

**UNIVERSITY OF HOUSTON-CLEAR LAKE**  
**STUDENT CODE OF CONDUCT**  
**2018-2019**

**Introduction**

The University of Houston-Clear Lake, as an educational institution, has a special set of interests and purposes essential to its effective functioning. These include; (a) the opportunity for students to attain their educational objectives, (b) the creation and maintenance of an intellectual and educational atmosphere throughout the University, and (c) the protection of the health, safety, welfare, property, and human rights of all members of the University, and the property of the university itself. In the area of student conduct, the University has a clear responsibility to protect and promote the pursuit of its goals. The Student Code of Conduct emphasizes the University's commitment to promote the freedom, intellectual development, and personal responsibility of its students.

The Student Code of Conduct sets forth those acts that constitute unacceptable conduct for students of the University. All alleged violations of the Student Code of Conduct may result in referral to the Dean of Students Office for disciplinary action.

The University of Houston-Clear Lake supports the concept of educational discipline - educating the student through appropriate sanctioning when circumstances permit; but should the student demonstrate an unwillingness to obey the rules governing conduct, the student will be treated in the same manner as one who has failed academically. Students are expected to adhere to, and will be held accountable for adhering to, all federal, state, and local laws in addition to all University policies and regulations not mentioned herein.

A student admitted to the University of Houston-Clear Lake accepts the responsibility to conform to all University of Houston-Clear Lake rules and regulations. Proven failure to meet this obligation will justify appropriate disciplinary action including, but not limited to, expulsion, suspension, disciplinary probation, reprimand or warning. Although the University will make every reasonable effort to make the rules and regulations available, students are responsible for becoming familiar with them.

The University of Houston-Clear Lake student conduct process is the responsibility of the Dean of Students Office. The Associate Dean of Students, under the direction of the Dean of Students, will supervise the implementation of the student conduct process and procedures.

## **Policy**

### **1. Application and Jurisdiction**

**1.1** Students are subject to applicable federal, State, and local laws; University of Houston System rules, regulations, and policies, including those set forth in UH System Administrative Memoranda.

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

**1.3** University disciplinary action may be instituted against a student charged with conduct that potentially violates both criminal law and University policy without regard to pending civil litigation or criminal arrest and prosecution. At the discretion of the Dean of Students, University disciplinary proceedings may be carried out prior to, simultaneously with, or following criminal proceedings. Determinations made and/or sanctions imposed as a result of University disciplinary proceedings will not be subject to change because criminal charges arising out of the same facts that resulted in the violation of University rules were dismissed, reduced, or resolved in favor of or against a criminal law defendant.

**1.4** Students are subject to University disciplinary action for prohibited conduct that occurs while the student is participating in off-campus activities sponsored by or affiliated with the University including, but not limited to, field trips, retreats, and study abroad programs.

**1.5** Students are subject to University disciplinary action if the student withdraws from classes while a conduct matter is pending.

**1.6** Any conduct that is a potential violation of the University's Sexual Misconduct Policy or Discrimination and Harassment Policy will be exclusively processed, investigated and addressed pursuant to those policies and not this Student Code of Conduct, except as provided herein. If the Office of Equal Opportunity Services (EOS) has reasonable cause to believe that a student's presence on University premises or at a University-related or registered student organization activity poses a significant risk of substantial harm to the safety or security of any member of the University community or to property, EOS may request the issuance of an interim suspension pursuant to the Interim Suspension section of this Student Code of Conduct. A student may appeal the issuance of an interim suspension in accordance with Section 12. If a student is found to be in violation of the University's Sexual Misconduct Policy or Discrimination and Harassment Policy, and wishes to appeal any sanction(s) imposed by the Dean of Student's Office, their appeal shall be brought pursuant to the appeal section of this Student Code of Conduct. Similarly, if the complainant wishes to appeal any sanction(s) imposed by the Dean of

Student's Office against the student, the complainant's appeal shall be brought pursuant to the appeal section of this Student Code of Conduct.

## **2. Definitions**

**2.1** "Appellate Officer" includes the Dean of Students, Associate Dean of Students, Director of Residential Life and/or their respective designees.

**2.2** "Associate Dean" means the Associate Dean of Students.

**2.3** "Board" means the University Hearing Board.

**2.4** "Business Day" means Monday through Friday during regular University business hours.

**2.5** "Code" refers to the UHCL Student Code of Conduct.

**2.6** "Handbook" means the official UHCL Student Handbook.

**2.7** "Hazing" means those activities defined in the Texas Education Code Sec. 37.151 et seq., the Prohibited Conduct Section of the Student Code of Conduct regarding Hazing, and/or the UHCL Hazing Policy.

**2.8** "Hearing Officer" includes the Associate Dean of Students, Assistant Deans of Students, the Associate Director for Residential Life, the Assistant Director for Residential Life, Residence Life Coordinators, and the University Hearing Board.

**2.9** "Notice" means correspondence sent to the addressee by the means identified in Section 5 of the Student Code of Conduct regarding Notice.

**2.10** "Preponderance of the evidence" is the standard of review in the student discipline process which evaluates whether it is more likely than not that the student did violate a Code provision and/or University policy.

**2.11** "Procedures" means the Student Disciplinary Procedures.

**2.12** "Record" means correspondence referenced herein relating to the Student Disciplinary Procedures and all hard copy or electronic documents, forms, copies, reports, statements, recordings, or tangible evidence presented in a disciplinary hearing or conference.

**2.13** "Referral Notice" refers to the notice initiating disciplinary action.

**2.14** "Respondent" means accused student.

**2.15** "Sanction" means penalty for violation of the Prohibited Conduct Section of the Student Code of Conduct.

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

**2.17** "University" means the University of Houston-Clear Lake.

**2.18** "University officials" means those persons in an official university capacity or those who have been given the authority and the responsibility by the appropriate agency or

person, including regents, officers, faculty, and administrative staff.

**2.19** “University grounds” means property owned, leased, controlled, used, or occupied by the University including property physically removed from campus.

**2.20** “Will” and “shall” are used in the imperative sense.

### **3. Prohibited Conduct**

The following examples of prohibited conduct are defined by the University to be unacceptable. Being under the influence of drugs and/or alcohol does not diminish or excuse a violation of the Student Code of Conduct. The list should not be viewed as all inclusive or exhaustive. Further, the University expects its students to exhibit a higher standard of conduct than the minimum needed to avoid discipline.

**3.1 Aiding and Abetting** - Assisting, hiring, or encouraging another person to engage in a Code violation.

**3.2 Complicity** – A student shall not, through act or omission, assist another student, individual, or group in committing or attempting to commit a violation of this Code of Conduct. A student who has knowledge of another committing or attempting to commit a violation of the Code of Conduct is required to remove themselves from the situation and failure to do so when reasonable under the circumstances may be the basis for a violation of this policy.

**3.3 Destruction of Property** - Intentionally or recklessly damaging, destroying, defacing, or tampering with University property or the property of any person or business on campus.

**3.4 Discrimination** - Intentional discrimination against a person or group of people on the basis of age, race, color, disability, religion, national origin, veteran status, genetic information, or sex (including pregnancy) except where such distinction is allowed by law. Additionally, the UH System prohibits discrimination in all aspects of employment and educational programs on the basis of sexual orientation, gender identity, or gender expression.

**3.5 Disruption/Obstruction** - Obstructing or interfering with University functions or any University activity. Disturbing the peace and good order of the University by, among other things; fighting, quarreling, excessive noise, or any behavior that causes or threatens to cause a material disruption to the residential, business or academic functions of the University, including but not limited to, a material disruption by the use of all types of cameras, electronic tablets, cell phones, and/or communication devices.

**3.6 Disruptive Classroom Conduct** – Disruptive classroom conduct means engaging in behavior that substantially or repeatedly interrupts either the instructor’s ability to teach or student learning. The classroom extends to any setting where a student is engaged in work toward academic credit or satisfaction of program-based requirements or related activities.

**3.7 Failure to Appear** - Failing to appear at the request of any Hearing Officer or failure to schedule an appearance with a Hearing Officer as directed by University police or any

other University official.

**3.8 Failure to Comply or Identify** - Failure to comply with directives of University officials, police, or any other law enforcement officers acting in the performance of their duties, or failing to identify oneself to these persons when requested to do so.

**3.9 Failure to Report or Respond** - Failure to report or respond as directed by the Dean of Students or designee on any matter including, but not limited to, a request to meet concerning an issue or a notice alleging a violation of the Student Code of Conduct.

**3.10 False Conduct Allegation** - Making a prohibited conduct allegation against a member of the University community that is knowingly false.

**3.11 False Report of Emergency** - Causing, making, or circulating a false report or warning of a fire, explosion, crime, or other catastrophe.

**3.12 False Statements** - Being party to falsification; giving or providing false statements, written or oral; and/or providing false information during any University proceeding, any University affiliated or sponsored event, or to any University official.

**3.13 Falsification of Records** - Altering, tampering, forging, or knowingly using falsified documents or records of the University, including, but not limited to, UHCL parking permits and student IDs. Falsifying, attempting to falsify, conspiring to falsify or knowingly using falsified academic records including, but not limited to, altering or assisting in the alteration of any official record of the University and/or submitting false information or omitting information that is required for or related to any academic record. Academic records include, but are not limited to, applications for admission, application for the awarding of a degree, registration materials, grade change forms, and other documents or forms used by the Office of the Registrar. A former student who engages in this prohibited conduct may be subject to a bar against readmission, the revocation of a degree, and/or the withdrawal of a diploma under the Student Disciplinary Procedures.

**3.14 Forcible Entry or Trespass** - Forcible or unauthorized entry to any University building, structure, or facility and/or unauthorized entry to or use of University grounds.

**3.15 Gambling, Wagering, and/or Bookmaking** - Gambling, wagering, and/or bookmaking as defined by federal, state, and /or local laws on University grounds or by using University equipment or services.

**3.16 Hazing** - Any act, occurring on or off the University of Houston-Clear Lake campus, by one or more person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in or maintaining membership in any organization whose members are or include students of the University.

**3.17 Mental or Bodily Harm**- (a) Intentionally inflicting mental or bodily harm upon any person; (b) taking any action for the purpose of inflicting mental or bodily harm upon any person; (c) taking any reckless, but not accidental, action from which mental or bodily harm could result to any person; (d) engaging in conduct, including, but not limited to stalking, that causes a person to believe that the offender may cause mental or bodily harm; (e) communicating a threat to cause mental or bodily harm to any person; (f) any act which demeans, degrades, or disgraces any person and that causes, or would be

reasonably likely to cause, mental or bodily harm. "Any person" as used in this section may include oneself.

**3.18 Misuse of Identification** - Transferring, lending, or borrowing University identification.

**3.19 Misuse of Safety Equipment** - Unauthorized use or alteration of firefighting equipment, safety devices, or other emergency equipment.

**3.20 Misuse or Abuse of Computers** - Unauthorized use or misuse of any University computer, computer system, service, program, data, network, cable television network, or communication network. The inappropriate or disproportionate use of an information technology resource owned or controlled by the University or use of an information technology resource for an illegal, threatening, harassing, abusive, or intentionally destructive purpose. Failure to comply with laws, license agreements, and contracts governing network, software and hardware use. Abuse of communal resources. Use of computing resources for unauthorized commercial purposes or personal gain. Breach of computer security, harmful access or invasion of privacy.

**3.21 Photographing or Videotaping** - Photographing, videotaping, filming, digitally recording, or by any other means, secretly viewing with or without a device, another person without that person's consent in any location where the person has a reasonable expectation of privacy, or in a manner that violates a reasonable expectation of privacy. This section does not apply to lawful security surveillance filming, or recording that is authorized by law enforcement or authorized University officials.

**3.22 Possession of Firearms, Weapons, and Explosives** - Use or possession of any items used as weapons, including, but not limited to, handguns, firearms, ammunition, fireworks, pellet guns, paintball guns, BB guns, knives, tasers, or explosive or noxious materials on University premises except in accordance with federal, state, local law, and/or University of Houston policy.

NOTE: See University of Houston-Clear Lake policy regarding Campus Carry at:

<https://www.uhcl.edu/policies/documents/administration/campus-carry-policy.pdf>

**3.23 Possession of Stolen Property** - Possessing property known to the possessor to be stolen and that may be identified as property of the University or any other person or business.

**3.24 Public Intoxication** - Presenting a threat to oneself or others due to being under the influence of alcoholic beverages or other drugs.

**3.25 Sexual Misconduct** - Violation of the UH System Student Sexual Misconduct Policy including, but not limited to, engaging in or attempting to engage in sexual assault, sexual exploitation, sexual intimidation, sexual harassment, nonconsensual sexual contact, intimate partner violence (domestic violence and dating violence) and/or stalking. .

**3.26 Theft** - Theft, or attempted theft, of property or services from any person or any business on University grounds.

**3.27 Unauthorized Use of Alcoholic Beverages** - Possession, distribution, or consumption of alcoholic beverages except during events or in circumstances authorized by University officials and/or failure to comply with state or University

regulations regarding the use or sale of alcoholic beverages.

**3.28 Unauthorized Use of Property or Service** - Unauthorized use of property or services or unauthorized possession of University property or the property of any other person or business.

**3.29 Unauthorized Use of University Keys** - Unauthorized use, distribution, duplication, or possession of any key(s), access card(s), or access code(s) issued for any building, laboratory, facility, room, or other University property.

**3.30 Use, Manufacture, Distribution, Sale, Offer for Sale, or Possession of Controlled Substances or Drug Paraphernalia** - The use, manufacture, distribution, sale, offer for sale, or possession of any controlled substances, including but not limited to, barbiturates, hallucinogens, amphetamines, cocaine, opium, heroin, or marijuana. Controlled Substances and Drug Paraphernalia are defined by Texas law.

**3.31 Violation of Campus Recreation Policies** - Violation of the published policies, rules, and/or regulations of the Department of Campus Recreation.

**3.32 Violation of University of Houston-Clear Lake and University of Houston System Policies and Procedures** - Violation of University and System policies and procedures including, but not limited to, those published in the UHCL Student Handbook.

**3.33 Violation of Probation or Suspension**- Violation of the Code while on disciplinary probation or disciplinary suspension, or violation of the terms of disciplinary probation or disciplinary suspension.

**3.34 Violation of Student Housing and Residential Life Policies, Procedures and/or License Agreements** - Violation of the terms of a University housing License Agreement or the published policies, rules and/or regulations of the Department of Student Housing and Residential Life including, but not limited to, the following:

a. **Alcohol** – Violation of Student Housing and Residential Life policies regarding the possession, distribution and consumption of alcoholic beverages including:

1. Consuming or transporting open alcoholic beverages in residence hall common areas including, but not limited to, hallways, balconies, lounges, stairways, courtyards, and/or community bathrooms.
2. Possessing alcohol paraphernalia including, but not limited to, empty alcoholic beverage containers, beer bongs, and/or kegs.
3. Providing open access to alcohol including, but not limited to, access to bulk or common source alcohol containers, access to more open containers present than the number of legal age persons present, or access to devices or games used in or intended for the rapid consumption of alcoholic beverages.

b. **Smoking** – Smoking in a residence hall or in violation of the UHCL Tobacco Free Campus Policy:

<http://www.uh.edu/af/universityservices/policies/mapp/07/070202.pdf>.

c. **Health and Welfare** – Failing to maintain living space and common areas in original condition; clean, unaltered, hazard-free.

- d. **Unauthorized Occupancy/Use of Residential Facilities** – Unauthorized occupancy of a living space or use of residential facilities including, but not limited to; cohabitation, subletting, altering the physical structure of the room/apartment without approval, remaining present if maintenance work is occurring after temporary space has been assigned, and/or providing laundry facility access to non-residents.
- e. **Pets/Animals** - Possession of a pet with the exception of a 10 gallon fish tank, service animal, or a Student Housing and Residential Life approved Emotional Support Animal.
- f. **Trash/Recycling** - Improperly storing or disposing of trash and/or recycling.
- g. **Wheeled Transportation** - Unauthorized parking, securing, storing, indoor transport, use, or abandonment of a skateboard, hover board, bicycle, motorcycle, or scooter.
- h. **Decorations** - Displaying obscene (as defined by Texas or federal law) or discriminatory information/materials that cause, or would be reasonably likely to cause, mental harm to another or that is in violation of University policies.
- i. **Gatherings** – Assembling ten (10) or more people (residents included) in a residential room, suite, or apartment.
- j. **Guests** – Unauthorized, unattended, and/or hosting an excessive number of guests; failure of guests to comply with University policies and procedures.
- k. **Hall Sports** – Engaging in games and sports intended for outdoor play including, but not limited to, water guns/balloons, rollerblading, and bouncing and throwing balls.
- l. **Living with Roommates** – Failing to follow a Roommate Agreement, creating an inhospitable environment, or not maintaining personal care.
- m. **Courtesy/Quiet Hours** – Making excessive noise and/or engaging in disruptive behavior that causes sound to be heard beyond the confines of a room, suite or, apartment.
- n. **Posting/Advertising** – Unauthorized display, distribution, or removal of flyers, posters, banners, or other advertisements.
- o. **Soliciting/Operating a Business** – Operating a business, selling or promoting a service or product from a residence hall room, suite, apartment, or common area.
- p. **Fire Alarm Activation** Intentional false activation of the fire alarm system, or activation through forbidden activity (e.g. smoking, candles, open flame cooking equipment).
- q. **Fire Evacuation Procedure** – Failing to evacuate after the activation of the fire alarm and/or following the directives of University and/or emergency personnel.
- r. **Open Flames, Burning Embers & Flammable Materials** – Possession of , but not limited to, candles, incense, marijuana smelling smoking substances, smoking, fireworks, “Christmas Trees” (live or cut down), lighter fluid, gas/propane, charcoal briquettes, and/or burning of any materials.
- s. **Projectiles** – Throwing, dropping, or projecting, objects from a residential



structure.

t. **Appliances, Electronics, and Furniture** – Possessing an appliance with an open heat source and/or no thermostat control (i.e. toaster ovens, hot plates, space heaters, etc.); using a multi-outlet extension cord; unauthorized movement of University furniture, and/or possessing a waterbed or self-manufactured loft.

## **Student Disciplinary Procedures**

The purpose of these procedures is to provide for the orderly administration of the Student Code of Conduct consistent with the principles of due process of law. Reasonable deviations from these procedures will not invalidate a decision or proceeding.

### **4. Disciplinary Action Initiated**

Any member of the University community may submit a written allegation of violation of the Prohibited Conduct Section of the Student Code of Conduct. The individual alleging a violation must include sufficient facts which would enable the Dean of Students or designee to decide if further fact finding is necessary. An allegation of violation must include the name of the complainant and should include pertinent facts including, but not limited to, a description of the alleged violation, the date of the alleged violation, the name(s) of the students involved, the time that the alleged violation took place, and the location of the alleged violation.

### **5. Notice**

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

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

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

**5.4** Failure to respond to notices delivered via Item 5.2 shall constitute a separate violation of this Code. Failure of the accused student to respond to the initiation of

charges or schedule a procedural interview shall in no way prevent the University from scheduling and conducting a University Hearing Board hearing or a Disciplinary Conference with the Hearing Officer in the absence of the accused student.

**5.5** The Dean of Students may bar or cancel the enrollment of a student who fails to comply with notices sent in accordance with Item 5.2.

## **6. Procedural Interview**

**6.1** Students alleged to have violated the Prohibited Conduct Section of the Code must contact the Hearing Officer to schedule a Procedural Interview within five business days of receiving written notice.

**6.2** Students who fail to contact the Hearing Officer to schedule the Procedural Interview within the five business day period outlined in Item 6.1 will be considered to have elected to proceed with a Disciplinary Conference under the Student Disciplinary Procedures. Students who fail to appear for a scheduled Procedural Interview will be considered to have elected to proceed with a Disciplinary Conference.

**6.3** Copies of the following documents will be made available to the student at the time of the Procedural Interview:

- a. A copy of the Student Code of Conduct.
- b. A copy of the referral notice and/or incident report.
- c. A copy of the Students' Rights and Responsibilities Respondent Information and Acknowledgement Form.

Students who fail to contact the Hearing Officer to schedule the Procedural Interview or who fail to attend a scheduled Procedural Interview will be provided access to copies of these documents in advance of the Disciplinary Conference.

## **7. Hearing Selection**

**7.1** Within five business days of the Procedural Interview, the student shall choose either a hearing before the University Hearing Board or a Disciplinary Conference with the Hearing Officer. The student shall indicate their choice of hearing in writing to the Hearing Officer.

**7.2** The Hearing Officer shall notify the student of the time, date, and place of the Disciplinary Conference or hearing before the University Hearing Board.

**7.3** Students who fail to select either a hearing before the University Hearing Board or a Disciplinary Conference with the Hearing Officer within the five business day period outlined in Item 7.1 will be considered to have elected to proceed with a Disciplinary Conference.

## **8. Disciplinary Conference**

The following procedural guidelines shall be applicable in Disciplinary Conferences with the Hearing Officer:

**8.1** Written notice of the alleged violation(s) at least five business days prior to the scheduled conference, unless the respondent requests to proceed with the Disciplinary Conference at an earlier time.

**8.2** The respondent is entitled to be accompanied and assisted by an advisor. An advisor may be an attorney, but who sits in an advisory capacity and who addresses the Hearing Officer only upon permission of the Hearing Officer. Respondents who wish to have an attorney attend the Disciplinary Conference as their advisor shall notify the Hearing Officer of the attorney's name and contact information at least three business days prior to the Disciplinary Conference. If the respondent's advisor is an attorney, the University may have a University attorney present at the Disciplinary Conference. An advisor may not appear in lieu of a respondent

**8.3** The respondent has the right to have access to the case file at least three business days prior to and during the conference.

**8.4** If a respondent fails to appear for a scheduled Disciplinary Conference, the Hearing Officer will proceed with investigating the complaint.

**8.5** The Hearing Officer will investigate the complaint, including but not limited to, reviewing incident reports, reviewing witness statements, and interviewing witnesses, as appropriate. Before a decision is rendered, the respondent will be given an opportunity to respond to any new information obtained by the Hearing Officer during the investigation. If a respondent fails to appear for this meeting, the Hearing Officer will decide the case based upon the information obtained in the investigation.

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

## **9. University Hearing Board**

**9.1** The University Hearing Board shall be composed of seven students appointed by the Student Government Association, five faculty members appointed by the Faculty Senate, and five staff members appointed by the University Staff Association.

**9.2** There will be at least seven alternate members: at least three student alternates appointed by the Student Government Association, at least two faculty alternates appointed by the Faculty Senate, and at least two staff alternates appointed by the University Staff Association.

**9.3** A quorum shall consist of seven persons, three shall be students, two shall be faculty, and two shall be staff. If a quorum is not met and at least three people are present with one being a student, the respondent may request that the hearing proceed with those members present.

**9.4** The Chair must be selected from the members present at a scheduled hearing. The person selected by the Board to serve as Chair shall serve for the duration of the scheduled hearing.

**9.5** All members of the board must be in good standing with the University.

**9.6** The Associate Dean of Students may remove a Board member for justifiable cause. A Board member may appeal their removal to the Dean of Students.

**9.7** If a Board member resigns, cannot serve, or is removed from office, the Associate Dean of Students will select one of the alternates to fill the vacancy.

## **10. Hearing Procedures**

The following procedural guidelines shall be applicable in disciplinary hearings:

**10.1** At least three business days prior to the hearing, the Hearing Officer will make available to the respondent(s) and the complainant(s) copies of documents relevant to the case and a list of witnesses.

**10.2** The respondent is entitled to be accompanied and assisted by an advisor. An advisor may be an attorney, but who sits in an advisory capacity and who addresses the Board only upon permission from the Chair. Respondents who wish to have an attorney attend the hearing as their advisor shall notify the Hearing Officer of the attorney's name and contact information at least three business days prior to the hearing. If the respondent's advisor is an attorney, the University may have a University attorney present at the disciplinary hearing. An advisor may not appear in lieu of a respondent.

**10.3** Hearings of the University Hearing Board will be closed to the public except when the respondent requests an open hearing and such a request is approved. This request must be made in writing to the Hearing Officer at least three business days prior to the hearing.

**10.4** If a respondent fails to appear, the University Hearing Board will decide the case in the charged student's absence.

**10.5** The Hearing Officer or designee may present the case for the University or the complainant.

**10.6** Prospective witnesses, other than the complainant and respondent, will be excluded from the hearing during the testimony of other witnesses. All participants shall be excluded during Board deliberations.

**10.7** The hearing will be held in two parts:

a. Determination of violation.

b. Determination of recommended sanction; only if a finding of "in violation" is determined.

**10.8** The Chair will exercise control over the proceedings. Any person disrupting a hearing or who fails to adhere to the rulings of the Chair may be removed or excluded from the proceedings.

**10.9** Any party may challenge a Board member on the grounds of personal bias. Board

members may be disqualified upon a majority vote of the remaining members of the Board. Disqualification votes must be conducted by secret ballot.

**10.10** The burden of proof shall be on the complainant or University, whichever is applicable, to prove whether it is more likely than not that the student did violate a Code provision and/or University policy.

**10.11** The Chair shall determine what evidence is admissible. Formal rules of evidence shall not apply.

**10.12** The respondent, the complainant, and/or the Board members may examine the written evidence offered and may question all witnesses.

**10.13** The respondent will not be forced to testify against themselves and their silence shall not be used to their detriment.

**10.14** Individuals referred to in any written statements or testimony of respondent, complainant, and/or witnesses may be called as witnesses by the University Hearing Board. The Chair shall determine the length of any such witness testimony and when it shall be heard during the hearing.

**10.15** At the conclusion of the presentations, the Board shall deliberate the violation stage of the proceeding in closed session. After deliberation and a vote, the decision of the Board will be announced to the participants.

**10.16** The Board may hear evidence concerning sanctioning if the respondent is found to have violated the Prohibited Conduct Section of the Student Code of Conduct. The Board may consider the respondent's prior disciplinary record during the sanctioning phase of the proceedings in order to recommend the appropriate sanction(s).

**10.17** Decisions by the Board shall be by majority vote. In the event of a tie, the Chair will vote to break the tie.

**10.18** Hearings will be recorded and, upon written request, the respondent will be afforded access to the recording of the hearing. The only recording devices allowed in the hearing are those provided by the Hearing Officer.

**10.19** The Board's recommendation of violation(s) and sanction(s) will be forwarded to the Hearing Officer for further action. The Hearing Officer will notify the respondent of the decision in writing within seven business days of the hearing. The Hearing Officer will also make a copy of the decision available to the respondent in the Dean of Students Office.

## **11. Sanctions**

Factors to be taken into consideration when issuing sanctions include, but are not limited to: the respondent's motivation for displaying the behavior; the respondent's disciplinary history; the extent to which the behavior jeopardizes the safety and security of the University of Houston-Clear Lake community; and, the likelihood of the behavior occurring again. Upon written request, the Hearing Officer will disclose the results of campus disciplinary proceedings to the victim of a non-forcible sex or a violence related policy violation.

Upon a finding of a violation of the Prohibited Conduct Section of the Student Code of Conduct, one or more of the following sanctions may be imposed:

**11.1 Expulsion** permanently separates the student from the University and prohibits the student from ever attending the University, enrolling in any University courses and/or from being present on University grounds without the permission of the Dean of Students Office. Expulsion will be noted on the student's permanent record. A student who has been expelled from any University of Houston System component shall be ineligible to enroll at any other system component during the period of expulsion.

**11.2 Suspension** prohibits the student from attending the University, enrolling in any University courses and from being present on University grounds without the permission of the Dean of Students Office for a specified period of time. A student suspended for prohibited conduct is not guaranteed readmission to the University, but shall petition the Dean of Students to review the student's eligibility for readmission. Suspension will be noted on the student's permanent record. A student who has been suspended from any University of Houston System component shall be ineligible to enroll at any other system component during the period of suspension.

**11.3 Deferred Suspension** allows a sanction of suspension to be deferred to a specific date in the future. If a student is found in violation of any University rule while under the sanction of deferred suspension, the suspension sanction may be implemented immediately and additional conduct sanctions appropriate to the new violation(s) may be imposed. Students under the sanction of deferred suspension may be subject to additional restrictions identified by the Dean of Students Office. Failure to comply with the additional restrictions established by the Dean of Students Office will be considered additional conduct violations.

**11.4 Disciplinary Probation** is a sanction in which students are considered "not in good standing" with the University. Any further misconduct while on probation may result in additional disciplinary action up to and including expulsion from the University. Students under the sanction of probation may be subject to additional restrictions identified by the Dean of Students Office. A sanction of probation is imposed for a definite period of time. Probation will be noted on the student's permanent record during the period of probation.

**11.5 Revocation of Admission and/or Degree** may be imposed for fraud, misrepresentation, or other violations of University rules in obtaining admission or a degree, or for other serious violations committed by an applicant or by a student prior to the awarding of the degree.

**11.6 Educational Programs or Assignments** are sanctions designed to develop and/or expand a student's understanding of a University rule or policy and/or support the student's learning in relation to the rule or policy that was violated.

**11.7 Reprimand** is an official written notification retained in a student's disciplinary file designed to inform the student that their behavior has been unacceptable.

**11.8 Restitution** or compensation for loss, theft, deception, damage or injury which may take the form of appropriate service and/or monetary or material replacement.

**11.9 Warning** is a sanction which advises a student that they have engaged in behavior that is unbecoming of a member of the University community. A warning may include a requirement to meet with a designated University official. This sanction remains in effect for a specified period of time, after which, it may be removed from the student's conduct record at the student's request. Any further misconduct during a sanction of warning may result in additional disciplinary action.

**11.10 Other Sanctions** may include, but are not limited to, disenrollment, referral for mandatory assessment by a qualified licensed professional, no contact orders, restrictions from specific areas in University buildings and/or on University grounds, restrictions from participating in intercollegiate athletics, extracurricular activities, and residential life activities; monetary fines; community service; disciplinary room change for residence students, and/or ban or removal from University housing facilities. Students may also be required to meet periodically with a person designated by the Hearing Officer.

## **12. Interim Suspension**

**12.1** The Dean of Students or designee may immediately suspend a student on an interim basis prior to a hearing when the Dean of Students or designee has reasonable cause to believe that the student's presence on University premises or at a University-related or registered student organization activity poses a significant risk of substantial harm to the safety or security of any member of the University community or to property, the student may be immediately suspended from all or any portion of University premises, University-related activities or registered student organization activities. This temporary suspension will be confirmed in writing and shall remain in effect until the conclusion of a Disciplinary Conference or Hearing Board hearing, without undue delay, in accordance with the Student Disciplinary Rules.

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

**12.3** An extension to the requirement to schedule a meeting with the Hearing Officer within a five business day period may be granted by the Hearing Officer for good cause.

**12.4** Students who fail to schedule the Procedural Interview within the five business day period outlined in Item 6.1 will be considered to have elected to proceed in the Student

Disciplinary Procedures with a Disciplinary Conference.

**12.5** If the sanction for a confirmed violation of the Code of Conduct is to suspend or expel the student, the sanction takes effect from the date of the interim suspension.

**12.6** A student may appeal an interim suspension by submitting a written statement of appeal to the Dean of Students. The Dean of Students or designee will consider an appeal of an interim suspension on an expedited basis. The interim suspension will remain in effect for the pendency of the appeal.

### **13. Interim No Contact Orders**

The Dean of Students or designee may immediately issue a no contact order on an interim basis prior to a hearing if it is believed necessary to protect a person's safety and/or preserve a safe environment. A no contact order prohibits a student's or a student organization's contact with a specific individual or individuals.

### **14. Withholding of Transcripts, Grades, Diploma, or Degree**

The Dean of Students or designee may withhold an official transcript, grade, diploma, or degree of a student alleged to have committed a violation of a University of Houston-Clear Lake rule and/or the Prohibited Conduct Section of the Student Code of Conduct. The Dean of Students or designee may take such action pending a Hearing Board hearing or Disciplinary Conference, and/or the exhaustion of the student's appellate rights.

### **15. Counseling Referrals**

The Hearing Officer may refer any student who is the subject of prohibited conduct allegations to Counseling Services or Health Services. Counseling Services or Health Services may, with written permission of the student, discuss the results of the referral with the Hearing Officer. The student may refuse to attend a session with Counseling Services or Health Services without penalty at which time the disciplinary process will continue as if no referral were made.

### **16. Reporting at the Request of the Dean of Students**

A request to meet with or respond to the Dean of Students or designee shall be heeded by all students. The request of the Dean of Students or designee shall have priority over all other duties of the student. The student will respond at the time and place set by the Dean of Students or designee unless arrangements are made because of extraordinary circumstances. Failure to report or respond as directed by the Dean of Students or designee on any matter shall constitute a separate violation of this Code and may result in disciplinary action and/or a hold being placed on the student's



enrollment.

### **17. University Hearing Board Appearances**

The Dean of Students or designee shall have the authority to require a student to appear before the University Hearing Board at a designated time and place when the student's presence is necessary to resolve a question which is before the Board. The Dean of Students or designee shall have the authority to require the student to produce such items as are relevant to the adjudication.

### **18. Official Withdrawal from the University of Houston-Clear Lake**

The Dean of Students Office may place a disciplinary hold on the records and future enrollment of any student who withdraws from the University prior to the resolution of pending disciplinary action. The Dean of Students Office may also place a notation on the student's official transcript indicating that, "Disciplinary proceedings are pending at the University of Houston-Clear Lake." Students remain subject to the jurisdiction of the Student Disciplinary Procedures even if they withdraw from the University while disciplinary proceedings are pending.

### **19. Appeals**

**19.1** An appeal is not an opportunity to re-hear the original conduct case and will not be granted based on a respondent's disagreement with the outcome of the original conduct case.

**19.2** An appeal may only be based upon the following grounds:

- a. New information, not available at the time of the original hearing, was discovered and such new information could affect the decision rendered in the original conduct case.
- b. The weight of the evidence does not support or is contrary to the finding of violation.
- c. Procedural error that resulted in material harm or prejudice to the student (i.e., by preventing a fair, impartial, or proper hearing). Deviations from the designated procedures will not be a basis for sustaining an appeal unless material harm or prejudice results.
- d. The sanction imposed as the result of the original hearing was excessively severe in relation to the violation that the student was found to have committed. Appeals submitted on a claim that the sanction was excessively severe do not have bearing on the finding of "in violation" and relate only to the sanctions imposed.

**19.3** The Dean of Students will serve as the Appellate Officer for all conduct cases in

which a sanction was issued as a result of the original conduct hearing.

**19.4** The Director for Residential Life or designee will serve as the Appellate Officer for all conduct cases occurring in areas under the control of Student Housing and Residential Life in which a sanction other than expulsion, suspension, eviction, and/or revocation of admission or degree was issued as a result of the original conduct hearing.

**19.5** The Appellate Officer will review requests for appeal to determine if acceptable grounds for appeal have been demonstrated.

**19.6** Respondents may appeal the decision of the Hearing Officer by filing a written appeal, including a detailed explanation of the reason for the appeal consistent with the grounds for appeal outlined in Section 19.2, with the appropriate Appellate Officer within ten business days after receiving written notification of the decision.

**19.7** The Appellate Officer will render a decision and notify the respondent in writing within ten business days of receipt of the appeal.

**19.8** The decision of the Appellate Officer shall be final.

## **20. Disciplinary Records**

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

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

**20.3** Disciplinary records of students who were not assessed a sanction of suspension, expulsion, denial or revocation of a degree, and/or withdrawal of a diploma will be maintained by the Dean of Students Office for six years after the final disposition of the case in accordance with the University's Records Retention Schedule.

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

## **21. Student Groups and Registered Student Organizations**

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

student groups and registered student organizations.

**21.2** Student groups and registered student organizations, their members, as well as other students may be held collectively and/or individually responsible for violations that occur on University grounds, on premises used or controlled by the group or organization, and/or at University sponsored activities on or off campus. The disciplinary jurisdiction set forth in Item 1.1 applies to individual students, student groups and registered student organizations.

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

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

**21.5** Sanctions for student group and/or registered student organization misconduct may include revocation or denial of registration as well as other appropriate sanctions cited in Sections 11 and 12 of the Code.