of any weapon prohibited by the Texas Penal Code including, but not limited to, firearms, illegal knives, tire deflation devices, dangerous chemicals, or any explosive device of any description such as compressed air guns, pellet guns, BB guns, shotguns, or the ammunition of any firearm or other dangerous weapon or explosive device on University grounds. Possessing a dangerous weapon in your vehicle constitutes a violation of this section; however, it shall not be a violation of this section if an individual, who possesses a concealed handgun license, stores or transports his or her licensed and lawfully possessed handgun and/or ammunition in his or her own locked privately owned or leased vehicle.
- 3.3.2.27 Possession of Stolen Property - Possessing property known to the possessor to be stolen and that may be identified as property of the University or any other person or business.
- 3.3.2.28 Public Intoxication -Presenting a threat to oneself or others due to being under the influence of alcoholic beverages or other drugs.
- 3.3.2.29 Sexual Misconduct - Violation of the UHD Student Sexual Misconduct Policy including, but not limited to, engaging in or attempting to engage in sexual assault, sexual exploitation, sexual intimidation, and/or sexual harassment.

- 3.3.2.30 Theft - Theft, or attempted theft, of property or services from any person or any business on University grounds.
- 3.3.2.31 Threatening Behavior - Knowingly (1) initiate, communicate, or circulate a report of a present, past, or future bombing, fire, offense, or other emergency that is false or baseless and that would ordinarily cause action by an official or volunteer agency organized to deal with emergencies; (2) place any member(s) of the university community in fear of imminent serious bodily injury; or (3) forcibly prevent or interrupt the occupation of building, room, or aircraft, automobile, or other mode of conveyance.
- 3.3.2.32 Unauthorized Use of Alcoholic Beverages - Possession, distribution, or consumption of alcoholic beverages except during events or in circumstances authorized by University officials and/or failure to comply with state or University regulations regarding the use or sale of alcoholic beverages.
- 3.3.2.33 Unauthorized Use of Property or Service - Unauthorized use of property or services or unauthorized possession of University property or the property of any other person or business.
- 3.3.2.34 Unauthorized Use of University Keys - Unauthorized use, distribution, duplication, or possession of any key(s), access card(s), or access code(s) issued for any building, laboratory, facility, room, or other University property.
- 3.3.2.35 Use, Manufacture, Distribution, Sale, Offer for Sale, or Possession of Controlled Substances or Drug Paraphernalia - The use, manufacture, distribution, sale, offer for sale, or possession of any controlled substances, including but not limited to, barbiturates, hallucinogens, amphetamines, cocaine, opium, heroin, or marijuana. Controlled Substances and Drug Paraphernalia are defined by Texas law.
- 3.3.2.36 Violation of University Policies and Procedures - Violation of University policies and procedures including, but not limited to, those published in the UHD Student Handbook.
- 3.3.2.37 Violation of Probation - Violation of the policy while on disciplinary probation, or violation of the terms of disciplinary probation.

#### 3.4 Definitions of Disciplinary Actions

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

- 3.4.1.1 "Warning" is a verbal or written notice to a student who has violated a published University policy and whose continuation of such conduct may result in further disciplinary action.
- 3.4.1.2 "Restricted privileges" is denial or restriction of one or more privileges granted to students on University property. These may be, but are not limited to, the use of an automobile on campus, dining on campus, visiting the campus, or participating in athletics or other extracurricular activities. The restriction may be imposed only for a definite period of time.
- 3.4.1.3 "Restitution" is paying, either with money or the performance of specific duties, for damage to or loss/misappropriation of property.
- 3.4.1.4 "Disciplinary probation" is a warning that a student's continued enrollment is conditioned upon adherence to published University policies. Probation may be imposed only for a definite period of time but automatically restricts the following privileges:
  - 3.3.1.4.1 A student on disciplinary probation is ineligible to hold or be elected to an office of any student organization recognized by the University. A student on disciplinary probation may not represent the University in any special honorary role.
  - 3.3.1.4.2 A student on disciplinary probation is ineligible to hold or be elected to an office of any student organization recognized by the University. A student on disciplinary probation may not represent the University in any special honorary role.
- 3.4.1.5 "Withholding transcripts" is a penalty, which prohibits a student from receiving or the Registrar from issuing official transcripts.
- 3.4.1.6 "Non-readmission" is a prohibition against a student's readmission to the University.
- 3.4.1.7 "Suspension" is separation from the University for a definite time during which the student will not be permitted to attend classes or participate in any University activity.
- 3.4.1.8 "Expulsion" is permanent separation from the University.
- 3.4.1.9 "Revocation of Admission and/or Degree" may be imposed for fraud, misrepresentation, or other violations of University rules in

obtaining admission or a degree, or for other serious violations committed by an applicant or by a student prior to the awarding of the degree.

3.4.1.10 Interim Suspension - In the event the Dean of Students has reasonable cause to believe that a student's continued presence on University premises or at a University-related or registered student organization activity poses a significant risk of substantial harm to the safety or security of any member of the University community or to property, the student may be immediately suspended from all or any portion of University premises, University-related activities or registered student organization activities. This temporary suspension will be confirmed in writing and shall remain in effect until the conclusion of an Administrative Review or Student Discipline Committee hearing, without undue delay, in accordance with the Student Disciplinary Rules.

3.4.1.10.1 The Hearing Officer will notify the student(s) of the interim suspension by the most expeditious means available. This notice will include a statement of the regulation(s) that the student allegedly violated, a specific statement of the facts constituting the alleged violation, and will direct the student(s) to contact the Dean of Students Office to schedule a Procedural Interview with the Hearing Officer within five business days of the notice. The notice will also include a copy of the Student Rights and Responsibilities policy and/or the web address of the policy. The notice of interim suspension may be recommended initially by the Chief of Police or designee when there is reasonable cause to believe that the student(s) poses an immediate threat to the University community. In such cases, the Hearing Officer will subsequently issue notice of interim suspension pursuant to this section.

3.4.1.10.2 After sending notice of an interim suspension to a student, the Hearing Officer must immediately proceed to organize a hearing or Administrative Review to be held as soon as possible and in accordance with sections 4.5 and 4.7 of the Student Rights and Responsibilities policy.

3.4.1.10.3 If the sanction for a confirmed violation of the Student Rights and Responsibilities policy is to

suspend or expel the student, the sanction takes effect from the date of the interim suspension.

- 3.4.1.11 Interim No-Contact Orders - The Dean of Students or designee may immediately issue a no contact order on an interim basis prior to a hearing if it is believed necessary to protect a person's safety and/or preserve a safe environment. A no contact order prohibits a student's or a student organization's contact with a specific individual or individuals.
- 3.4.1.12 Other Sanctions may include, but are not limited to, disenrollment, imposition of mandatory counseling requirements, referral for mandatory assessment by a qualified licensed professional, no contact orders, restrictions from specific areas in University buildings and/or on University grounds, restrictions from participating in, extracurricular activities, and; monetary fines; community service;. Students may also be required to meet periodically with a person designated by the Hearing Officer.
- 3.4.1.13 Deferred Suspension allows a sanction of suspension to be deferred to a specific date in the future. If a student is found in violation of any University rule while under the sanction of deferred suspension, the suspension sanction may be implemented immediately and additional conduct sanctions appropriate to the new violation(s) may be imposed. Students under the sanction of deferred suspension may be subject to additional restrictions identified by the Dean of Students Office. Failure to comply with the additional restrictions established by the Dean of Students Office will be considered additional conduct violations.

## 4. PROCEDURES

- 4.1 Reporting, Processing and Administrative Disposition of Disciplinary Infractions: Any member of the University community may submit a written allegation of violation of the Conduct Prohibited Section of the Student Rights and Responsibilities policy. The individual alleging a violation must include sufficient facts which would enable the Student Conduct Officer or designee to decide if further fact finding is necessary. An allegation of violation must include the name of the complainant and should include pertinent facts including, but not limited to, a description of the alleged violation, the date of the alleged violation, the name(s) of the students involved, the time that the alleged violation took place, and the location of the alleged violation. A person may make a report online via the [Student Incident Report](#), by e-mail, by phone, or in person. When the Student Conduct Officer receives a report alleging a violation of a published University policy, the Officer shall investigate the report and meet with the initiator of the complaint. If the Officer determines that disciplinary action may be warranted, the student shall be notified in writing of the alleged violation of policy and a procedural interview is scheduled within five working

days from the date of notification. Failure to appear at the procedural interview shall constitute a separate violation and may result in further disciplinary action.

## 4.2 Discipline in the Academic Environment

- 4.2.1 Faculty members, with the support of their respective department chairs and academic deans, are responsible for maintaining decorum in the classroom, laboratories, faculty offices and the immediate vicinity adjacent to the classrooms, laboratories or offices.
- 4.2.2 Prohibited conduct (as delineated in 3.2.2) in classrooms, laboratories, faculty offices and the immediate vicinity adjacent to the classrooms, laboratories or faculty offices are best handled using verbal guidance to the involved student. If the conduct cannot be controlled by verbal instructions, the faculty member may prohibit the student from attending class for the remainder of the class hour when the incident occurred plus not more than an additional three class hours. The faculty member will complete a Student Incident Report form detailing the alleged incident and submit the form to the department chair. The department chair or designee will arrange a meeting with the faculty member and the student to address the student's conduct. The meeting must be arranged at a time that the student can attend and within the time established above (3 class hours).
- 4.2.3 At the meeting, the department chair or designee will provide the student with the Student Incident Report and a copy of this policy. The department chair or designee will hear the concerns of all parties.
- 4.2.4 If the student admits responsibility for the incident, the student may return to class on the next schedule class day. The student, the academic dean, and the Dean of Students will receive a copy of the completed Student Incident Report form.
- 4.2.5 If the student does not admit responsibility for the incident at that meeting, the department chair or designee will reach a decision concerning the students' culpability, will communicate that determination to the student and the faculty member before the student is due to return to class, if possible. If that is not possible, the determination will be communicated before the next class hour. The student, the academic dean, and the Dean of Students will receive a copy of the completed Student Incident Report.
- 4.2.6 If the Department chair determines that the incident warrants disciplinary action beyond a warning, the chair shall consult with the academic dean and shall forward the chair/dean's recommendation to the Dean of Students for further action. Any disciplinary action shall be communicated to the student as soon as possible. If the faculty member, department chair, or academic dean believes that the student's continued presence in the classroom poses a threat to the student, others, or university property, the Dean of Students may be asked to impose "interim suspension" as defined in section 3.3.1.9 of this policy.

4.2.7 If the recommended disciplinary action is other than a warning (as defined in 3.3.1.1), or if the student continues to deny responsibility for the incident and rejects the recommended disciplinary action, he/she may request in writing a review by the university Dean of Students.

#### 4.3 Discipline at the University Level

4.3.1 The Student Conduct Officer is the principal administrator for student discipline at UHD.

#### 4.3.2 Notice

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

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

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

4.3.2.4 Failure to respond to notices delivered via Item 4.3.2.2 shall constitute a separate violation of this policy. Failure of the accused student to respond to the initiation of charges or schedule a procedural interview shall in no way prevent the University from scheduling and conducting a Student Discipline Committee hearing or a Disciplinary Conference with the Hearing Officer in the absence of the accused student.

4.3.2.5 The Dean of Students may bar or cancel the enrollment of a student who fails to comply with notices sent in accordance with section 4.3.2.

#### 4.4 The Procedural Interview



- 4.4.1 A copy of the Student Rights and Responsibilities policy and a copy of the Student Incident Report will be made available at the time of the interview.
- 4.4.2 Within five business days of the procedural interview the student is required to choose either a hearing before the Student Discipline Committee or an Administrative Review with the Hearing Officer. The student shall indicate his/her choice in writing. Students who fail to contact the Hearing Officer to schedule the Procedural Interview within the five business day period will be considered to have elected to proceed with an Administrative Review under the Student Disciplinary Procedures. Students who fail to appear for a scheduled Procedural Interview will be considered to have elected to proceed with an Administrative Review. Students who fail to select either a hearing before the University Student Discipline Committee or a Disciplinary Conference with the Hearing Officer within the five business day period will be considered to have elected to proceed with a Disciplinary Conference.
- 4.4.3 The Hearing Officer shall notify the student of the time, date, and place of the hearing or the Administrative Review.

#### 4.5 Administrative Review

- 4.5.1 The student's appearance before the Hearing Officer is formal, and the Hearing Officer must give the student an opportunity to relate or explain any facts bearing on the alleged violation. After a fair and impartial assessment, the Hearing Officer must determine whether a published University policy was violated, and if so, the appropriate disciplinary sanction. The Hearing Officer will advise the student in writing of his/her decision within five (5) working days of the review.
- 4.5.2 The respondent is entitled to be accompanied and assisted by an advisor. An advisor may be an attorney, but who sits in an advisory capacity and who addresses the Hearing Officer only upon permission of the Hearing Officer. Respondents who wish to have an attorney attend the Administrative Review as their advisor shall notify the Hearing Officer of the attorney's name and contact information at least three business days prior to the Administrative Review. If the respondent's advisor is an attorney, the University may have a University attorney present at the Administrative Review. An advisor may not appear in lieu of a respondent.
- 4.5.3 The respondent has the right to have access to the case file at least three business days prior to and during the conference.
- 4.5.4 If a respondent fails to appear for a scheduled Administrative Review, the Hearing Officer will proceed with investigating the complaint.
- 4.5.5 The Hearing Officer will investigate the complaint, including but not limited to; reviewing incident reports, reviewing witness statements, and interviewing

witnesses. Before a decision is rendered, the respondent will be given an opportunity to respond to any new information obtained by the Hearing Officer during the investigation. If a respondent fails to appear for this meeting, the Hearing Officer will decide the case based upon the information obtained in the investigation.

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

#### 4.6 Acceptance of Administrative Disposition

The Hearing Officer shall discuss his/her decision with the student and gives the student an opportunity to accept the decision. If the student chooses to accept the decision, he/she so indicates in writing and waives his right to appeal.

#### 4.7 Hearings

4.7.1 The following procedural guidelines shall be applicable in disciplinary hearings or review:

4.7.1.1 The student will be provided written notification of the published University policy alleged to have been violated;

4.7.1.2 The student will be provided written notification of the date, time, and location of the hearing;

4.7.1.3 The student will be provided with the names of all known witnesses, their expected testimony, and a description of all other evidence known at the time of the notification;

4.7.1.4 The student may bring an advisor, who may be an attorney, but who sits in an advisory capacity only and who may address the committee only if the chair grants permission;

4.7.1.5 The student may have present parents or legal guardians;

4.7.1.6 The student may cross-examine witnesses for the University;

4.7.1.7 The student may present witnesses and other evidence at his/her expense;

4.7.1.8 The chair of the Student Discipline Committee initiates the hearing upon notification by the Officer of a request for a hearing or of a temporary suspension. A minimum of three committee members is required to

conduct a hearing. The Student Discipline Committee, appointed by the President, is composed of five faculty members, three staff members from Student Affairs appointed by the President and three students recommended by the Student Government Association. These students must have declared a major at UHD, have completed 60 semester credit hours, 30 of which must be at UHD, and be in good academic standing. The chair will be elected by the group but will not be a student. The Chair must be elected when the committee convenes at the beginning of the term. The Committee Chair shall serve for the duration of the term. The Student Conduct Officer may remove a Committee member for justifiable cause. A Committee member may appeal their removal to the Dean of Students.

- 4.7.1.9 As soon as the time of hearing is set, the Hearing Officer must provide the student with a written notice containing the following information:
  - 4.7.1.9.1 A statement of the charges and a factual description of the alleged conduct upon which the charges are based;
  - 4.7.1.9.2 The date, time, and location of the hearing;
  - 4.7.1.9.3 A reference to this document;
  - 4.7.1.9.4 A list of witnesses expected by the Dean at the time of the notice to testify, together with their expected testimony, and a description of any other evidence expected and known at the time of the notice; and
  - 4.7.1.9.5 A statement of the student's rights in the hearing.
- 4.7.1.10 At least three business days prior to the hearing, the Hearing Officer will make available to the respondent(s) redacted copies of documents relevant to the case and a list of witnesses.
- 4.7.1.11 The respondent is entitled to be accompanied and assisted by an advisor. An advisor may be an attorney, but who sits in an advisory capacity and who addresses the Committee only upon permission from the Chair. Respondents who wish to have an attorney attend the hearing as their advisor shall notify the Hearing Officer of the attorney's name and contact information at least three business days prior to the hearing. If the respondent's advisor is an attorney, the University may have a University attorney present at the disciplinary hearing. An advisor may not appear in lieu of a respondent.

## 4.8 General Rules for a Hearing

- 4.8.1 The chair of the Student Discipline Committee may postpone a hearing upon receiving a written request for postponement no later than 24 hours before the hearing, and showing good cause, from the student, the complainant, or the Hearing Officer.
- 4.8.2 The committee chair describes the procedures to be followed, rules on the admissibility of evidence, and controls decorum in the hearing. Members of the committee may freely question any witness.
- 4.8.3 Upon the request of the student or any committee member, or upon his own initiative, the Hearing Officer may request that additional witnesses testify before the committee. A letter requesting that someone give testimony to the committee must be personally delivered or sent by certified mail or University email.
- 4.8.4 A person will be designated as facilitator of an official recording. The student may have a copy of the tape at his/her own expense.
- 4.8.5 During the hearing, only the committee members, the Officer, the student, the student's advisor, the student's parents or legal guardians, and the witness currently testifying will be allowed in the hearing room. No witness after testifying may remain in the hearing room. Everyone present must treat the matters discussed as completely confidential. All copies of documents provided to the committee must be returned to the Student Affairs Office at the conclusion of the hearing where they will be maintained for five years and then destroyed.
- 4.8.6 Legal rules of evidence do not apply to hearings. Any relevant evidence must be admitted if it is credible and conduct of their affairs. An indictment, information, or complaint filed in a court of law will not be considered conclusive evidence.
- 4.8.7 The Hearing will be held in two parts
  - 4.8.7.1 Determination of violation
  - 4.8.7.2 Determination of sanction if student is found to be "in violation"

#### 4.9 Procedural Rules for a Hearing

- 4.9.1 The chair of the Student Discipline Committee shall ask all parties entitled to be present to enter the hearing room.
- 4.9.2 The chair shall read a statement that reminds all participants that the proceedings of the hearing must remain confidential.
- 4.9.3 The chair reads the complaint.

- 4.9.4 The Hearing Officer shall present evidence and witnesses in support of the allegations against the student.
- 4.9.5 The student may present evidence and witnesses in his/her defense. The student may cross-examine witnesses.
- 4.9.6 The Hearing Officer and student may present rebuttal evidence.
- 4.9.7 The Hearing Officer and student may present brief summation arguments.
- 4.9.8 The committee must deliberate in private and determine, by majority vote, if there is a preponderance of evidence that the student violated a published University policy. It must state in writing each finding of the violation of a published University policy. The committee must then state in writing the sanction to be recommended. Only the chair signs the decision. Concurring or dissenting opinions may be filed with the record in the case by any member of the committee including the chair.
- 4.9.9 Within five working days following their decision, the committee must inform the student and the complainant in writing of its decision and if a disciplinary sanction has been recommended to the Dean of Students.
- 4.9.10 If the student fails to appear, the hearing may continue without him/her.

#### 4.10 Appeals and Review

- 4.10.1 Appeals - All disciplinary decisions of the Hearing Officer, or the Student Discipline Committee, except those in which the penalty is a warning, may be appealed to the Appellate Officer within ten days of notification of the decision. The Appellate Officer shall make a decision and will notify the student of this decision in writing within 10 working days of the receipt of the appeal. The decision is final; and binding and the student is notified of it in writing within 10 working days following the referral.
- 4.10.2 An appeal is not an opportunity to re-hear the original conduct case and will not be granted based on a respondent's disagreement with the outcome of the original conduct case. An appeal may only be based upon the following grounds:
  - 4.10.2.1 New information, not available at the time of the original hearing, was discovered and such new information could affect the decision rendered in the original conduct case.
  - 4.10.2.2 Procedural error that resulted in material harm or prejudice to the student (i.e., by preventing a fair, impartial, or proper hearing). Deviations from the designated procedures will not be a basis for

sustaining an appeal unless material harm or prejudice results.

4.10.2.3 The sanction imposed as the result of the original hearing was excessively severe in relation to the violation that the student was found to have committed. Appeals submitted on a claim that the sanction was excessively severe do not have bearing on the finding of “in violation” and relate only to the sanctions imposed.

#### 4.11 Finality of Disciplinary Decisions

4.11.1 No penalty may take effect until a decision for disciplinary action becomes final. Disciplinary actions become final in the following ways:

4.11.1.1 The student’s acceptance of the faculty member’s verbal warning.

4.11.1.2 After the department hearing, the student accepts the academic department chair’s verbal warning.

4.11.1.3 After administrative disposition by the Hearing Officer, the student may accept the Dean’s decision.

4.11.1.4 After the student discipline committee hearing and notification of the decision of the student discipline committee, the student lets the time expire in which to file a notice of appeal

4.11.1.5 Any penalties assigned under this PS must be noted in the student’s disciplinary action file in the Office of Student Affairs. This includes all actions taken in accordance with Section 3.3.

#### 4.12 Disciplinary Records

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

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

4.12.3 Disciplinary records of students who were not assessed a sanction of suspension, expulsion, denial or revocation of a degree, and/or withdrawal of a diploma will be

maintained by the Student Conduct Officer for six years after the final disposition of the case in accordance with the University's Records Retention Schedule.

4.12.4 Disciplinary warning records are maintained as active conduct records by the Student Conduct Officer for the specified period of warning. Students issued a warning sanction may request that the record be expunged once the period of warning has expired or when they have graduated from the University.

#### 4.13 Student Groups and Registered Student Organizations

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

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

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

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

4.13.5 Sanctions for student group and/or registered student organization misconduct may include revocation or denial of registration as well as other appropriate sanctions cited in the policy.

## **5. EXHIBITS**

There are no exhibits associated with this policy.

## **6. REVIEW PROCESS**

Responsible Party (Reviewer): Dean of Students

Review: Every three years on or before January 1st.

Signed original on file in the Office of Human Resources.

## **7. POLICY HISTORY**

Issue #1: 07/17/94

Issue #2: 12/15/86

Issue #3: 08/22/88

Issue #4: 10/16/95

Issue #5: 11/03/99

Issue #6: 02/29/12

## **8. REFERENCES**

PS 03.A.19

PS 01.A.01

PS 01.A.03

PS 04.A.03

Family Education Rights and Privacy Act of 1974

Health Insurance Portability and Accountability Act of 1996 (HIPAA)

Texas Education Code, Chapter 37

Student Incident Report