Dear New Hire,

Welcome to The University of Houston-Clear Lake!

As a new employee, you will probably have many questions. This welcome packet is designed to provide you with information and resources for you to navigate through your first few weeks of employment.

Included in this packet you will find:

- Important Policies
- Helpful Contacts
- System Information
- Employee Resources
- Content from your New Employee Orientation presentations

Questions? Contact Holly Sobota at sobota@uhcl.edu or 281-283-2303
Office of Human Resources

“Hire, Train, Motivate, Reward, Retain”

The Office of Human Resources mission is to provide quality services that support the campus community and assist in promoting a superior working environment. We are dedicated to the people, who are the most valuable asset of the university.

Some services offered by Human Resources:

* Benefits and Retirement  * College Release Time  * Employee Discounts
* Employment Verifications  * Family and Medical Leave  * Fitness Release Time
* Notary Public for UHCL employees  * Sick Leave  * Tuition Reimbursement
* Vacation Leave  * W-2 Information  * Work/Life

Your HR Team:

<table>
<thead>
<tr>
<th>Executive Director, Nichole Eslinger (2168)</th>
<th>Senior Employment Coordinator, Abby Varela (2162)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sr. Staff Assistant, Yavon Hill (2161)</td>
<td>Employment Coordinator, Joanne Slovacek (2302)</td>
</tr>
<tr>
<td>HR Assistant, Kimberly Duren (2165)</td>
<td>Senior Benefits Coordinator, Erika De Leon (2163)</td>
</tr>
<tr>
<td>Payroll Coordinator, Gail Jackson (2157)</td>
<td>Benefits Coordinator, Andrea Crucian (2301)</td>
</tr>
<tr>
<td>Payroll Assistant, Jessica Mitchell (2169)</td>
<td>Senior Compensation/HR Analyst, Linda Carroll-Gohmert (2166)</td>
</tr>
<tr>
<td>Training and Development Specialist, Holly Sobota (2303)</td>
<td>Compensation Analyst I, Crystal Matthews (2304)</td>
</tr>
</tbody>
</table>

Office of Human Resources: 281-283-2160
http://www.uhcl.edu/HR
P.A.S.S.

**Employee self-service system**

- An online way to manage your personal information.
- Provides immediate information updates for faculty and staff.
- Easily accessible from any computer with your employee ID number.

Contact Human Resources at humanresources@uhcl.edu.
What is MySafeCampus?


MySafeCampus® is the best way for you to communicate anonymously and confidentially to make your workplace safer and more productive. The purpose of MySafeCampus® is to create a bridge between users/employees and individuals within your organization. Through a secure system, MySafeCampus® transmits data to the appropriate individuals within your organization while protecting the identity of the user, if the user chooses to remain anonymous. MySafeCampus® is available 24/7/365 via the web site or by calling our call center. Please refer to our US/Canada and International list of numbers on our home page. Issues such as ethics violations, theft, fraud, discrimination, harassment, and substance abuse are serious issues that are often not reported and can be detrimental in the workplace and to the organization as a whole. These issues can be reported to the appropriate personnel within your organization for investigation and action without fear of revealing your name. MySafeCampus® is a secure, third party anonymous incident reporting system not affiliated with any religious or political group.

How does it work?

From any Internet connection or telephone, you can provide details of an incident to MySafeCampus®. You have the choice to remain anonymous or reveal your identity. If you choose, you can reveal the name(s) and contact information of suspected violators. The report and your identity are encrypted using state-of-the-art SSL encryption technology. You will receive an access number and create a password. This will allow you to anonymously check on updates and status of your incident report. Once submitted, only appropriate individuals within your organization will have access to the report.

Be Heard. Make a Difference.

You have a voice. With MySafeCampus®, you can take action anonymously to make your organization a safer place and stop serious violations from occurring. In just a few minutes, you can create and submit an incident report that describes what has happened or what may happen. Using an anonymous access code and personal password, you can come back and check on updates and status of your incident report and send/receive messages and updates, to and from your organization.
UCT SUPPORT CENTER

Need your e-mail password reset? Need software installed?
Not sure where the power button is?
The Support Center serves UHCL faculty, staff, students, and alumni.
We provide email, phone, walk-in, and self-service support for your technology related needs.

Need help? Contact us!

For all requests, please contact the UCT Support Center.

Phone:
Ext. 2828

E-mail:
supportcenter@uhcl.edu

Services
The UCT Support Center provides many services for Faculty, Staff, and Students.

Accounts for Faculty/Staff  - Faculty and staff account creation and tools Email and log in services
Account Application  - For requesting a UHCL domain email/login account
Blackboard  - Log into your UHCL Blackboard for courses and training
Classroom Technology  - What technologies are available in classrooms
Equipment Reservations  - Equipment checkout processes and options
Information Security  - Campus information security mission, objectives, and concerns
Laptop Checkout  - Location, rules, and procedures for laptop checkout
Network & Phone Costs  - New phone costs, procedures, and needs
Recommended Hardware  - Specifications, costs, and vendors for hardware
Recommended Software  - Approved supported software list and installation procedures
Spam Management  - Spam information and reporting
Training  - Skillport online training log in information
The most up-to-date versions of HR policies can be found on the UHCL website at http://prtl.uhcl.edu/human-resources/policies-procedures.
Section I: GOALS FOR CURRENT ASSESSMENT PERIOD
List the goals for this assessment period and indicate the status of each. These are the goals that were established at the beginning of this assessment period.

<table>
<thead>
<tr>
<th>GOAL</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(Indicate a status of completed, in progress, postponed, or not accomplished)</td>
</tr>
</tbody>
</table>

Section II: FACTORS AND ELEMENTS
For each of the 11 competencies, indicate assessed performance over the past 12 months as “Needs Improvement”, “Meets Expectations” or “Exceeds Expectations”.

***For either “Needs Improvement” or “Exceeds Expectations” specific examples are required. ***

1. ORGANIZATIONAL SKILLS: Ability to organize, prioritize and schedule work
Meets deadlines and completes assignments in timely manner; manages time effectively; develops new ideas and methods to improve efficiencies; establishes clear work objectives and priorities; effectively handles multiple assignments; utilizes resources effectively.

Circle one: Needs Improvement / Meets / Exceeds

Comments (required for Needs Improvement or Exceeds):
<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
</table>
| 2. TEAMWORK: Contributing to group performance to meet agreed upon objectives | Works effectively with others; considers other’s opinions and ideas; puts team’s agenda ahead of personal agenda; gives timely response to requests made by others; participates actively in team decision making; shares information and resources. | Circle one: Needs Improvement / Meets / Exceeds
Comments (required for Needs Improvement or Exceeds): |
| 3. INTEGRITY: Adheres to the values of the university | Respects others’ choices and rights; treats all persons with respect and civility; accepts responsibility and is accountable for own actions; follows policies and procedures of university and department; demonstrates commitment to ethical business practices. | Circle one: Needs Improvement / Meets / Exceeds
Comments (required for Needs Improvement or Exceeds): |
| 4. DEPENDABILITY: Reliability and work habits of individual | Observes scheduled work hours and time policies; uses leave appropriately; considers work priorities when scheduling leave time; carries out assignments on time; provides extra effort as needed; performs consistently and reliably. | Circle one: Needs Improvement / Meets / Exceeds
Comments (required for Needs Improvement or Exceeds): |
| 5. QUALITY: Accuracy, thoroughness and effectiveness | Consistently thorough and accurate; meets or exceeds acceptable standards; pays attention to detail; produces services or output that reflect careful and conscientious effort. | Circle one: Needs Improvement / Meets / Exceeds
Comments (required for Needs Improvement or Exceeds): |
| 6. JOB KNOWLEDGE: Information, technical and specialized skills required of the position | Demonstrates knowledge of all aspects of the position; understands impact of the work on others; strives to develop and improve job skills; seeks out new job-relevant information. | Circle one: Needs Improvement / Meets / Exceeds
Comments (required for Needs Improvement or Exceeds): |
### 7. ATTITUDE: Inclination for positive action; produces positive responses to stimuli in the workplace

Displays willingness, flexibility, adaptability; maintains a positive demeanor in the face of adversity; views situations as challenges or opportunities, not as setbacks; willingness to accept/seek guidance, constructive criticism, supervision and authority; works in harmony as a productive team member; effectively handles difficult interpersonal relationships.

Circle one: Needs Improvement / Meets / Exceeds

Comments (required for Needs Improvement or Exceeds):

### 8. LEADERSHIP: Influences, supports and motivates coworkers

Serves as a role model; draws on strengths and abilities of self and others; positively represents the goals and policies of the department and university; fosters high morale and satisfaction in others; takes a proactive role in all aspects of the department & university; creates an environment that allows others to move toward their potential.

Circle one: Needs Improvement / Meets / Exceeds

Comments (required for Needs Improvement or Exceeds):

### 9. COMMUNICATION: Effective expression of ideas and exchange of information

Conveys information clearly; communicates effectively with people at all levels; gathers and gives relevant information to others in a timely manner; gives specific, timely feedback so that work can be accomplished effectively; communicates clearly and effectively in writing (if applicable); actively shares knowledge and ideas with others.

Circle one: Needs Improvement / Meets / Exceeds

Comments (required for Needs Improvement or Exceeds):

### 10. CUSTOMER SERVICE: Helping or serving others in order to meet their needs; may be internal or external customers

Treats customers with courtesy and professionalism; identifies, understands and responds to needs of customers; responds in a timely and accurate manner to customer requests; keeps customers informed, shares information appropriately and follows through to conclusion; takes personal responsibility for dealing with and/or correcting issues and concerns; attempts to give importance to others' issues to improve the quality of service.

Circle one: Needs Improvement / Meets / Exceeds

Comments (required for Needs Improvement or Exceeds):
11. JUDGMENT / DECISION-MAKING / PROBLEM-SOLVING: Identifies problems and opportunities, gathers and organizes facts, and makes effective decisions using sound judgment

Recognizes and promptly advises supervisor of work-related problems, provides alternative solutions; makes sound decisions that are supportive of the mission of the university and department; identifies problems, evaluates facts and reaches sound solutions; resolves day-to-day problems that are within employee's assigned authority; keeps an open mind when resolving work-related problems; open to suggestions of others; understands departmental policies and procedures and exercises good judgment in complying with policies and procedures.

| Circle one: Needs Improvement / Meets / Exceeds |
| Comments (required for Needs Improvement or Exceeds): |

12. POSITION SPECIFIC FACTOR

| Circle one: Needs Improvement / Meets / Exceeds |
| Comments (required for Needs Improvement or Exceeds): |

Section III: SPECIAL RECOGNITION
This space provides the opportunity to comment on individual achievement that may include, but not limited to, university activity or program, and/or local, state, regional or national accomplishments/recognition/awards.

Section IV: FACTORS AND ELEMENTS SPECIFIC TO SUPERVISORS AND MANAGERS
For each of the 4 additional competencies for Supervisors and Managers, indicate assessed performance over the past 12 months as “Needs Improvement”, “Meets Expectations” or “Exceeds Expectations”. ***For either “Needs Improvement” or “Exceeds Expectations” specific examples are required. ***

| 1. STAFF DEVELOPMENT |
| Circle one: Needs Improvement / Meets / Exceeds |
| Comments (required for Needs Improvement or Exceeds): |

Consider how well this supervisor promotes the personal and professional growth of staff. Consider how well responsibility and authority are delegated to promote productivity.

| 2. PLANNING AND IMPLEMENTATION |
| Circle one: Needs Improvement / Meets / Exceeds |
| Comments (required for Needs Improvement or Exceeds): |

Consider the supervisor's ability to plan, utilize resources (e.g., time, money, facilities, materials, equipment, employees’ skills) and accomplish objectives.
3. BUSINESS PRACTICES
Consider the supervisor's demonstrated commitment to internal controls including support of sound financial conditions of the administrative unit, overall good business practice, and segregation of duties.

| Circle one: Needs Improvement / Meets / Exceeds |
| Comments (required for Needs Improvement or Exceeds): |

4. AFFIRMATIVE ACTION
Consider how well the supervisor understands and observes policies and procedures. Consider how well personal actions are based on fair, work-related factors made without prejudice. Is discrimination observed?

| Circle one: Needs Improvement / Meets / Exceeds |
| Comments (required for Needs Improvement or Exceeds): |

Section V: GOALS FOR UPCOMING ASSESSMENT PERIOD
While planning goals for the next assessment period, incorporate factors/elements that are critical for performance improvement, changing job requirements and/or career growth. Assessment period from ________ to ________

<table>
<thead>
<tr>
<th>GOAL</th>
<th>PLAN OF ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Section VI: ADDITIONAL PLANS FOR TRAINING AND DEVELOPMENT
List any additional training actions that may be needed to improve performance or to develop employee skills.
Section VII: COMMENTS AND SIGNATURES

SUPERVISOR COMMENTS:

EMPLOYEE COMMENTS:

SIGNATURES:

___________________________________   _________            ___________________________________
Employee     Date

___________________________________   _________            ___________________________________
Supervisor         Date

____________________________________________             ___________________________________
Administrator           Date

After Review and Signatures:
• Original: submitted to UHCL Office of Human Resources
• 1 copy: provided to employee
• 1 copy: retained in departmental/supervisor’s employee file

Questions or Concerns?    Contact UHCL Office of Human Resources at (281) 283-2160
                         Location: Bayou Bldg., Suite 2537    Internal Mail: Box 167
GRIEVANCE AND APPEAL FOR NON-FACULTY EMPLOYEES

HEARING PROCEDURES

1. At the beginning of each fiscal year the president of UHCL will appoint a minimum of twelve potential hearing panel members, with at least four appointments from each of the employee work groups listed below:

   a. Support Staff Association
   b. Professional and Administrative Staff Association
   c. Faculty (at least one from each school)

Each of the above employee groups may decide the procedure for recommending at least 10 potential members to the president for consideration. Those recommended by the employee group will be reviewed by the sr. vice president/provost and the vice president for administration and finance before the final appointment by the president. Each appointment will be for two years, and members may be re-appointed at the president’s discretion.

2. The staff grievance process is not a formal legal proceeding. The grievant may be assisted by other employees in preparing or presenting the complaint; however legal counsel will not be allowed to participate in these proceedings.

3. Upon receipt of the written and signed grievance, the executive director will assess if illegal discrimination is alleged. If illegal discrimination is alleged the executive director will investigate the allegation in accordance with the UHCL NONDISCRIMINATION POLICY. If the complaint is for reasons other than illegal discrimination, the executive director will contact the grievant and respondent to review the list of potential panel members. The grievant and respondent will be allowed to make recommendations of the top five individuals from the list that they would like to be considered for the panel. Appointees selected to serve on a hearing panel should have no factual involvement with events leading to the grievance, nor should they have a reporting relationship to either the respondent or grievant. The executive director will make the final selection and will be responsible for contacting the panel members. Panel members shall not be contacted by the grievant or respondent.

4. The panel chair will be selected by the panel members.

5. The executive director will serve as hearing coordinator to establish a time and location for the hearing, to assemble all exhibits and documentation, and request the participation of witnesses, and to inform participants of hearing procedures. If the executive director is party to the grievance, the process will be facilitated by the vice president of administration and finance or his/her designee.

6. Prior to the time set for the hearing, usually within 5 working days, the hearing panel members may inspect exhibits and documentation in the Office of Human Resources. These exhibits and documents will be used by the hearing panel during the hearing, but will be returned to the Office of Human Resources at the conclusion of the hearing.

7. Each party to the grievance will inform the executive director of the names of individuals who may be asked to appear on his/her behalf to provide information or testimony. No individual may be compelled to participate, and no retaliatory action may be taken against any individual who chooses not to appear or to appear.
8. Each party to the grievance may request that other parties produce relevant records or exhibits. Any such request must be made in writing and directed to the respondent through the executive director. However, such requests may be denied if to accede would not serve the best interests of the university or would violate individual privacy. In the event such request is denied, the executive director must document his/her denial in writing, citing appropriate reasons for denying the request.

9. The complainant and the respondent will be present at the hearing throughout the proceedings and may question witnesses, included each other. Relevant questions will be made through the panel chair.

10. The panel chair will be responsible to maintain order and decorum throughout the proceedings.

11. Hearings will be tape-recorded and the grievant and respondent will have the opportunity to purchase a copy of the tape(s).

12. The executive director may be called by the panel as a participant to advise on applicable regulations, provide personnel information, etc., but will not offer any opinions or testimony except in direct response to questions from the hearing panel.

13. When all evidence and witnesses have been presented by both parties, the complainant and respondent may each make a closing statement, subject to the time limitation set by the panel chair.

14. Within a reasonably brief period (within five working days), the panel members will prepare and submit a report to the executive director. The report will state findings of fact and will include a recommendation. A copy of this report and recommendation will be provided to the appropriate vice president/president and the complete hearing file will be returned to the executive director for storage in the Office of Human Resources.

15. The appropriate vice president/president will review the recommendation of the panel and make a determination as to the action, if any, to be taken. A response will be sent to the panel members with a copy to the grievant and the respondent stating the disposition of the grievance.
DISCIPLINE AND DISMISSAL OF REGULAR STAFF EMPLOYEES

Policy passed by University Council on 11-9-00

1.0 PURPOSE

1.1 The purpose of this policy is to prescribe the procedures to be followed in the event that discipline or dismissal of a regular staff employee becomes necessary.

1.2 This policy is provided to help management develop good disciplinary procedures to maintain order and enforce university rules. Discipline management is a corrective process to help employees overcome work-related shortcomings, strengthen work performance, and achieve success.

1.3 This policy allows for the termination of employees who will not or cannot change unacceptable behavior or performance.

1.4 This policy is drafted in accordance with University of Houston System Administrative Memorandum (“SAM”) 02.A.04 and in compliance with all applicable state and federal laws. Disciplinary actions will be based on job related performance and conduct.

2.0 GENERAL

2.1 The University of Houston–Clear Lake (“UHCL”) follows the principle of progressive discipline. With progressive discipline, an employee faces progressively stricter disciplinary measures if satisfactory improvement does not occur after the disciplinary process is initiated.

2.2 This process does not apply to probationary employees (see SAM 02.A.18) or temporary employees. These employees can be dismissed at any time with or without cause.

2.3 This policy does not constitute an employment contract. Nothing in this policy changes the employment at will status of any employee, or creates any additional rights, remedies at law, or expectations of continued employment. In accordance with state statutes, UHCL reserves the right to immediately dismiss an employee without initiating these progressive disciplinary procedures.

2.4 These regulations apply to all regular staff employees including those serving in externally funded positions and working at remote locations.

2.5 These regulations do not apply to employees serving in the following positions:

- President, Senior Vice President and Provost, Vice Presidents, Associate and Assistant Vice Presidents, Deans, Associate Deans and Assistant Deans (academic);
- positions for which student status is a prerequisite for employment;
- positions which are defined as non-regular (temporary or lump sum);
- positions filled by probationary employees, unless illegal discrimination is alleged as the cause of the disciplinary action and evidence is provided which reasonably supports the allegations;
- faculty and researchers;
- independent contractors.
3.0 POLICY

3.1 UHCL encourages fair, efficient, and equitable solutions for problems arising out of the employment relationship and intends to meet the requirements of state and federal law and support the mission of the university.

3.2 Nothing in this policy shall be used to discriminate against any individual or group because of race, color, sex, religion, national origin, disability, age, veteran status, genetic information or sexual orientation. Additionally, the System prohibits discrimination in all aspects of employment on the basis of sexual orientation, gender identity or gender expression.

4.0 DEFINITIONS

4.1 Discipline – any action or series of actions taken to ensure effective job performance and conformance with established work rules.

4.2 Dismissal – discharge from employment at UHCL. This step is taken when positive steps to improve performance have been taken but performance has not changed; or when an employee has committed a major offense that warrants discharge.

4.3 Regular Staff Employee – an employee who is appointed for at least 20 hours per week on a regular basis for a period of at least 4.5 months, excluding students employed in positions which require student status as a condition for employment and employees who hold a teaching or research position classified as faculty.

4.4 Non-regular staff employee – an employee appointed to a position designated as temporary, as one requiring student status as a condition of employment, as lump sum, and/or as non-benefits eligible.

4.5 Probationary employee – A regular non-exempt staff employee is probationary and serves at the pleasure of the hiring department during the first six months of continuous employment at UHCL or during the first six months of reemployment following a break in service for any reasons other than a recall to work after an approved reduction in force. A regular exempt staff employee is probationary and serves at the pleasure of the hiring department for the first twelve months of continuous employment at UHCL, or during the first twelve months of reemployment following a break in service for any reason other than a recall to work after an approved reduction in force.

5.0 RESPONSIBILITY

5.1 Supervisory personnel are required to inform employees of rules to be followed, standards of conduct to be met, and work performance to be achieved. Supervisors are responsible for administering progressive disciplinary action and/or dismissal in accordance with UHCL policies and procedures. Supervisors are also responsible for forwarding records of disciplinary actions to the UHCL Office of Human Resources for inclusion in the employee’s official personnel file. Such documents must be forwarded in a timely manner. These documents are necessary to ensure employees are being advised and monitored because of unsatisfactory job performance.

5.2 Employees are responsible to learn and to abide by the rules, procedures, and standards of UHCL and its departments, and are responsible for accomplishing the specific duties and responsibilities expected of their positions of employment and the consequences of failure to perform according to expectations.
5.3 Except during probationary employment, the employing department is responsible for showing adequate cause why an employee should be disciplined or dismissed. Since the purpose of the disciplinary process is to provide remedial action whenever possible, no disciplinary measures will be undertaken without the employee’s knowledge. Furthermore, employees will be given an opportunity to respond to any intended disciplinary action prior to the final action on the part of the supervisor. Any disciplinary measure will, at a minimum:

a. clearly identify the problem to be corrected or the standard to be met;
b. identify the remedial action expected;
c. state the results of failure to take the specified remedial action;
d. allow the employee an opportunity to respond either orally or in writing prior to the final action on the part of the supervisor (an employee who has difficulty communicating in the English language will be allowed the opportunity to respond through a representative); and
e. provide a record of the disciplinary action.

Any written reprimand or letter of suspension will be signed by the supervisory authority and the employee. The employee’s signature will acknowledge receipt of the document but may not necessarily indicate agreement with the action. If the employee refuses to sign, the supervisor may note on the document that the employee refused to sign. Or the supervisor may have an impartial witness sign the document indicating that the employee refused to sign. At each stage in the formal disciplinary process, the employee will be allowed an opportunity to register a response to the supervisory authority in writing. The content of the response will be noted in the written record. A copy of any written reprimand, letter of suspension, or notice of termination will be placed in the employee’s official personnel file in the Office of Human Resources.

5.4 Authorization and prior approval of department heads, or designees serving in their absence, may recommend suspension or dismissal action. Approval to suspend or terminate an employee must be received from the appropriate President, Provost, Vice President or Dean and the Executive Director of Human Resources and Affirmative Action. Suspensions without pay may not exceed ten (10) working days.

6.0 NO FAULT DISMISSAL

6.1 Probationary period: An employee may be dismissed at any time during the probationary period without application of the discipline and dismissal policy and procedures except that any such dismissal may not be based on illegal discrimination or retaliation. If the probationary period is interrupted by any authorized leave of absence other than earned sick leave, the probationary period will be extended by the amount of time the employee is absent from work.

6.2 Reduction in force: Terminations due to a formal reduction in force are covered in a separate policy and are not subject to the discipline and dismissal policy and procedures.

6.3 Inability to perform: An employee who, after all available leave has been exhausted, is unable to return to work to perform job functions because of medical reasons, may be dismissed without application of the discipline and dismissal policy and procedures. Terminations under this provision are not disciplinary in nature, but constitute removal from a position for inability to perform for medical reasons. The Executive Director of Human Resources and Affirmative Action must approve all such dismissals before any action is taken.

7.0 JOB ABANDONMENT

7.1 An employee who fails to report to work and/or fails to follow departmental rules for notification of absence for three consecutive workdays or more may be considered to have abandoned the job. Job
abandonment is a form of resignation, and the employee may be released without application of the
discipline and dismissal policy and procedures. An employee contesting the dismissal by tendering an
acceptable reason for failure to report for duty and failure to follow departmental rules for notification of
absence may be reinstated to the position if such reason is presented in writing to the department head
within a reasonable amount of time (not to exceed 5 working days) and prior to the employment of
another individual in the vacant position, and if such statement is considered sufficient to excuse the
failure.

8.0 GROUNDS FOR DISCIPLINARY ACTION OR DISMISSAL

8.1 UHCL has the right to discipline or summarily dismiss a regular staff employee for adequate cause.
The following list of infractions may result in disciplinary action, up to and including dismissal. This list is in
no way inclusive; other acts or omissions by a regular staff employee, contrary to standard work
performance or employee conduct, may also warrant corrective action:

a. Repeated or flagrant acts of inefficiency, incompetence, or negligence in performance of duties.
b. Continued lateness or excessive absenteeism, including absence without approved
leave, improper use of sick leave, or repeated failure to report to duty at the assigned time and
place. Excessive absences resulting in unpaid leave.
c. Improper use of UHCL or University of Houston System ("UHS") property or
equipment, including waste of materials, supplies, or technology resources and/or carelessness
resulting in damage to the university's tools, equipment, or property.
d. Dishonest actions, theft, misappropriation or unauthorized use of UHCL or UHS funds or
property, or failure to report knowledge thereof. ("knowledge" in this context means witnessing the
dishonest act or receiving direct information from the perpetrator of this act.)
e. Falsification of information to secure a UHCL position or falsification of any other UHCL or UHS
records.
f. Failure to obtain or properly maintain a current license or certificate required by law or policy as a
condition of performing the job.
g. Possession of illegal and/or unauthorized drugs on the UHCL campus or while on
UHCL business; the abuse of other drugs and/or alcohol while on university business; or
reporting for duty under the influence of alcohol, or illegal drugs or unauthorized drugs. The same
applies to any habit forming or disabling substance not prescribed for the employee by a
physician.
h. Possession of unauthorized firearms or other dangerous weapons on UHCL premises.
i. Insubordination, willful disobedience, and/or refusal to, or failure to follow directives or perform
work properly as assigned by a supervisor.
j. Unauthorized release of confidential information from UHCL records.
k. Engaging in incompatible employment or in employment that represents a conflict of interest.
l. Accepting/soliciting gifts, monies, or other things of value intended as an inducement to perform
or refrain from performing an official act.
m. Criminal conduct other than a minor traffic violation (a traffic violation classified as a Class C
misdemeanor), or employee's failure to report his/her criminal conduct, if such would adversely
affect an employee’s work performance, impact the work environment, or cause major discredit or
embarrassment to UHCL.
n. Commission of an act of moral turpitude, including sexual harassment or sexual
assault of another employee, faculty member, student, or visitor.
o. Failure to pay monies owed or satisfy other personal financial indebtedness to the
UHCL or UHS.
p. Failure to abide by the laws of the United States, the State of Texas, municipal
authorities, or the rules and regulations of UHCL and/or UHS, including commission of any
criminal act when UHCL is the victim, or any criminal act against another party on UHCL
premises.
q. Commission of a willful act, while on duty, that endangers the personal well being and safety of
others.
r. Participation in any action that would in any way disrupt or disturb the safe and efficient operation of UHCL or UHS any of its other components.
s. Violations of UHCL’s sexual harassment policy or anti-discrimination policies.

9.0 SUSPENSION WITH PAY

9.1 An employee may be suspended from employment with pay pending further investigation of a matter, including possible official actions by outside legal agencies. Suspension with pay requires the approval of the Executive Director of Human Resources and Affirmative Action or designee. There is no time limit for suspension with pay.

9.2 During the period of suspension with pay, an employee is considered on active assignment and may be required to be available for university business during normal working hours.

William A. Staples

Title: President

Approval Date: November 9, 2000

Sunset Date: November 9, 2020
UNIVERSITY
EEO &
HARASSMENT
POLICIES

The most up-to-date versions of HR policies can be found on the UHCL website at http://prtl.uhcl.edu/human-resources/policies-procedures.
1. PURPOSE

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

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

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

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

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

2.2. Discrimination – Treating an individual or members of a Protected Class less favorably because of their membership in that class or having a policy or practice that has a disproportionately adverse impact on Protected Class members.

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

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

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

Harassment that satisfies this legal standard includes, but is not limited to, epithets or slurs, negative stereotyping, threatening, intimidating or hostile acts, denigrating jokes and display or circulation (including through e-mail) of written or graphic material in the learning, living or working environment.

2.5. Protected Class – A class of persons who are protected under applicable federal or state laws against discrimination and harassment on the basis of race, color, sex, genetic information, religion, age, national origin, disability, veteran status or any other legally protected status. Additionally, for purposes of this Policy, the term “Protected Class” includes sexual orientation, gender identity and gender expression.

2.6. Respondent – A party who has been accused of committing an act of discrimination or harassment by a Complainant.
2.7. **Student** – Any person currently or previously enrolled in the University pursuing undergraduate, graduate or professional studies, whether full-time or part-time, and a person who is registered for a future semester.

3. **DUTY TO ACT AND TO REPORT**

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

4. **RETAIATION**

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

5. **COMPLAINT PROCEDURES**

5.1. **Step One: Self-Help**

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

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

5.2. **Step Two: Contacting an Equal Opportunity Coordinator**

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

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

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

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

5.3. **Step Three: Formalizing the Complaint**

5.3.1. If an individual wishes to formalize a complaint, s/he will be asked to complete a Formal Complaint Questionnaire with the Equal Opportunity Coordinator, who will forward the Complaint Questionnaire to EOS. The deadline for filing a discrimination or harassment complaint is 180 calendar days from the date of the alleged incident(s), although it is within EOS’ discretion to pursue a matter that is untimely filed. It should be noted that once a complaint is filed, if the Complainant decides to withdraw the complaint, the University’s investigation may still proceed. The University has a responsibility to investigate reported allegations of unlawful discrimination and harassment in an adequate, prompt, reliable and impartial manner.

5.3.2. When an incident of discrimination or harassment is reported, the University will consider providing interim accommodations to protect the Complainant as necessary while the incident is adjudicated through this Policy. EOS and other appropriate University administrators will work together to identify alternative arrangements that will preserve the rights of both the Complainant and the Respondent, as well as provide a safe overall educational or working environment until (and perhaps after) the complaint is investigated and adjudicated. Failure to adhere to the parameters of any interim measure may be considered a separate violation of this Policy and may result in disciplinary action.

5.4. **Step Four: EOS Investigation**

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

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

5.6. **Step Six: EOS Finding**

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

5.7. **Step Seven: Sanctions**

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

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

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

5.8. **Step Eight: Appeal**

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

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

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

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

5.10. **Step Ten: Hearing**

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

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

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

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

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

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

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

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

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

5.10.6. In cases where an appellant or an appellee refuses to participate in the hearing, the Panel will convene and make a decision based on the evidence and testimony available to the Panel. Any party who declines to participate in a hearing waives any additional right to appeal.
5.10.7. Because the hearing process is an internal University process and not a formal courtroom process in which rules of evidence and courtroom procedures apply, this procedure is intended to reduce the adversarial nature of the hearing and will be conducted accordingly. As such, the appellant and the appellee may bring an advisor. Advisors may attend the hearing and sit with their respective advisee during the hearing, communicate quietly orally and/or in writing with their respective advisee during the hearing, and may respond to a direct question from the Panel. However, an advisor will not be permitted to speak on behalf of the advisee, make an oral presentation, including an opening statement or closing argument, or to question witnesses, the EOS representative or the Panel during the hearing.

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

5.11. **Step Eleven: Panel Decision**

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

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

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

6. **REVIEW AND RESPONSIBILITY**

Responsible Party: Vice Chancellor for Legal Affairs and General Counsel

Review: Every three years on or before August 31
7. APPROVAL

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

______________________________
Renu Khator
Chancellor

Date: ____________________________
June 29, 2016

REVISION LOG

<table>
<thead>
<tr>
<th>Revision Number</th>
<th>Approval Date</th>
<th>Description of Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interim</td>
<td>11/29/2012</td>
<td>Initial version (submitted as Interim)</td>
</tr>
<tr>
<td>1</td>
<td>05/22/2013</td>
<td>This SAM is being submitted for review and approval to remove the Interim designation. Retitled Section 5.5 from “EOS Investigation” to “Response to a Complaint”</td>
</tr>
<tr>
<td>2</td>
<td>06/29/2016</td>
<td>Updated Section 2.3 with a hyperlink to the current component Equal Opportunity Coordinators</td>
</tr>
</tbody>
</table>
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 component institutions (“University”). For the purpose of this policy, Sexual Misconduct is defined as:
- Sexual Harassment
- Non-Consensual Sexual Contact
- Sexual Assault
- Sexual Exploitation
- 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 happening, 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 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. 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.

All members of the University are expected to adhere to this policy, to cooperate with the procedures for responding to complaints and to report conduct or behavior that they believe to be in violation of this Policy (see Sections 9 and 10 for reporting procedures). The University will take seriously allegations of Sexual Misconduct 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 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 14 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.

2.3. Respondent – A party who has been accused of committing an act of Sexual Misconduct by a Complainant under Section 14 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, faculty, supervisory staff, resident life coordinators and graduate teaching assistants, except any employee with confidentiality obligations as defined in Section 8.7.

2.5 **Sexual Activity** – Intercourse, however slight, meaning:
   a. Vaginal penetration by a penis, object, tongue or finger,
   b. Anal penetration by a penis, object, tongue or finger,
   c. Oral copulation (mouth to genital contact or genital to mouth contact).

   Sexual activity also includes:
   a. Any intentional contact with another’s intimate body parts defined as the person’s breasts, buttock, groin, or genitals,
   b. Touching another with any of these body parts,
   c. Making another touch a person or themselves with or on any of these body parts;
   d. Any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, 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, stalking, and intimate partner violence as further described in Section 6.

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

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

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** – All faculty, staff, and students of and visitors to any University premises or University-affiliated activity.

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 a student, faculty, or staff. The University does not have jurisdiction over allegations between visitors or non-affiliated persons.

3.2. The University has the discretion to investigate conduct occurring off University premises or at a non-University affiliated activity if the Complainant and Respondent are UH-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 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 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.

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 in 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. Silence or lack of protest or resistance, without actions demonstrating permission, 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. At any time, a participant can communicate that they no longer consent to continuing the sexual activity.

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. 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.

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 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;
   c. The person does not have the legal capacity to consent;
(The definition of consent in the State of Texas 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 due to 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 incoordination.

5.4. When a Respondent has been accused of engaging in sexual activity with an incapacitated person, the perspective of a reasonable person will be the basis for determining 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 is not limited to:

1. Pressuring another to engage in sexual behavior for some educational or employment benefit; or

2. Making a real or perceived threat that rejecting sexual behavior will result in a negative tangible employment or academic consequence.

b. The behavior has the purpose or effect of substantially interfering with another’s work or educational performance by creating an intimidating or hostile environment for employment, education, on-campus living or participation in a University-affiliated activity. Examples of this type of sexual harassment can include, but is not limited to:
1. Persistent unwelcome efforts to develop a romantic or sexual relationship;
2. Unwelcome commentary about an individual’s body or sexual activities;
3. Unwanted sexual attention;
4. Repeatedly engaging in sexually-oriented conversations, comments or horseplay, including the use of language or the telling of jokes or anecdotes of a sexual nature in the workplace, office or classroom, even if such conduct is not objected to by those present; or
5. Gratuitous use of sexually-oriented materials not directly related to the subject matter of a class, course or meeting even if not objected to by those present.

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;
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 of an orifice (anal, vaginal, oral) with the penis, finger or other object
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.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 electronically recording, photographing or transmitting intimate or sexual utterances, sounds or images 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;
- f. Knowingly exposing a person to and/or transmitting a sexually-transmitted infection or HIV/AIDS to another person.

6.5. Stalking

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- a. Fear for their safety and/or the safety of others; or
- b. Suffer substantial emotional distress.

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:

- a. Occur between people who currently have or have had a romantic or sexual relationship, or
- b. Occur because of the accused person’s desire to have a romantic or sexual relationship with the alleged victim.
For the purposes of defining stalking under this Policy:

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.

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

A “reasonable person” means a reasonable person in the Complainant’s circumstances.

The University may consider multiple actions outlined in this definition as one act of 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:

a. University disciplinary action
b. The issuance of a no-contact order, or any warning/action by the University or a court.

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.

6.6. Intimate Partner Violence

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

Actions that may violate this policy include, but are not limited to:

- Acts of physical violence
- Threats of physical violence
- Abduction, restraint, or false imprisonment
- Actions that may constitute a felony or misdemeanor crime of violence according to the laws of jurisdiction where the incident occurred.

a. 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
  

b. Dating Violence

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

6.7 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;

e) Attempting to coerce, compel, or prevent an individual from providing testimony or relevant information.

7. REPORTING RIGHTS

7.1 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.

7.2. 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.

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

8. CONFIDENTIALITY

8.1. 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.

8.2. 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.

8.3. 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.

8.4. 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 staff
- Dean of Students Office staff
- Student Housing and Residence Life professional staff

8.5. In addition, each component may have their own programs and services related to the issues covered in this policy.

8.6. University staff of 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.
8.7. Community-based programs not affiliated with the University may also be confidential resources and would follow their own policies and procedures regarding reporting duties.

8.8. 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 a confidential investigation, the University will pursue other steps to limit the effects of the alleged violation, attempt to prevent its reoccurrence, and respond to the impact on the involved parties and the community.

8.9. 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.

8.10. Request 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.

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

9. ANONYMOUS REPORTING

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

9.2. The web address for MySafeCampus is [http://www.mysafecampus.com](http://www.mysafecampus.com).
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 MySafeCampus report or subsequent investigation to provide confidentiality to the full extent possible under this policy.

10. REQUIRED REPORTING

10.1. All employees, students, and third parties are strongly encouraged to immediately report any incidents alleged sexual misconduct to the Title IX Coordinator and/or a Deputy Coordinator.

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

   a. The staff of a counseling or health center
   b. Individuals who are associated with the University in the role of a pastoral counselor or confidential advisor

In addition, some individuals who are not Responsible Employees who must share reports of Sexual Misconduct with the Title IX Coordinator and/or a Deputy Coordinator, including, but not limited to:

   a. Academic Advisors
   b. Resident Advisors
   c. Members of Student Government Associations
   d. Individuals, including students, serving as responsible persons, even if they are volunteers, at a University-affiliated activity. These individuals could be teaching, graduate, and research assistants, chaperones, peer mentors and 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.

10.3. Anyone who is required to report known or suspected violations of this Policy must promptly contact the Title IX Coordinator and disclose what they know about the alleged incident. 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 notify the Title IX Coordinator as soon as possible.
10.4. 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
d. Relevant facts, including date, time, and location of the incident(s)

10.5. 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.

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

10.7. 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 listed in Sections 11 and 12.

10.8. 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.

10.10. 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  
1301 Young Street, Suite 1169  
Dallas, TX  75202  
Phone: (800) 537-76970  
FAX: (214) 767-0432  
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  
Dallas District Office  
207 S. Houston Street, 3rd Floor  
Dallas, TX  75202  
Phone: (800) 669-4000  
FAX: (214) 253-2720
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.

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 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, go directly to the emergency department please go to the nearest hospital that provides SAFE services.

For more information about the SAFE, see http://hopelaws.org/ or https://www.texasattorneygeneral.gov/victims/sapcs.shtml#survivors. The cost of the forensic portion of the exam is covered by the law enforcement agency that is investigating the assault or, in cases where 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.

12.2. Police Assistance: Because the prohibited actions outlined in this policy may also constitute a criminal act, 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.

a. Reporting to the police helps maintain future options regarding criminal prosecution.

b. When the victim reports the incident, a police officer will take a statement from the victim regarding what happened.

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

d. 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 Main Campus Police Department**
  - [http://www.uh.edu/police](http://www.uh.edu/police)
  - 713-743-3333

- **University of Houston - Clear Lake Police Department**
  - [http://www.uhcl.edu/police](http://www.uhcl.edu/police)
  - 281-283-2273

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

- **University of Houston- Victoria Campus**
  - [http://www.uhv.edu/handbook/campussafety.aspx](http://www.uhv.edu/handbook/campussafety.aspx)
  - 361-570-4245

- **UH System at Cinco Ranch**
  Security officers are assigned to UHS at Cinco Ranch. Should anyone need assistance concerning an escort, safety or security matter, contact the security officer on duty by calling 832-842-2877. If the security officer is not available during an EMERGENCY situation, dial 911.

- **UH at Sugar Land**
  Security officer 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 281-275-3302. 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 SAFE or report the assault to the police. 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.

12.4. 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.

- An alleged victim does not need to file a 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, or working situations. 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.

- 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.

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

- 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.

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

- 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.

13. REPORT RESPONSE PROCEDURES

13.1. A report of a violation of this Policy does not automatically begin the formal complaint procedures, listed in Section 14.

13.2. The University will determine the appropriate 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 from anyone 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;
c. Complete a preliminary investigation, as appropriate.

14. FORMAL COMPLAINT PROCEDURES

EOS, located at the University of Houston System/University of Houston, works in conjunction with each component’s Title IX Coordinator to administer all aspects of this Policy. Investigations can be completed by the component’s Title IX Coordinator or 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 of the University as complainant) and the Respondent will be notified in writing of the delay and the reason for the delay.

14.1. Step One: Filing a Complaint

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

14.1.2. If the alleged victim does not wish to pursue a formal complaint:

   a. The University may determine that it will serve as a complainant if the alleged victim declines to file a formal complaint.

   b. 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, and/or potential on-going risk to the alleged victim and/or the community.

14.1.3. 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.

14.1.4. Within five (5) business days after receiving a formal complaint, EOS will provide a copy of the complaint to the Respondent.
14.1.5. If during the course of an investigation additional actions that may constitute a violation of this Policy are identified, the University will determine on a case-by-case basis whether to investigate those allegations as part of the original complaint or provide an additional Formal Complaint Form to the Respondent. Facts used to make this determination include the type of action identified and whether the actions occurred during the same incident or during a separate incident.

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

14.2. Step Two: Consideration of Interim Measures

14.2.1. Although interim measures may have already been considered and implemented, EOS will again consider interim measures at this step to protect involved parties while the incident is investigated and adjudicated through this Policy.

14.2.2. EOS and other appropriate University administrators will work together to identify alternative arrangements that will preserve the rights of both the Complainant and the Respondent, as well as provide a safe overall educational or working environment until (and perhaps after) the complaint is investigated and adjudicated.

14.3. Step Three: Response to a Complaint

14.3.1. The Respondent’s response to the complaint is due to EOS within five (5) business days from the Respondent’s receipt of the Complaint.

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

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

14.3.4. While a Respondent is not required to provide any response to the complaint or answer questions related to the investigation, failure to recognize the receipt of the Complaint may be considered a violation of relevant University policies and could result in an additional complaint.

14.3.5. A Respondent is not required to provide a statement or submit any rebuttal material; however, this will not stop the formal complaint process. Findings will be made based on the information gathered during an investigation.
14.4. Step Four: EOS Investigation

14.4.1. An investigation will begin upon receipt of a complaint or other notice of alleged Sexual Misconduct.

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

14.4.3. The investigator(s) will attempt to interview the Complainant, the Respondent and any witnesses, as appropriate.

14.4.4. The investigator(s) will also gather and review any information it deems pertinent, as well as any information submitted by the Complainant, the Respondent and/or any witnesses.

14.5. Step Five: EOS Finding

14.5.1. A finding by EOS will be issued as soon as practicable. EOS will make every effort to issue its finding within 60 business days from its receipt of the complaint. In investigations exceeding 60 days, a justification for the delay will be presented to and reviewed by the Title IX Coordinator or his/her supervisor. The complainant, respondent, and supervisor should be provided updates on the progress of the investigation and issuance of the report.

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

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

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

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

14.5.6. The appropriate university administrator(s) will also be notified of any recommended university action. The appropriate administrator will depend on the status of the respondent (i.e., student, faculty or employee).

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

14.5.8. Once a finding has been made either party to the complaint may request to meet with the investigator(s) to discuss the investigation and finding and to inspect the investigative file.

14.6. Step Six: Sanctions and Remedies

14.6.1. If there is a finding of a violation of this Policy, a recommendation will be made that appropriate university action be taken, and any sanction imposed on the Respondent will be determined by and implemented by the appropriate administrator after consultation with the Title IX Coordinator.

a. 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 component institution’s faculty handbook/manual.

b. 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 component institution’s policies and procedures related to employee discipline.

c. 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 Student’s Office or its equivalent after consultation with the Title IX Coordinator and consistent with the component institution’s policies and procedures related to student conduct/discipline.

14.6.2. The sanctions for committing an act of Sexual Misconduct will be commensurate to the offense and may include but is 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
• Disqualification from employment 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

14.6.3. If a party is dissatisfied with a sanction determined by the appropriate administrator under Section 14.6.1, they may appeal the sanction as follows:

a. Any appeal to the sanction against a faculty member must be addressed through the component institution’s faculty handbook/manual;

b. Any appeal to the sanction against an employee must be addressed through the component institution’s policies and procedures related to employee grievances;

c. Any appeal 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.

14.6.4. Remedies. Regardless of the finding, and in addition to sanctions that may be imposed pursuant to the appropriate disciplinary policy, the University will take appropriate action(s), including but not limited to those below to resolve complaints of sexual misconduct, prevent any recurrence and, as appropriate, remedy any effects:

a. Imposing sanctions against the respondent, including attending training;

b. Ensuring the complainant and respondent do not share classes, working environments or extracurricular activities;

c. Making modifications to the on campus living arrangements of the respondent or complainant (if the complainant requests to be moved);

d. Providing comprehensive, holistic victim services including medical, counseling and academic support services, such as tutoring;

e. Determining whether sexual misconduct adversely affected the complainant’s university standing;
f. Conducting, in conjunction with University leaders, 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;

g. Providing targeted group training;

h. 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.

14.7. Step Seven: New Information

14.7.1. If a party has new information they believe would have significantly impacted the finding, they may submit that information to the Title IX Coordinator.

14.7.2. If the Title IX Coordinator determines that the submitted information should be reviewed, and the information was not available for the party to present during the time of the investigation, the case may be re-opened.

14.8. Step Eight: Grounds for Appealing an EOS Finding

14.8.1. An appeal must be submitted in writing to the Title IX Coordinator within five (5) business days of receiving the finding.

14.8.2. The Complainant and the Respondent both have the right to appeal a finding for any error occurring during the investigation that could have significantly impacted the finding.

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

14.8.4. The non-appealing person does not have to participate.
14.9. Step Nine: Appeal Process

14.9.1. If an appeal is filed in accordance with Section 14.8, the appeal will automatically be presented to the University’s Sexual Misconduct Hearing Board ("Board") by the Title IX Coordinator.

14.9.2. Members of the Board are selected from recommendations from the component’s Faculty Senate, Staff Council, and Student Affairs who shall each recommend at least five individuals to the component’s President. The President shall then select a Board of eight with representation from each group recommended. Except for the first Board, members shall serve staggered terms of three years.

14.9.3 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 members to hear the appeal and comprise the Hearing Panel (three members of the Hearing Panel will serve as voting members and one will serve as an alternate, non-voting member). The role of the Hearing Panel is to review any evidence presented in the appeal for any error occurring during the investigation that could have significantly impacted the finding and is not for the purpose of conducting a de novo review of the complaint.

14.9.4 If the appeal concerns sexual assault, the appealing student 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 student must submit written notice to the Title IX Coordinator within five (5) business days of receiving EOS’ finding.

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

14.9.6 The role of the Hearing Panel/Non-affiliated Hearing Officer is to accept, or remand EOS’ finding by determining by a preponderance of the evidence if any error occurred during the investigation that could have significantly impacted its finding. 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.

14.9.7 Absent extenuating circumstances, the Title IX Coordinator will schedule a hearing to be held within 15 business days from the filing of the appeal.
14.9.8. 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.

14.9.9. The Complainant and Respondent 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 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.

14.9.10. No later than five (5) business days prior to the hearing, all materials that will be used at the hearing must be submitted to the Title IX Coordinator, who will forward the materials to the Hearing Panel/Non-affiliated Hearing Officer and will simultaneously provide the materials to both parties. The materials must include:
   a. The names of any witnesses and a brief summary concerning the subject matter of the witness’ expected testimony
   b. The name of any advisor to be in attendance at the hearing and whether that person is an attorney

14.9.11. No witness or document/tangible evidence will be permitted at the hearing unless such information was timely submitted.

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

14.10. Step Ten: Hearing

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

14.10.2. The general course of the hearing procedure will be as follows, subject to the discretion of the Panel chairperson/Non-affiliated Hearing Officer:
   a. The Panel chairperson/Non-affiliated Hearing Officer will convene the hearing, introduce the individuals, 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;
b. The appellant shall present their evidence (including calling and questioning their own witnesses) to the Panel. If the other party participates, they shall have the same opportunity to present their evidence.

c. EOS shall present their documentation related to the finding to the Panel/Non-affiliated Hearing Officer;

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

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

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

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

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

14.10.5. The parties may question their own witnesses, but they cannot directly question the other party’s witnesses.

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

14.10.7. 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.

14.10.8. 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.

14.10.9. 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.
14.10.10. This hearing process is an internal University process and not a formal courtroom process in which rules of evidence and courtroom procedures apply.

14.10.11. The appellant may bring an advisor of their choosing who may be an attorney.

14.10.12. 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.

14.10.13. 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.

14.11. Step Eleven: Panel Decision

14.11.1. After the hearing has concluded, the three voting members of the Panel will deliberate in private.

14.11.2. The Panel’s decision will be by majority vote.

14.11.3. The Panel/Non-affiliated Hearing Officer can make the following decisions:

a. Affirm the original finding
b. Remand the case back to EOS to correct an error

14.11.4. The Panel 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.

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


14.12.1 The Title IX Coordinator and/or EOS will simultaneously notify the Complainant and the Respondent in writing of the outcome of the following stages of the process:

a. The initial finding including a rationale
b. The procedures to appeal a finding
c. The outcome of any appeal, including any changes to the finding
d. Any interim sanctions imposed
e. Any changes to interim sanctions
f. The final outcome of the complaint
g. Any imposed sanctions including a rationale
h. When the outcome is final
i. Changes to sanctions related to the party once the outcome is finalized

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

14.12.3. 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.

14.12.4 In the case of a complaint alleging sexual harassment, the Complainant will be notified of any sanctions that directly relate to the Complainant.

14.12.5 A Complainant will always be notified of any individual remedies offered or provided to the Complainant and any additional steps the University has taken to eliminate the hostile environment, if one was found to exist, and to prevent recurrence.


15.1. Immunity

To encourage reporting, the University may offer alleged victims and witnesses of Sexual Misconduct amnesty from being charged with non-violent University policy violations, such as unauthorized use of alcoholic beverages, related to the incident. The University may impose educational responses rather than sanctions, in such cases. Decisions regarding amnesty are made by the Title IX Coordinator in conjunction with the appropriate sanctioning body.

15.2. Allegations Involving University-Affiliated Organizations

15.2.1. 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.
15.2.2. 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.

15.2.3. 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 will be filed against any identified individuals, as per this Policy.

15.3. Non-Participating Alleged Victims

15.3.1. Alleged victims who decline to serve as a complainant as per Section 15.1.2 will maintain certain rights as per this Policy.

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

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

15.3.4. Non-complainant alleged victims receive the same notifications as the Complainant and Respondent, unless they request otherwise, as outlined in Section 15 of this Policy.

15.3.5. Non-complainant alleged victims always maintain the right to reasonable interim measures as outlined in Sections 14 and 15.2 of this Policy.

15.4. Additional Interventions

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

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

15.4.3. Actions may respond to the specific needs of impacted persons and/or may address the needs of the University community.
15.4.4. Actions may include extending interim measures provided to impacted persons such as those listed in Sections 14 and 15.2 or new actions taken the respond to immediate and long-term concerns regarding personal safety, academic success, and emotional well-being.

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

15.5. 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 action occurred outside of the University’s jurisdiction, 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.

15.6. Training

15.6.1. 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.

15.6.2. Members of the Hearing Board will receive training at least annually on the issues related to Sexual Misconduct. These individuals will also receive training on the role of EOS to enforce this Policy, best practices for hearings and hearing panelists, and how their role is to ensure and promote safety, due process and accountability.

15.6.3. The University will provide training for all incoming students and new employees that increase their knowledge about this Policy, their rights and resources, as well as strategies to prevent violence, promote safety, and reduce perpetration.

15.6.4. 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.

16. REVIEW AND RESPONSIBILITY

Responsible Party: Vice Chancellor for Legal Affairs and General Counsel

Review: Every three years on or before August 31
17. APPROVAL

Approved: 

Dona Cornell  
Vice Chancellor for Legal Affairs and General Counsel

Renu Khator  
Chancellor

Date: June 29, 2016

REVISION LOG

<table>
<thead>
<tr>
<th>Revision Number</th>
<th>Approval Date</th>
<th>Description of Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interim</td>
<td>11/29/2012</td>
<td>Initial version (submitted as Interim)</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>
</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>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>
</tr>
<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>
</tbody>
</table>
Drug and Alcohol Abuse Prevention Policy

The Dangers of Drug or Alcohol Abuse in the Workplace and on the Campus

There are millions of American individuals adversely affected by their progressive dependence on drugs or alcohol. According to the 2014 National Survey on Drug Use and Health[1] an estimated 27.0 million Americans, or 10.2% of the population aged 12 or older, are current illicit drug users. The use of illicit drugs such as marijuana is increasing and show continuing upward trends among the young adult age group (18 to 25 years). Regarding alcohol users, an estimated 139.7 million Americans, or 52.7% of the population aged 12 or older, report being current drinkers of alcohol, 60.9 million report being heavy drinkers, and 16.3 million report participating in binge drinking at least once in the 30 days prior to the survey. Finally, National Drug Abuse and Addiction[2] reports economic costs of approximately $193 billion and $224 billion for illicit drug and alcohol use, respectively.

Health Risks

The abuse of drugs and alcohol can lead to a variety of serious consequences including: poor academic performance; poor decision making; poor morale; work errors; wasted time and materials; damage to equipment; theft; tardiness; absenteeism; accidents which injure the drug abuser; accidents which put employees and students at risk of injury; and may lead to disciplinary action, prosecution, illness, and even death. Abusers of these substances experience depression, isolation, loss of memory, loss of coordination, impaired judgment, reduced morale, anxiety, paranoia and loss of self-respect.

Philosophy

The unlawful use of drugs or abuse of other drugs and alcohol is inconsistent with the behavior expected of members of the university community. The university is committed to the development and maintenance of a drug-free environment on the campus as well as an environment that prohibits the abuse of other drugs and alcohol and has a drug and alcohol abuse prevention program in operation, accessible to all members of the university community. The university is committed to the further expansion of that program and the dissemination of drug awareness information to the members of the university community. In addition, the university is committed to enforcing the provisions of the Drug Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989 and believes that these acts and their regulations provide a proper framework for the drug and alcohol abuse policies of the university.

Definitions

The following terms are important for purposes of expressing the university's policy on a drug free workplace:

A. **Controlled substance** means a controlled substance in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812), as further defined by regulations at 21 CFR 1300.11 through 1300.15, and defined in the Texas Controlled Substances Act [Texas Health and Safety Code, and §481.001 et seq].

B. **Contract** means a legal instrument reflecting a relationship between the federal government and a recipient whenever the principal purpose of the instrument is the acquisition by purchase, lease, or barter, of property or services for the direct benefit or use of the federal government; or whenever an executive agency determines in a specific instance that the use of a type of procurement contract is appropriate.

C. **Conviction** means finding of guilt (including a plea of nolo contendere), of imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

D. **Criminal drug statute** means a federal or non-federal criminal statute involving the manufacture, sale,
distribution, dispensation, use, or possession of any controlled substance.

E. **Employee** means an individual receiving a salary, wages, other compensation and/or stipend support from the university.

F. **Federal agency or agency** means any United States executive department, military department, government corporation, government controlled corporation, or any other establishment in the executive branch (including the Executive Office of the President), or any independent regulatory agency.

G. **Grant** means an award of financial assistance, including a cooperative agreement, in the form of money, or property in lieu of money, by a federal agency directly to a grantee. The term grant includes block grant and entitlement grant programs, whether or not exempted from coverage under the grants management government-wide regulation ("Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments"). The term does not include technical assistance which provides services instead of money, or other assistance in the form of loans, loan guarantees, interest subsidies, insurance, or direct appropriations; or any veterans' benefits to individuals, i.e., any benefit to veterans, their families, or survivors by virtue of the service of a veteran in the Armed Forces of the United States.

H. **Grantee** means a legal entity, which applies for or receives a grant or contract directly from a federal agency.

I. **Illicit drug** use means the use of illegal drugs and the abuse of other drugs and alcohol.

J. **Student** means an individual registered or enrolled for credit or non-credit in a course or program offered by the university or any of its units.

K. **University activities** means an activity officially sponsored by the University of Houston-Clear Lake.

L. **Workplace** means the physical boundaries of the university and facilities owned or controlled by the university.

**POLICY**

It is the policy of the university that illicit drug use, including the manufacture, sale, distribution, dispensation, possession, or use, is prohibited in the workplace, on the campus, or as part of any university activities. Sanctions imposed for violation of this policy are indicated below.

**Application of Policy**

The Drug and Alcohol Abuse Prevention Policy is supported by a drug free awareness and alcohol education program available to the faculty, staff and students of the university. Specific compliance and reporting items enumerated in the policy (items B,C,D,E) are applicable to all persons employed on federal contracts and grants.

*In support of this policy, the university:*

A. Has established a drug free and alcohol abuse awareness program to inform its faculty, staff, and students about the dangers of drug and alcohol abuse in the workplace, the university's policy of maintaining a drug free workplace and a workplace which prohibits the illicit use of alcohol, available drug and alcohol counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug and alcohol abuse violations.

B. Will provide each new student and new employee a copy of this policy. In addition, all faculty, staff, and students will be notified of this policy through appropriate publications and Websites.

C. Will notify each university employee and each student that, as a condition of employment on a federal grant or contract, the person, once so employed, must abide by the terms of this policy, and must notify his/her supervisor and the Office of Human Resources of any criminal drug statute conviction for a violation occurring in the workplace not later than 5 days after such conviction.
D. Will notify the appropriate federal agency within 10 days after receiving notice of criminal drug statute conviction for a violation occurring in the workplace of any university employee engaged in performance of the grant or contract.

E. Will impose sanctions on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program, by any employee so convicted. Sanctions imposed on employees for violation of this policy may include suspension, suspension without pay, and termination.

F. Will make a good faith effort to continue to maintain an environment that complies with the Drug Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989.

G. Will conduct a biennial review of its programs to assess their effectiveness, what changes need to be made, and to ensure the uniform application of sanctions to employees and students.

Implementation
Implementation of this policy is a joint responsibility of the Office of Human Resources, the Office of Sponsored Programs, University Police and the Student Services division.

Penalties for Violation of the Policy
The university policy prohibiting the unlawful possession, use, or distribution of illicit drugs and alcohol on the campus and at university-sponsored events held off campus is for the support and protection of employees and students of the University of Houston-Clear Lake. Therefore, any employee admitting to or convicted of the unlawful possession, use, or distribution of illicit drugs and alcohol on the campus or at university-sponsored events held off campus, will be subject to disciplinary action in accordance with the Discipline and Dismissal of Non-faculty policy or the Dismissal of Faculty policy. Further, the employee may be referred for criminal prosecution and may be required to participate in a satisfactory manner in a drug and alcohol assistance or rehabilitation program. Referrals to rehabilitation programs will be as a result of joint consultation between the employee and the Coordinator of Work/Life Services in the Office of Human Resources. Supervisors who suspect that an employee may be in violation of this policy or may be under the influence while at work, must consult with the Executive Director of Human Resources and/or the University Police Department before any action is taken.

Any student found guilty of violating Student Life Policies regarding the unlawful possession, use, or distribution of illicit drugs and alcohol on campus or at university-sponsored events held off campus will be subject to disciplinary action. This action consists of penalties up to and including probation, suspension, and expulsion. The student may be referred for criminal prosecution and may be required to participate in a satisfactory manner in a drug and alcohol assistance or rehabilitation program.

Further information concerning disciplinary action and appropriate procedures for employees is available from the Office of Human Resources (281.283.2160) and for students from the Dean of Students Office (281.283.2567).

Employee and Student Assistance Programs
The UHCL offices of Counseling Services and Health Services offer drug and alcohol abuse educational resources, programs, consultation and referrals for employees and students. In addition, the assistance of outside resources may be used.

1. Educational Resources Programs
   • Educational literature and materials on substance abuse, identification and treatment are available free of charge in the offices of Counseling Services and Health Services.
   • On a biennial basis, programs focusing on drug and alcohol abuse education are offered to the university community. The offices of Counseling Services and Health Services and relevant agencies are used as resources in the implementation of these programs. These programs are open to students, faculty and staff at no charge.
   • In-service seminars are available by request. These seminars are designed to help students, faculty, and staff understand ways to identify persons at risk and to explore methods of dealing with such problems.
2. Consultation and Referrals

- Students are eligible to consult with the counselors in the Office of Counseling Services or the Office of Health Services about drug and alcohol substance abuse issues and resources.
- Faculty and staff are eligible to consult with the Coordinator of Work/Life Services in the Office of Human Resources about drug and alcohol substance abuse issues and resources.
- Drug and alcohol abuse counseling and rehabilitation program referrals are made as needed to mutual help organizations (such as Alcoholics Anonymous or Alanon), private hospitals, public treatment programs and private practitioners.

For more information:

<table>
<thead>
<tr>
<th>Counseling Services</th>
<th>281.283.2580</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student Services/Classroom Bldg.</td>
<td>SSCB 3.103</td>
</tr>
<tr>
<td>Human Resources</td>
<td>281.283.2160</td>
</tr>
<tr>
<td>Bayou Bldg.</td>
<td>B2537</td>
</tr>
<tr>
<td>Health Services</td>
<td>281.283.2626</td>
</tr>
<tr>
<td>Student Services/Classroom Bldg.</td>
<td>SSCB 1.301</td>
</tr>
</tbody>
</table>
In addition, penalties under Texas and federal laws are as follows:

### Penalties Under Texas Law

<table>
<thead>
<tr>
<th>Section</th>
<th>Health and Safety Code</th>
<th>Punishment</th>
</tr>
</thead>
<tbody>
<tr>
<td>481.112</td>
<td>Manufacture or Delivery. Penalty Group 1</td>
<td>Less than 1 gm, State Jail; 1 gm or more but less than 4 gms, 2nd degree; 4 gms or more but less than 200 gms, 1st degree; 200 gms or more but less than 400 gms, life or 10-99 yrs and up to $100,000; 400 gms or more, life or 15-99 yrs and up to $250,000.</td>
</tr>
<tr>
<td>481.1121</td>
<td>Manufacture or Delivery. Penalty Group 1-A</td>
<td>Fewer than 20 &quot;abuse units,&quot; State Jail; 20 units but less than 80 units, 2nd degree felony; 80 units but less than 4,000 units, 1st degree felony; 4,000 units or more, life or 15-99 yrs and up to $250,000.</td>
</tr>
<tr>
<td>481.113</td>
<td>Manufacture or Delivery. Penalty Group 2</td>
<td>Less than 1 gm, State Jail; 1 gm or more but less than 4 gms, 2nd degree; 4 gms or more but less than 400 gms, 1st degree; 400 gms or more, life or 10-99 yrs and up to $100,000.</td>
</tr>
<tr>
<td>481.114</td>
<td>Manufacture or Delivery. Penalty Group 3 or 4</td>
<td>Less than 28 gms, State Jail; 28 gms or more but less than 200 gms, 2nd degree; 200 gms or more but less than 400 gms, 1st degree; 400 gms or more, life or 10-99 yrs and up to $100,000.</td>
</tr>
<tr>
<td>481.115</td>
<td>Possession Penalty Group 1</td>
<td>Less than 1 gm, State Jail; 1 gm or more but less than 4 gms, 3rd degree; 4 gms or more but less than 200 gms, 2nd degree; 200 gms or more but less than 400 gms, 1st degree; 400 gms or more, life or 10-99 yrs and up to $100,000.</td>
</tr>
<tr>
<td>481.1151</td>
<td>Possession Penalty Group 1-A</td>
<td>Fewer than 20 &quot;abuse units,&quot; State Jail; 20 units but fewer than 80 units, 3rd degree; 80 units but fewer than 4,000 units, 2nd degree; 4,000 units or more but fewer than 8,000 units, 1st degree; 8,000 units or more, life or 15-99 years and up to $250,000.</td>
</tr>
<tr>
<td>481.116</td>
<td>Possession Penalty Group 2</td>
<td>Less than 1 gm, State Jail; 1 gm or more but less than 4 gms, 3rd degree; 4 gms or more but less than 400 gms, 2nd degree; 400 gms or more, life or 5-99 yrs and up to $50,000.</td>
</tr>
<tr>
<td>481.117</td>
<td>Possession Penalty Group 3</td>
<td>Less than 28 gms, Class A; 28 gms or more but less than 200 gms, 3rd degree; 200 gms or more but less than 400 gms, 2nd degree; 400 gms or more, life or 5-99 yrs and up to $50,000.</td>
</tr>
<tr>
<td>481.118</td>
<td>Possession Penalty Group 4</td>
<td>Less than 28 gms, Class B; 28 gms or more but less than 200 gms, 3rd degree; 200 gms or more but less than 400 gms, 2nd degree; 400 gms or more, life or 5-99 yrs and up to $50,000.</td>
</tr>
<tr>
<td>481.119</td>
<td>(a) Manufacture or Delivery of Miscellaneous Substances</td>
<td>Class A: manufactures, delivers or possesses a controlled substance listed in the schedule but not listed in a penalty group.</td>
</tr>
<tr>
<td></td>
<td>(b) Possession of Miscellaneous Substances</td>
<td>Class B: possesses a controlled substance listed in the schedule but not listed in a penalty group.</td>
</tr>
</tbody>
</table>
### Penalties Under Federal Law

<table>
<thead>
<tr>
<th>Offense</th>
<th>Minimum Punishment</th>
<th>Maximum Punishment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacture, distribution, or dispensing drugs (includes marijuana) (21 U.S.C. 844)</td>
<td>A term of imprisonment not more than one year, and a minimum of $1,000</td>
<td>A term of life imprisonment without release (no eligibility for parole) and a fine not to exceed $8,000,000 (for an individual) or $20,000,000 (if other than an individual).</td>
</tr>
<tr>
<td>Possession of drugs (including marijuana) (21 U.S.C. 844)</td>
<td>Civil penalty in amount not to exceed $10,000</td>
<td>Imprisonment for not more than 20 years, not less than 5 years, a fine of not less than $5,000 plus costs of investigation and prosecution.</td>
</tr>
<tr>
<td>Operation of a Common Carrier under the influence of alcohol or drugs (21 U.S.C. 802)</td>
<td></td>
<td>Imprisonment for up to 15 years and a fine not to exceed $250,000.</td>
</tr>
</tbody>
</table>
Fees For Services: You may accept a payment to which you are lawfully entitled in a capacity other than your official status. In this case you may accept the offer without restriction. Remember, you may not take an honorarium for a service that you would not have been asked to provide but for your official status.

Political Contributions: You may accept a political contribution as a candidate or officeholder.

Government Property: You may accept an item issued by a governmental entity that allows the use of property or facilities owned, leased, or operated by the entity.

Food, Entertainment, Transportation, & Lodging: Benefits in the form of food, lodging, transportation, or entertainment are permissible if accepted as a “guest” and reported in accordance with any applicable reporting requirement. To accept something as a guest, the donor must be present. As to reporting requirements, the Governor, the Lieutenant Governor and members of the legislature are required to file annual personal financial statements on which they must report certain gifts worth more than $250. For most state employees there is no applicable reporting requirement.

Donations to Charity
If you receive an unsolicited benefit that you are prohibited from accepting, you may donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes.

Texas Ethics Commission
P. O. Box 12070
Austin, Texas 78711-2070
(512) 463-5800
Fax (512) 463-5777


A Guide For
- The Governor
- The Lieutenant Governor
- A member of the Legislature
- An employee of the Governor
- An employee of the Lieutenant Governor
- An employee of a Legislator
- An employee of a Legislative Agency

Revised October 25, 2016
A. IF THE PERSON MAKING THE OFFER IS A REGISTERED LOBBYIST:

1. You may not accept:
   × Loans, cash, or negotiable instruments other than political contributions.
   × Travel or lodging for a pleasure trip. (Incidental transportation such as a short ride in a car or taxi is permissible.)

2. You may accept:
   ✓ Political contributions as a candidate or officeholder.
   ✓ Food and beverages if the lobbyist is with you. There is no annual limit on the value of food and beverages you may accept from a lobbyist.
   ✓ Entertainment worth up to $500 in a calendar year. (Entertainment includes, for example, sports events and concerts.) The lobbyist providing the entertainment must be present for the event.
   ✓ Gifts, other than awards and mementos, that together do not exceed $500 in value during a calendar year.
   ✓ Awards and mementos worth not more than $500. This is not an annual cap, but a cap on the value of each individual award or memento.
   ✓ Travel and lodging in connection with a fact-finding trip or to a seminar or conference at which you are providing services, such as speaking, and the services are more than perfunctory. Any lobbyist who is providing travel or lodging must be present at the event.
   ✓ Tickets or other expenditures for attendance at a political fundraiser or charitable event if the lobbyist is present at the event.

Note: You can find out if someone is a registered lobbyist by calling the disclosure filings section of the Texas Ethics Commission at 512-463-5800 or 800-325-8506 or by going to www.ethics.state.tx.us/dfs/search_LOBBY.html on the Internet.

B. IF THE PERSON MAKING THE OFFER IS NOT A REGISTERED LOBBYIST:

You are subject to a general prohibition on taking any benefit from anybody. (A “benefit” is anything reasonably regarded as pecuniary gain or advantage.) There are, however, many exceptions to this general rule. You may accept a gift, payment, or contribution as long as the gift, payment, or contribution fits into any one of the following categories.

✓ ITEMS WORTH LESS THAN $50: You may accept an item with a value of less than $50. This exception does not apply to cash, checks, or negotiable instruments.

✓ INDEPENDENT RELATIONSHIP: There is an exception from the general prohibition on the acceptance of benefits for a gift based on
   • kinship
   • a personal relationship independent of your official status
   • a professional relationship independent of your official status
   • a business relationship independent of your official status.
PowerPoint Presentations

In this section, you will find copies of some of the Human Resources presentations that you’ll see in New Employee Orientation.
Overview:

- Principals of Ethical Conduct of State Employees
- My Safe Campus
- Title IX

Principles of Ethical Conduct

How do you define ethics and ethical conduct?

Really tough choices pit right against right.

Conflict of Interest

- No Preference: remain impartial with decisions, such as purchases, bidding on projects, and relationship to those hired and direct reports
- Nepotism: cannot hire/supervise relatives related to you in the 3rd degree (blood) or 2nd degree (marriage): employee or spouse's natural/adopted children, parents, grandparents, great-grandparents, brothers, sisters, half brothers/sisters, grand-children, great-grandchildren, aunts, uncles, nieces, nephews, first cousins, second cousins and persons married to them.
- No Private Gain: cannot gain benefits or profit from activities that conflict with your position

Let's review a few principles and examples…

Principles of Ethical Conduct

- Accountable to taxpayers for the use of public funds.
- Responsibility to educate and lead students by example.
- Failure to comply may lead to disciplinary action up to dismissal, as well as to the possibility of criminal action.
- Perception is everything! May not be unethical, but may appear so to others. Avoid appearance of failing to observe standards of honesty, integrity, and proper behavior.
Benefits and Gifts

• Do not accept benefits from persons financially interested in matters under your authority such as money, meals, employment, entertainment, events, gifts of value
• Exceptions: meals, entertainment, transportation, lodging if the person accompanies you; items with a value of less than $50
• Do not accept if you think it is given in exchange for favorable treatment
• If in doubt, do not accept

Honoraria

• May accept an honorarium if offered because of your personal knowledge or expertise
• May NOT accept if it is offered because of your position
• Even if you cannot accept an honorarium, you may accept travel reimbursement
• If you can't accept, can't redirect it

Confidentiality

• Do not disclose confidential information you learn through your job or use that information for personal gain.

Honest Effort

• Honest time and effort; 40 hours of work per week for 40 hours of pay
• Accurately reporting sick and vacation leave

No Unauthorized Commitments

• Know what authority you have concerning approvals, signature authority, decision making

Public Officials & Political Activities

• Do not use official university authority or influence to achieve any political purpose
• Do not spend any funds for the purpose of influencing an election or legislation
• Do not use UHCL email address, university property, computers, letterhead, etc.

Protect/Conserve Public Property

Must care for property of the university as if it were your own – public funds/taxpayers dollars

Outside Employment

If similar/related work, complete a Consulting and Paid Professional Service Application Form that is signed by your supervisor, dean and division head; submit to HR

Use of university name

Do not represent self as acting in the capacity of university in consulting or personal activities

University Property and Services

• Phone, fax, email, computer – personal use ok only if university incurs no additional cost
• Facilities, space, equipment, support staff - do not use for personal purposes. Permitted only if approved and appropriate financial arrangement is done prior to activity; follow policies.
Waste, Fraud, Abuse

• See something, say something

• Anonymous incident reporting system: MySafeCampus

• Submit a report regarding compliance/regulation violations and fraud 24 hours a day

• www.mysafecampus.com or call toll-free 1.800.716.9007

• Link is noted in the footer of every UHCL web page.

Travel

• Only expenses incurred while conducting official business may be reimbursed

• Frequent flyer/hotel awards?

• Family?

Questions on ethics overview?

Ethical Conduct of Employees policy can be found on our HR website at www.uhcl.edu/HR
Title IX (Sexual Misconduct)

UHCL is committed to providing a safe environment free from sex discrimination of any kind.

Title IX of the Education Amendments of 1972: No person on the basis of sex shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

Includes pregnancy and parenting needs.

Title IX (Sexual Misconduct)

Per the UH-System Sexual Misconduct Policy, sexual misconduct is a broad term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature that includes: sexual harassment, sexual assault, nonconsensual sexual touching, sexual exploitation, interpersonal violence, such as domestic and dating violence, and stalking.

Title IX (Sexual Misconduct)

- You have an obligation to report sexual misconduct.
- Some positions designated Campus Security Authority (CSA) under Clery Act. Significant responsibility for student and campus activities.
- UHCL has an obligation to address the issue when we have been notified.
- Become informed – read the Sexual Misconduct Policy; attend Title IX training when offered.
- Contact info available on UHCL web site: Title IX (Sexual Misconduct) link in the footer of every web page.

Title IX (Sexual Misconduct)

If you receive a report, **4 Important Points:**

1. Not a confidential resource.
3. What would you like me to do to help you? (may need to escort to University Police, Counseling Center, Health Center, or Title IX Coordinator)
4. Refer and report to Title IX Coordinator.

Title IX Coordinator
Nichole Eslinger
Executive Director, HR/AA
281.283.2168
eslinger@uhcl.edu

Title IX (Sexual Misconduct)

4 Important Points:
Questions on Title IX?

Sexual Misconduct policy can be found on our HR website at www.uhcl.edu/HR
UHCL adheres to the practice of providing all prospective and current employees and students with equal opportunity in education and employment in compliance with state and federal laws and seeks to foster an environment free from discrimination.

The Texas Labor Code, Chapter 21, Section 21.010 requires state agencies to provide training on employment discrimination including sexual harassment to employees within thirty (30) days after they are hired, and to provide supplemental training every two years.

UHCL is committed to recruiting, hiring, training, and promoting qualified individuals without discrimination because of race, color, sex (including pregnancy), religion, national origin, disability, age, veteran status, genetic information or sexual orientation. Additionally, the System prohibits discrimination in all aspects of employment on the basis of sexual orientation, gender identity or gender expression.

Discrimination is based on…

- Age  
- Race  
- Gender  
- Religion  
- Color  
- Disability  
- National Origin  
- Veteran Status  
- Sexual Orientation  

Individuals who belong to groups that have historically experienced discrimination:

- Minorities  
- Women  
- Veterans  
- Disabled  
- People over the age of 40
2 Types of Discrimination

When determining if an act of discrimination has occurred in the workplace, it may be categorized into one of two types:

- **Disparate Treatment**
  Occurs when an employer treats a person, who is a member of a protected group, less favorably than others who are similarly situated and who are not members of that protected group. This generally involves inconsistent application of policies or practices.

- **Adverse Impact**
  Occurs when an apparently neutral policy or practice that on the surface does not appear to have a negative impact, but when applied, may actually have an adverse impact on one group of people more than others.

Retaliation

- Negative action or treatment in response to a complaint
  - Denied a promotion
  - Hours changed
  - Pay reduced or pay increase denied

- **What to do?**
  - Contact the HR Director, Nichole Eslinger

All complaints of retaliation will be taken seriously and investigated.

EEO Training

Module 3

Sexual Harassment

Sexual harassment is considered sex discrimination under Title VII of the Civil Rights Act of 1964, which prohibits discrimination against any individual because of race, color, religion, sex or national origin.

Definition of 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:
Definition of Sexual Harassment

A.) Submission or consent to the behavior is believed to carry consequences for the individual’s education or employment.

- This type of sexual harassment is referred to as Quid Pro Quo/This For That. Harasser must have authority to alter an employee’s employment.

Example:
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.

Or…

B.) Such conduct unreasonably interferes with work or academic performance by creating an intimidating or hostile environment.

- This type of sexual harassment is referred to as Hostile Work Environment.

Examples:
1. Persistent unwelcome efforts to develop a romantic or sexual relationship;
2. Unwelcome commentary about an individual’s body or sexual activities;
3. Repeatedly engaging in sexually-oriented conversations or comments, even if not objected;
4. Unwanted use of sexually-oriented materials not directly related to the subject matter of a class or meeting, even if not objected.

Forms of Sexual Harassment

- Actual or attempted sexual assault
- Unwanted pressure for sexual favors
- Unwanted deliberate touching, tickling or pinching
- Unwanted sexual looks, staring, gestures, or comments
- Unwanted letters, phone calls, or materials of a sexual nature
- Unwanted pressure for dates
- Looking a person up and down

- Unwanted sexual teasing, jokes, remarks, or questions, innuendoes or stories
- Referring to an adult as a girl, hunk, doll, babe, or honey
- Whistling at someone
- Asking about sexual fantasies, preferences, or history
- Personal questions about social or sexual life
- Giving personal gifts
- Telling lies or spreading rumors about a person’s sex life

When does it cross the line?

- “One-time” incidents do not qualify as harassment (with some exceptions)
- Behavior that is pervasive or severe
- Give the person a chance to fix their behavior
- Governing bodies such as the EEOC use the “reasonable person” test
- Would an average, reasonable person find the behavior pervasive or severe?

Sexual Harassment

- Become familiar with your rights to work in an environment free from discrimination and harassment.
- Become familiar with UHCL’s policy and procedures for dealing with and reporting sexual harassment.
- Be prepared to assert your rights; take a few minutes to think about what you would do if you were being harassed.
- Conduct yourself in a professional manner at all times and demand that of other employees around you.

ACTIVITY

- Each group will receive a worksheet with a real-life situation. Read the details regarding the possible harassment/discrimination and answer the prompts based on your opinions and knowledge.
- Select a person in your group to report out
Reporting Procedures

- Informally address through supervisor or supervisor’s supervisor, or through HR. Most often issues can be resolved through this approach.
- UHCL takes all complaints seriously and will make every effort to investigate and provide an adequate remedy.

Internal Formal Discrimination Complaints

Formal Complaints

- Formal, written complaints of discrimination or sexual harassment must be received no later than 60 days after the last incident of the alleged discriminatory act or knowledge of the act.
- Submit to UHCL Office of Human Resources
- All complaints are directed to Nichole Eslinger, Executive Director, Human Resources.

When writing a formal complaint, the following must be included:

- Name, address & phone number of complainant
- Nature, date and description of alleged violation
- Name(s) of person(s) responsible for alleged violation
- Any background information believed to be relevant
- Requested corrective action; what you want to happen to resolve the issue

Internal Formal Discrimination Complaints

UHCL/UH-System will take the appropriate investigative action when a formal complaint is filed.

A formal complaint cannot be retracted. It is treated as an actual occurrence and the necessary steps to resolve the complaint will be followed.
External Discrimination Complaints

Along with filing complaints internally with the Office of Human Resources, you have the option of also filing with the following external organizations.

Equal Employment Opportunity Commission (EEOC)
- Within 300 calendar days of last incident of alleged discriminatory activity.

Texas Workforce Commission, Civil Rights Division (TWC)
- Within 180 calendar days of last incident of alleged discriminatory activity.

Department of Education, Office of Civil Rights (OCR)
- Within 180 calendar days of last incident of alleged discriminatory activity.

Discrimination and Harassment Policy

The Discrimination and Harassment Policy is located on the Human Resources web site at www.uhcl.edu/hr under Policies and Procedures.

Performance Assessment

- Conducted on anniversary
- Goal-oriented
- Recognition of accomplishments
- Address areas for growth/development
- Plan for training
- Transparency is key; no surprises at 12 months

Assessment Factors and Elements

1. Organizational Skills
2. Teamwork
3. Integrity
4. Dependability
5. Quality
6. Job Knowledge
7. Attitude
8. Leadership
9. Communication
10. Customer Service
11. Judgment/Decision Making/Problem Solving
12. Position Specific Option
DISCIPLINE PROCESS

Overview

- Know your rights
- Understand progressive discipline procedures
- Purpose to strengthen work performance and achieve success
- Applies only to regular staff; not applicable to temp employees (20 hours a week on a regular basis for at least 4.5 months)
- Not applicable during probationary period.

Progressive Discipline

First, process typically (but not always) starts with informal conversation about performance issues and then leads to...

- Oral Counseling
- Written Reprimand
- Suspension without Pay
- Dismissal from Employment

Supervisor Responsibilities

- Inform employees of rules to be followed, standards of conduct to be met, and work performance to be achieved
- Clearly address problems immediately
- Identify remedial action expected
- State the results of failure to take action
- Allow employee opportunity to respond either orally or in writing
- Show adequate cause for discipline or dismissal
- Provide a record of the disciplinary action

Employee Responsibilities

- Learn and abide by policies, rules, procedures and standards of UHCL and your department
- Communicate honestly and openly with your supervisor
- Can provide a written response to the supervisor and the content of the response will be noted in the written record

Exceptions - Progressive Discipline Does Not Apply:

- During probationary period
- RIF (Reduction in Force)
- Inability to perform job: unable to return to work to perform job because of medical reasons (after all available leave exhausted)
GRIEVANCE & APPEAL

Your Rights

- All employees will be treated fairly and consistently in all matters related to their employment
- All employees, regardless of position, have access to HR for assistance in addressing issues
- An employee who feels he or she has been subjected to unfair, discriminatory, or abusive treatment is assured of a prompt, orderly and fair response to grievance or appeal

Grievance Process

A complaint should first be discussed with immediate supervisor, or supervisor’s supervisor; if unable to resolve, discuss with department head or Executive Director of HR/AA.

Formal Complaint Hearing Procedures

- If an informal appeal does not address your concerns
- UHCL president appoints a panel annually for potential hearings
- Individuals from same designation group will serve on the panel that hears your appeal
- Not a formal legal proceeding; you can be assisted by other employees in preparing or presenting the complaint, but legal counsel is not allowed to participate in these proceedings

Grievance and Appeal Policy

Grievance and Appeal for Non-Faculty Employees policy is located on the HR web site at www.uhcl.edu/hr under Policies and Procedures.
In this section, you will find information on some perks you will have access to as a university employee.
UHCL
BARNES & NOBLE BOOKSTORE
Uhclearlake.bncollege.com

Store Hours
Monday – Thursday 9:00 am – 7:00 pm
Friday 9:00 am – 12:00 noon
Saturday Closed
Sunday Closed

15% Employee Discount on Apparel

Online Book Ordering

Textbook Buyback and Rentals

UHCL Logo apparel, calendars, coffee cups and desk accessories

Drinks and snacks

Location:
Bayou Building
First Floor
Atrium II
Amoco Federal Credit Union

Welcome to AMOCO Federal Credit Union
Since 1937, AMOCO has been providing financial products and convenient services to thousands of members in Galveston County. Unlike a bank, AMOCO has been managed and operated exclusively for the benefit of its members. That's because AMOCO is a member-owned cooperative organization, which means the profits controlled by the credit union are reinvested so that members can enjoy lower interest rates on loans, higher rates on deposits, and significantly lower fees for convenient services.

When you choose AMOCO you can enjoy significant savings, personal service, and an array of financial products and services to make your financial life better.

Individual Membership
Membership at AMOCO is open to any employee or member of select companies and organizations in our field of membership. There are no fees to join AMOCO, simply open a regular savings account with a minimum deposit of $5.00. A list of all select companies and organizations in our field of membership is available online at www.AMOCOFcu.org.

Family Membership
When you become a member of AMOCO, practically everyone in your family is also eligible to join the credit union. This benefit can be passed on to members of your family today and can be continued for future generations. Family membership is open to your:
- Spouse
- Parents
- Brothers & Sisters
- Step family
- Children
- Grandparents
- Grandchildren
- And, anyone living in your household

AMOCO FEDERAL CREDIT UNION

GET YOUR OFFICIAL UHCL HAWKS VISA DEBIT CARD!

Available at the JSC FCU Clear Lake / Main Office 1330 Gemini, Houston, TX 77058

Take Advantage of Credit Union Membership
- Savings Accounts for all Generations
- Free ATM/Debit Card
- In-School ATM
- Low Loan Rates
- Checking Accounts to Meet Your Lifestyle
- Free Financial Education
- First Time Auto Buying Programs
- Credit Building Products

AMOCO FEDERAL CREDIT UNION

Office of Human Resources: 281-283-2160
http://www.uhcl.edu/HR