

Memo To: All UH-Downtown/PS Holders  
From: Dr. Loren J. Blanchard, President  
Subject: Student Rights and Responsibilities

UH-Downtown/PS 04.A.01  
Issue No. 8  
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## 1. PURPOSE

- 1.1. The University of Houston-Downtown, as an educational institution, has a special set of interests and purposes essential to its effective functioning. These include:
  - 1.1.1. (a) the opportunity for students to attain their educational objectives
  - 1.1.2. (b) the creation and maintenance of an intellectual and educational atmosphere throughout the University, and
  - 1.1.3. (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 mission and goals. This policy statement (PS) emphasizes the University's commitment to promote the freedom, intellectual development, and personal responsibility of its students.
- 1.2. This policy statement (PS) sets forth the University's community standards and those acts that constitute unacceptable conduct for students of the university. All students are expected to be aware of the substance of this PS. Matters involving academic dishonesty are addressed in [PS 03.A.19 Academic Honesty Policy](#).
- 1.3. The University of Houston-Downtown supports the concept of educational discipline, educating the student through appropriate sanctioning when circumstances permit; but should the student demonstrate an unwillingness to obey the rules governing conduct, the student will be treated in the same manner as one who has failed academically. Students are expected to adhere to, and will be held accountable for adhering to, all federal, state, and local laws in addition to all University policies and regulations not mentioned herein.
- 1.4. A student admitted to the University of Houston-Downtown accepts the responsibility to conform to all University of Houston-Downtown rules and regulations. Proven failure to meet this obligation will justify appropriate disciplinary action, including, but not limited

to, expulsion, suspension, disciplinary probation, reprimand, or warning. The University publishes this policy and takes additional steps to notify students about this policy. It is the responsibility of each student to become familiar with this policy.

- 1.5. The University of Houston-Downtown student conduct process is the responsibility of the Dean of Students Office. The Dean of Students, will supervise the implementation of the student conduct process and procedures.

## 2. DEFINITIONS

- 2.1. “Advisor” An individual who may accompany a student to a meeting with Student Conduct or a hearing regarding an alleged violation of this policy. An Advisor may confer with and advise the student but may not advocate for the student in a meeting with Student Conduct or in a hearing or directly address the Student Discipline Committee or Hearing Officer.
  - 2.1.1.A. An Advisor cannot be an individual allegedly involved in the same disciplinary matter as the accused student, nor can they be an individual who will serve as a witness for the accused student.
  - 2.1.1.B. Advisors may be dismissed from any meeting or conduct proceeding if they disrupt the process.
- 2.2. “Antisemitism”, as defined by [Texas Government Code 448.001](#), means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. Examples of antisemitism are included with the International Holocaust Remembrance Alliance's “Working Definition of Antisemitism” adopted on May 26, 2016.
- 2.3. “Appellate Officer” includes the Dean of Students and/or their respective designees.
- 2.4. “Assistant Dean” means the Assistant Dean of Students and/or their respective designees.
- 2.5. “Board” means the University Hearing Board.

- 2.6. “Business Day” means Monday through Friday during regular University business hours, (8:00 a.m. to 5:00 p.m.).
- 2.7. “Complainant” means any person who submits information indicating that a student(s) or student organization(s) may have violated this policy.
- 2.8. “Disciplinary action” means proceedings under section 3.5 of this PS.
- 2.9. “Good Standing” means that a student has complied with any assigned sanctions and is not in the process of serving a probation, suspension, or expulsion.
- 2.10. “Handbook” means the official [UHD Student Handbook](#).
- 2.11. “Hazing” means those activities defined in the [Texas Education Code Sec. 37.151 et seq.](#), the Prohibited Conduct Section of this policy regarding Hazing, and the [UHD Hazing Policy \(PS.04.A.07\)](#).
- 2.12. “Hearing” – A formal proceeding, as outlined in section 4.4 of this policy, in which a student, accused of violating university policy, may present their case to a Hearing Officer or the Student Discipline Committee.
- 2.13. “Hearing Officer” includes the Dean of Students and/ or their designees, Assistant or Associate Dean of Students and the Student Discipline Committee..
- 2.14. "Interim Action" – An immediate action taken against an accused student before completion of the student conduct process. Interim Action may include, but is not limited to, suspension, suspension of a right or privilege, a no contact order or a prohibition from entering campus or any part of campus.
- 2.15. “Notice” means correspondence sent to the addressee by the means identified in section 4.3.2. of this policy regarding Notice.
- 2.16. “Policy” refers to the UHD Student Rights and Responsibilities policy.
- 2.17. “President” refers to the president of The University of Houston-Downtown or the President’s delegate or representative.
- 2.18. “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 violated a policy provision and/or University policy.

- 2.19. “Procedures” means the Student Disciplinary Actions referenced in section 4.3 of this policy.
- 2.20. “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.
- 2.21. “Referral Notice” refers to the notice initiating disciplinary action.
- 2.22. "Registered Student Organization/Student Groups" refers to a student group that has obtained valid registration with the university in compliance with [PS 04.A.03 Student Organizations and Activities](#) policy.
- 2.23. “Respondent” means the accused student.
- 2.24. “Sanction” means an outcome for the violation of the Prohibited Conduct Section of the Policy.
- 2.25. “Student” means a person who;
- 2.25.1. (a) is currently enrolled at the University;
  - 2.25.2. (b) is accepted for admission or readmission to the University;
  - 2.25.3. (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;
  - 2.25.4. (d) is attending an additional program sponsored by the University while that person is on campus; or
  - 2.25.5. (e) has engaged in prohibited conduct at a time when that person has met the criteria of (a), (b), (c), or (d)
- 2.26. “Student Conduct Officer” means the person designated to manage the Student Conduct process.
- 2.27. “President” means the president of the University of Houston-Downtown or the President’s delegate or representative.
- 2.28. “Title IX” Refers to [Title IX of the Education Amendments of 1972, Pub. L. 92-318](#), as amended by section 3 of Pub. L. 93-568, 88 Stat. 1855, except sections 904 and 906 thereof; 20 U.S.C. 1681, 1682, 1683, 1685, 1686.
- 2.29. “Proven Failure” means the threshold of preponderance of evidence.

- 2.30. “University” means the University of Houston-Downtown.
- 2.31. “University community” means any full or part-time students, faculty members, members of the staff, or any others doing business with the University under contract or on a regular basis.
- 2.32. “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.
- 2.33. “University grounds/property” means property owned, leased, controlled, used, or occupied by the University, including property physically removed from campus.

### **3. POLICY**

#### 3.1. Application and Jurisdiction

- 3.1.1. Students are subject to applicable federal, State, and local laws; University of Houston-Downtown rules, regulations, and policies, including those set forth in UH System Administrative Memoranda (SAM).
- 3.1.2. Students may be disciplined by the University for violating any of the conduct standards on University grounds or off University grounds when the incident occurs in connection with a University sponsored or affiliated activity or program, field trip, retreat, or study abroad experience, 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. Students are subject to University disciplinary action even if they withdraw from classes while a conduct matter is pending.
- 3.1.3. University disciplinary action may be instituted against a student charged with conduct that potentially violates both criminal law and/or University policy without regard to pending civil litigation or criminal arrest and prosecution. At the discretion of the Dean of Students Office, University disciplinary

proceedings may be carried out prior to, simultaneously with, or following criminal proceedings. Determinations made and/or sanctions imposed as a result of University disciplinary proceedings will not be subject to change because criminal charges arising out of the same facts that resulted in the violation of University rules were dismissed, reduced, or resolved in favor of or against a criminal law defendant.

- 3.1.4. Students are subject to University disciplinary action for prohibited conduct that occurs while the student is participating in off-campus activities sponsored by or affiliated with the University, including, but not limited to, Registered Student Organization activities, field trips, retreats, and study abroad programs.
- 3.1.5. Any conduct that is a potential violation of the [University System Sexual Misconduct Policy SAM 01.D.08](#) or [Discrimination and Harassment Policy SAM 01.D.07](#) will be exclusively processed, investigated, and addressed, as appropriate, by the [Office of Title IX/Equal Opportunity Services \(EOS\)](#) pursuant to those policies and not the Student Rights and Responsibilities Policy, except as provided herein. If the 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, the EOS may request the issuance of an interim suspension pursuant to the Interim Suspension section 3.6.1.A of this policy. A student may appeal the issuance of an interim suspension in accordance with section 4.9 of this policy.
  - 3.1.5.A. If a student is found to be in violation of the University's Sexual Misconduct Policy or Discrimination and Harassment Policy, and the student wishes to appeal any sanction(s) imposed by the Dean of Students Office, the student's appeal shall be brought pursuant to the appeal section 4.9 of this policy.
  - 3.1.5.B. Similarly, if the complainant wishes to appeal any sanction(s) imposed by the Dean of Students Office, the complainant's appeal shall be brought pursuant to the appeal section 4.9 of this policy.

### 3.2. Amnesty

- 3.2.1. The University of Houston-Downtown is committed to the safety and welfare of its students. It is critical for the safety of the campus community that students immediately call for help when they are faced with an alcohol- or drug-related emergency that requires immediate medical intervention for themselves or others. To encourage students to seek emergency medical care in these situations, the University has implemented this student amnesty provision.
- 3.2.2. Amnesty allows eligible students to avoid formal disciplinary action through the student conduct process when they seek emergency medical assistance for themselves or others experiencing a medical emergency due to drug and/or alcohol consumption in accordance with this provision.
- 3.2.3. Amnesty may be granted if a student:
  - 3.2.3.A. Contacts emergency medical personnel, law enforcement, and/or a University official promptly for assistance.
  - 3.2.3.B. Stays with the individual requiring aid until medical assistance arrives.
  - 3.2.3.C. Cooperates with all emergency and law enforcement personnel present at the scene.
  - 3.2.3.D. Responds to communication from the Dean of Students Office or their designee and meets with the appropriate staff after the incident.
  - 3.2.3.E. Completes any educational intervention deemed appropriate by the University.
  - 3.2.3.F. Educational intervention may include, but is not limited to:
    - i. An alcohol and/or drug educational program and/or assessment
    - ii. A confidential one-to-one meeting with an alcohol and/or other drug specialist.
  - 3.2.3.G. Amnesty may be granted to any student who experiences their own medical emergency due to alcohol and/or drug consumption and contacts emergency medical personnel, law enforcement, and/or a University official promptly for assistance and complies with 3.2.3.C, 3.2.3.D and 3.2.3.E above.

3.2.3.H. Amnesty, including the evaluation of appropriate educational interventions, will be determined on a case-by-case basis by the Dean of Students Office or their designee in accordance with this provision.

### 3.3. Rights of Students

#### 3.3.1. Access to Higher Education

3.3.1.A. Admission to the University is open to anyone who meets the established admissions standards and resource limitations. The University must make available to all students the academic and behavioral standards required of all who register at this institution.

#### 3.3.2. Freedom from Discrimination

3.3.2.A. No student or applicant for admission to the University may be discriminated against on the basis of race, color, religion, sex, age, disability, or national origin or any other protected class by the University or any member of the University community.

#### 3.3.3. Freedom of Speech, Expression, and Association

3.3.3.A. Students have the rights of free speech, expression, and association, as defined by the Constitution of the United States and developed by statutory laws and judicial decisions. Note: See policy PS.04.A.08.

#### 3.3.4. Rights of Privacy

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

#### 3.3.5. Rights of Due Process

3.3.5.A. In administering this policy, the University guarantees each student accused of violating a published University policy those principles of due process and fundamental fairness established by the Constitution of the United States and developed by statutory law and judicial interpretation. This shall include adequate notice, a meaningful opportunity to be heard, and the right to an appeal pursuant to the appeal section 4.9 of this policy.

### 3.3.6. Confidentiality of Records

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

### 3.3.7. Participation in University Shared Governance

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

### 3.3.8. Student Government

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

### 3.3.9. Student Organizations

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

### 3.3.10. Student Complaints

3.3.10.A. All students have a right to register complaints or concerns regarding their experience at the University of Houston-Downtown and to receive a timely response from the appropriate university official. UHD has established policies to address the following complaints: grade appeals, sexual harassment and discrimination

reports, or concerns about disability accommodations. Formal written complaints are registered through the university's electronic records system. Procedures for addressing complaints not covered by university policy are outlined in the [UHD Student Handbook](#).

3.3.11. The University will maintain a record of complaints for a minimum of five years in the Dean of Students Office, in accordance with city, state, and/or national record-keeping standards.

#### 3.4. Responsibilities of Students

##### 3.4.1. Conduct Required

3.4.1.A. Students should refrain from engaging in conduct prohibited in section 3.4.2 Conduct Prohibited. The list should not be viewed as all-inclusive or exhaustive.

3.4.1.B. Conduct Prohibited - No student may engage in any of the following actions:

3.4.1.C. Advocate Prohibited Behavior – Advocate either orally or in writing the conscious and deliberate violation of any federal, state, local law , or university policy. "To advocate" means to address an individual or group for imminent action and steer it to such action, as opposed to the abstract espousal of the moral propriety of a course of action.

3.4.1.D. Aiding and Abetting - Assisting, hiring, or encouraging another person to engage in a conduct violation.

3.4.1.E. Antisemitism-"Antisemitism" has the meaning assigned by [Section 448.001, Texas Government Code](#), including the examples referenced in that term. The term does not include criticism of Israel that is similar to criticism of any other country.

3.4.1.F. Complicity – A student shall not, through act or omission, assist another student, individual, or group in committing or attempting to violate this policy. A student who knows another student committing or attempting to commit a violation of the Student Rights and Responsibilities policy is required to remove him or herself from the

situation, and failure to do so when reasonable under the circumstances may be the basis for a violation of this policy.

- 3.4.1.G. Criminal Offense - Commit an offense under any federal, state, or municipal criminal statute.
- 3.4.1.H. Destruction of Property - Intentionally or recklessly damaging, destroying, defacing, or tampering with University property or the property of any person or business on campus.
- 3.4.1.I. Discrimination - Intentional discrimination against a person or group of people of race, color, religion, national origin, sex, age, disability, veteran status, or sexual orientation, except where such distinction is allowed by law. Note: See [SAM 01.D.07 Anti-Discrimination](#)
- 3.4.1.J. 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; excessive and/or repetitive communications including but not limited to telecoms, emails, voicemails, or messages, 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. Adherence to this policy extends to any setting where a student is engaged in work toward academic credit or satisfaction of program-based requirements or related activities.
- 3.4.1.K. 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.
- 3.4.1.L. Failure to Comply or Identify - Failure to comply with directions of University officials, police, or any other law enforcement officers acting in the performance of their duties, or failing to identify oneself to these persons when requested to do so.

- 3.4.1.M. Failure to Maintain Current Address - Failure to maintain a current official mailing address in the Office of the Registrar or give a false address.
- 3.4.1.N. Failure to Report or Respond - Failure to report or respond as directed by the Dean of Students or designee on any matter, including, but not limited to, a request to meet concerning an issue or a notice alleging a violation of the Student Rights and Responsibilities policy.
- 3.4.1.O. False Conduct Allegation - Making a prohibited conduct allegation against a member of the University community that is knowingly false.
- 3.4.1.P. False Report of Emergency - Knowingly
  - i. (1) initiate, communicate, or circulate a report of a present, past, or future bombing, fire, offense, or other emergency that is false or baseless and that would ordinarily cause action by an official or volunteer agency organized to deal with emergencies;
  - ii. (2) place any member(s) of the university community in fear of imminent serious bodily injury; or
  - iii. (3) forcibly prevent or interrupt the occupation of building, room, or aircraft, automobile, or other mode of conveyance.
- 3.4.1.Q. False Statements - Being party to falsification; giving or providing false statements, written or oral; and/or providing false information during any University proceeding or to any University official.
- 3.4.1.R. Falsification of Records - Altering, tampering, forging, or knowingly using falsified documents or records of the University, including, but not limited to, UHD parking permits, student IDs, or required materials to become or maintain status as a registered student organization. Falsifying, attempting to falsify, conspiring to falsify, fabricating, 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, applications 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.

- 3.4.1.S. Forcible/Unauthorized Entry or Trespass - Forcible or unauthorized entry to any University building, structure, or facility and/or unauthorized entry to or use of University grounds.
- 3.4.1.T. 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.
- 3.4.1.U. Hazing - Any intentional, knowing, or reckless act, occurring on or off the University of Houston-Downtown campus, by one or more person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in or maintaining membership in any organization whose members are or include students of the University of Houston System schools, and as defined in [Texas Education Code 37.151](#) and [Hazing policy \(PS 04.A.07\)](#).
- 3.4.1.V. Mental or Bodily Harm - includes:
  - i. (a) Intentionally inflicting mental or bodily harm upon any person;
  - ii. (b) taking any action for the purpose of inflicting mental or bodily harm upon any person;
  - iii. (c) taking any reckless, but not accidental, action from which mental or bodily harm could result to any person;
  - iv. (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;

- v. (e) communicating a threat to cause mental or bodily harm to any person;
  - vi. (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.
- 3.4.1.W. Misuse of Identification - Transferring, lending, or borrowing University identification.
- 3.4.1.X. Misuse of Safety Equipment - Unauthorized use or alteration of firefighting equipment, safety devices, or other emergency equipment.
- 3.4.1.Y. 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 the 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.
- 3.4.1.Z. Unauthorized Digital Viewing or Recording 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.
- 3.4.1.AA. Possession of Dangerous Weapons -Unauthorized possession of any weapon prohibited by the Texas Penal Code including, but not limited

to, firearms, illegal knives, tire deflation devices, dangerous chemicals, or any explosive device of any description such as compressed air guns, pellet guns, BB guns, shotguns, or the ammunition of any firearm or other dangerous weapon or explosive device on University grounds. Possessing a dangerous weapon in your vehicle constitutes a violation of this section; however, it shall not be a violation of this section if an individual, who possesses a concealed handgun license, stores or transports his or her licensed and lawfully possessed handgun and/or ammunition in his or her own locked privately owned or leased vehicle. Note See [PS.01.A.16 Campus Carry policy](#).

- 3.4.1.BB. 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.
- 3.4.1.CC. Public Intoxication - Presenting a threat to oneself or others due to being under the influence of alcoholic beverages or other drugs on campus or at a University sponsored event or at an event related to a student's University employment.
- 3.4.1.DD. Sexual Misconduct - Violation of the UHD Student Sexual Misconduct Policy, including, but not limited to, engaging in or attempting to engage in sexual assault, sexual exploitation, sexual intimidation, and/or sexual harassment. Note: See [SAM 01.D.08](#).
- 3.4.1.EE. Theft- Theft, or attempted theft, of property or services from any person or any business on University grounds.
- 3.4.1.FF. Threatening Behavior - Knowingly
  - i. (1) initiate, communicate, or circulate a report of a present, past, or future bombing, fire, offense, or other emergency that is false or baseless and that would ordinarily cause action by an official or volunteer agency organized to deal with emergencies;
  - ii. (2) place any member(s) of the university community in fear of imminent serious bodily injury; or

iii. (3) forcibly prevent or interrupt the occupation of building, room, or aircraft, automobile, or other mode of conveyance.

3.4.1.GG. 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.

3.4.1.HH. 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.

3.4.1.II. 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.

3.4.1.JJ. 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. Being under the influence of drugs and/or alcohol does not diminish or excuse a violation of this policy.

3.4.1.KK. Violation of University Policies and Procedures --Violation of University policies and procedures, including, but not limited to, those published in the UHD Student Handbook.

3.4.1.LL. Violation of Probation or Suspension -Violation of university policy while on disciplinary probation or suspension, or violation of the terms of disciplinary probation.

### 3.5. Definitions of Disciplinary Actions (Sanctions)

3.5.1. In addition to, or in place of, an educational response or intervention, the dean of students may impose one or more of the following disciplinary sanctions for

any violation of the Student Rights and Responsibilities with a designated timeframe The:

- 3.5.1.A. "Warning" is a verbal or written notice to a student who has violated a published University policy and whose continuation of such conduct may result in further disciplinary action.
- 3.5.1.B. "Restricted privileges" is the denial or restriction of one or more privileges granted to students on University property. These may include, but are not limited to, using an automobile on campus, dining on campus, visiting the campus, or participating in athletics or other extracurricular activities. The restriction may be imposed only for a definite period of time.
- 3.5.1.C. "Restitution" is paying, either with money or the performance of specific duties, for damage to or loss/misappropriation of property.
- 3.5.1.D. "Disciplinary probation" is a warning that a student's continued enrollment is contingent upon adherence to the University's published policies. Probation may be imposed only for a definite period of time, but it automatically restricts the following privileges:
  - i. A student on disciplinary probation is ineligible to hold or be elected/appointed to an office of any student organization or committee recognized by the University. A student on disciplinary probation may not represent the University in any special honorary role.
- 3.5.1.E. "Withholding transcripts" prohibits a student from receiving or the Registrar from issuing official transcripts.
- 3.5.1.F. "Non-readmission" is a prohibition against a student's readmission to the University. A student with this designation is considered "not in good standing".
- 3.5.1.G. "Suspension" prohibits the student from attending the University of Houston System, 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. A student with this designation is considered "not in good standing".

3.5.1.H. "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 the University shall be ineligible to enroll at any other University of Houston System component during the period of suspension. A student with this designation is considered "not in good standing".

3.5.1.I. "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. A student with this designation is considered "not in good standing".

### 3.6. Interim Measures (Non-Sanction Actions)

3.6.1.A. Interim Suspension - In the event the Dean of Students has reasonable cause to believe that a student's continued presence on University premises or at a University-related or registered student organization activity poses a significant risk of substantial harm to the safety or security of any member of the University community or to property, the student may be immediately suspended from all or any portion of University and university system premises, classes, University-related activities or registered student organization activities. This temporary suspension will be confirmed in writing and shall remain in effect until

the conclusion of an Disciplinary Conference or Student Discipline Committee hearing, without undue delay, in accordance with the Student Disciplinary Procedures as published in the [Student Handbook](#).

- i. If the sanction for a confirmed violation of the Student Rights and Responsibilities policy is to suspend or expel the student, the sanction takes effect from the date of the interim suspension.
- 3.6.1.B. No-Contact Orders – The Dean of Students or designee may issue a no-contact order on an if it is believed necessary to protect a person’s safety and/or preserve a safe environment. A no-contact order prohibits a student’s or a student organization’s contact with a specific individual or individuals.
  - 3.6.1.C. 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 extracurricular activities, and monetary fines, community service. Students may also be required to meet periodically with a person designated by the Hearing Officer.
  - 3.6.1.D. 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 further limits established by the Dean of Students Office will be considered additional conduct violations.

## 4. PROCEDURES

### 4.1. Reporting, Processing, and Administrative Disposition of Disciplinary Infractions:

4.1.1. Any member of the University community may submit an allegation of violation of the Conduct Prohibited Section of the Student Rights and Responsibilities policy. The individual alleging a violation must include sufficient facts to enable the Student Conduct Officer or designee to decide if further fact-finding is necessary.

4.1.1.A. 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.

4.1.1.B. A person may make a report online via the designated reporting form, by e-mail, by phone, or in person. When the Student Conduct Officer receives a report alleging a violation of a published University policy, the Officer shall investigate the report. If the Officer determines that disciplinary action may be warranted, the student shall be notified in writing of the alleged violation of policy, and a procedural interview shall be scheduled within five working days from the date of notification.

### 4.2. Discipline in the Academic Environment

4.2.1. Faculty members, with the support of their respective department chairs and academic deans, are responsible for maintaining decorum in the classroom, laboratories, faculty offices, and the immediate vicinity adjacent to the classrooms, laboratories, or offices.

4.2.2. Faculty members may submit incidents in the designated conduct form. In the event the reported incident is found to involve prohibited student conduct outlined in Conduct Prohibited section 3.4.2. of this policy, the Dean of Students office shall treat the report as an alleged violation of conduct. The

Dean of Students Office will provide the reported information to the respective department chair for informational purposes only.

4.3. Disciplinary Procedures

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

4.3.2. Notice

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

4.3.2.B. All written notices to students, including, but not limited to text messages, emails, letters or other forms of written correspondence, 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.

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

4.3.2.D. 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 Disciplinary Conference with the Hearing Officer in the absence of the accused student.

#### 4.4. The Procedural Interview & Hearing Selection

- 4.4.1. Students alleged to have violated the Prohibited Conduct Section of this policy must contact the Hearing Officer to schedule a Procedural Interview within five (5) business days of receiving written notice.
- 4.4.2. Procedural Interviews must be conducted within ten (10) business days of receiving written notice unless the hearing officer has granted a written request for extension.
- 4.4.3. Copies of the following documents will be made available to the student at the time of the Procedural Interview:
  - 4.4.3.A. A copy of the Student Rights and Responsibilities Policy.
  - 4.4.3.B. A copy of the referral notice/incident report
- 4.4.4. Within five business days following the procedural interview, the student is required to choose, in writing to the hearing officer, either a hearing before the Student Discipline Committee or a Disciplinary Conference with the Hearing Officer.
- 4.4.5. Students who fail to contact the Hearing Officer to schedule the Procedural Interview within the five (5) business-day period will be considered to have elected to proceed with a Disciplinary Conference under the Student Disciplinary Procedures.
- 4.4.6. Students who fail to appear for a scheduled Procedural Interview will be considered to have elected to proceed with a Disciplinary Conference.
- 4.4.7. Students who fail to select either a hearing before the University Student Discipline Committee or a Disciplinary Conference with the Hearing Officer within the five (5) business day period will be considered to have elected to proceed with a Disciplinary Conference.
- 4.4.8. The Hearing Officer shall notify the student of the time, date, and place of the hearing or the Disciplinary Conference.
  - 4.4.8.A. All times presented by the hearing officer shall be considered in Central Standard Time unless otherwise noted in writing by the hearing officer.

#### 4.5. Disciplinary Conference

The following procedural guidelines shall be applicable in the Disciplinary Conference conducted by the Hearing Officer:

- 4.5.1. Written notice provided to the responding student of the alleged violation(s) at least five (5) business days prior to the scheduled conference, unless the respondent requests to proceed with the Disciplinary Conference at an earlier time.
- 4.5.2. The respondent is entitled to be accompanied and assisted by an advisor. An advisor may be an attorney, but they sit in an advisory capacity and address the Hearing Officer only with permission from 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.
- 4.5.3. The role of the advisor is to appear at student conduct proceedings with the respondent to provide advice, but may not represent the accused student or directly question or cross-examine witnesses, except in a case where the university is represented by an attorney. The respondent has the right to have access to the case file at least three (3) business days prior to and during the conference.
- 4.5.4. If a respondent fails to appear for a scheduled Disciplinary Conference, the Hearing Officer will proceed with investigating the complaint.
- 4.5.5. The Hearing Officer will investigate the complaint, including but not limited to reviewing incident reports, reviewing witness statements, and interviewing witnesses 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 follow up meeting, the Hearing Officer will decide the case based upon the information obtained in the investigation.

4.5.6. The Hearing Officer will notify the respondent of the decision in writing within ten (10) business days of the close of the investigation. The Hearing Officer will also make a copy of the decision available to the respondent in the Dean of Students Office.

#### 4.6. Hearings

4.6.1. The following procedural guidelines shall be applicable in disciplinary hearings:

- 4.6.1.A. The student will be provided with written notification of the published University policy alleged to have been violated;
- 4.6.1.B. The student will be provided with written notification of the date, time, and location of the hearing;
- 4.6.1.C. The student will be provided with the names of all known witnesses, their expected testimony, and a description of all other evidence known at the time of the notification.
- 4.6.1.D. The student may bring an advisor, who may be an attorney, but who sits in an advisory capacity only and who may address the committee only if the chair grants permission.
- 4.6.1.E. The student may have present parents or legal guardians.
- 4.6.1.F. The student may present witnesses and other evidence at his/her expense.
- 4.6.1.G. The Chair of the Student Discipline Committee initiates the hearing upon notification by the Hearing Officer of a request for a hearing or of a temporary suspension.
  - i. A minimum of three committee members is required to conduct a hearing, one of the three must be a student.
  - ii. The Student Discipline Committee, appointed by the President, is composed of three faculty members, three staff members from Student Success or Student Life and three students recommended by the Student Government Association.
    - a. These students must have declared a major at UHD, have completed 60 semester credit hours for undergraduate students

or 9 semester credit hours for graduate students, half of the earned credits must be at UHD, and be in good academic standing.

- b. The chair will be elected by the group but will not be a student. The Chair must be elected at the committee's first meeting at the beginning of the term. The Committee Chair shall serve for the duration of the term. The Student Conduct Officer may remove a committee member for justifiable cause. A Committee member may appeal their removal to the Dean of Students.

4.6.1.H. As soon as the time of the hearing is set, the Hearing Officer must provide the student with a written notice containing the following information:

- i. A statement of the charges and a factual description of the alleged conduct upon which the charges are based;
- ii. The date, time, and location of the hearing;
- iii. A reference to this document;
- iv. A list of witnesses expected by the Dean at the time of the notice to testify, together with their expected testimony, and a description of any other evidence expected and known at the time of the notice; and
- v. A statement of the student's rights in the hearing

4.6.1.I. At least three (3) business days prior to the hearing, the Hearing Officer will make available to the respondent(s) redacted copies of documents relevant to the case and a list of witnesses.

4.6.1.J. The respondent is entitled to be accompanied and assisted by an advisor. An advisor may be an attorney, but they sit in an advisory capacity and address the Committee only upon permission from the Chair. Respondents who wish to have an attorney attend the hearing as their advisor shall notify the Hearing Officer of the attorney's name and contact information at least three (3) business days prior to the

hearing. If the respondent's advisor is an attorney, the University may have a University attorney present at the disciplinary hearing. An advisor may not appear in lieu of a respondent.

4.6.1.K. The student may cross-examine witnesses for the University by directing any questions to the Chair of the Student Discipline Committee.

#### 4.7. General Rules for a Hearing

4.7.1. The Chair of the Student Discipline Committee may postpone a hearing upon receiving a written request for postponement no later than 24 hours before the hearing, and showing good cause, from the student, the complainant, or the Hearing Officer.

4.7.2. The Chair describes the procedures to be followed, rules on the admissibility of evidence, and controls decorum in the hearing. Members of the committee may freely question any witness.

4.7.3. Upon the request of the student or any committee member, or upon his own initiative, the Hearing Officer may request that additional witnesses testify before the committee. The chair or their designee will facilitate the official recording. The student may have a copy of the recording, upon request in writing to the Student Conduct Officer.

4.7.4. During the hearing, only the committee members, the Officer, the student, the student's advisor, the student's parents or legal guardians, and the witness currently testifying will be allowed in the hearing room. No witness before or after testifying may remain in the hearing room. Everyone present must treat the matters discussed as confidential. All copies of documents provided to the committee must be returned to the Dean of Students Office at the conclusion of the hearing, where they will be maintained for five (5) years and then destroyed. Access to digital copies will be revoked upon the conclusion of the hearing.

4.7.5. Legal rules of evidence do not apply to hearings. Any relevant evidence may be admitted. An indictment, information, or complaint filed in a court of law will not be considered conclusive evidence.

- 4.7.6. The Student Discipline Committee Hearing will be held in two parts
  - 4.7.6.A. Determination of violation
  - 4.7.6.B. Determination of sanction if student is found to be “in violation.”
- 4.8. Procedural Rules for a Student Discipline Committee Hearing
  - 4.8.1. The chair of the Student Discipline Committee shall ask all parties entitled to be present to enter the hearing room.
  - 4.8.2. The chair shall read a statement that reminds all participants that the proceedings of the hearing must remain confidential.
  - 4.8.3. The chair reads the complaint.
  - 4.8.4. The Hearing Officer or Complainant shall present evidence and witnesses in support of the allegations against the student. The student may cross examine the witnesses by directing their questions to the Chair.
  - 4.8.5. The student may present evidence and witnesses in his/her defense. The Hearing Officer or Complainant may cross-examine witnesses by directing their questions to the Chair.
  - 4.8.6. The Hearing Officer and student may present rebuttal evidence.
  - 4.8.7. The Hearing Officer and student may present brief summation arguments.
  - 4.8.8. The committee must deliberate in private and determine, by majority vote, if there is a preponderance of evidence that the student violated a published University policy.
  - 4.8.9. If violation(s) is found, the hearing will resume for the sanction phase. During this phase, the Hearing Officer and student may present information and evidence relevant to sanctioning. At this time, evidence of the student’s disciplinary history, if any, will be presented. The Hearing Officer and student may present brief summation arguments relevant to sanctioning.
  - 4.8.10. The committee must deliberate in private and determine, by majority vote, sanctions to apply.
  - 4.8.11. The committee must state in writing each recommended finding of the violation of a published University policy. The committee must also state in writing the sanction to be recommended. Only the chair signs the decision. Concurring or

dissenting opinions may be filed with the record in the case by any member of the committee, including the chair.

4.8.12. The committee's recommendation of violation and sanction(s) will be forwarded to the Hearing Officer for further action. The Hearing Officer will notify the student of the decision in writing within ten 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.

4.8.13. If the student fails to appear, the hearing may continue without them.

#### 4.9. Appeals and Review

4.9.1. Appeals - All disciplinary decisions may be appealed to the Appellate Officer within ten days of notification of the decision. The Appellate Officer shall make a decision and will notify the student of this decision in writing within 10 working days of the receipt of the appeal. The decision is final and binding, and the student is notified of it in writing within 10 working days following the referral.

4.9.2. An appeal is not an opportunity to rehear the original conduct case. It will not be granted based on a respondent's disagreement with the outcome of the original conduct case. An appeal may only be based upon the following grounds:

4.9.2.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.

4.9.2.B. 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, in themselves, constitute grounds for sustaining an appeal unless they result in material harm or prejudice.

4.9.2.C. The sanction imposed as a result of the original hearing was excessively severe in relation to the violation that the student was found to have committed. Appeals submitted on a claim that the

sanction was excessively severe do not have bearing on the finding of “in violation” and relate only to the sanctions imposed.

#### 4.10. Finality of Disciplinary Decisions

4.10.1. No sanction may take effect until a decision for disciplinary action becomes final.

#### 4.11. Disciplinary Records

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

4.11.2. 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.

4.11.3. Disciplinary records of students who were not assessed a sanction of suspension, expulsion, denial or revocation of a degree, and/or withdrawal of a diploma will be maintained by the Student Conduct Officer for six years after the final disposition of the case in accordance with the University’s Records Retention Schedule.

4.11.4. Disciplinary warning records are maintained as active conduct records by the Student Conduct Officer for the specified period of warning. Students issued a warning sanction may request that the record be removed once the period of warning has expired or upon graduation from the University.

#### 4.12. Student Groups and Registered Student Organizations

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

- 4.12.2. Student groups and registered student organizations, their members, as well as other students, may be held collectively and/or individually responsible for violations that occur on University grounds, on premises used or controlled by the group or organization, and/or at University-sponsored activities on or off campus. The disciplinary jurisdiction set forth in the Student Rights and Responsibilities policy applies to individual students, student groups, and registered student organizations.
- 4.12.3. Student groups and registered student organizations and their officers may be held collectively and/or individually responsible for violations of the policy when the organization's leaders, officers, or spokespersons have given tacit or overt consent or encouragement for the prohibited conduct.
- 4.12.4. Student group and registered student organization leaders, officers, and/or spokespersons may be directed by the Dean of Students or designee to take action to prevent or end violations of the policy by members of the organization or by any persons associated with the organization. Failure to make reasonable efforts to comply with the directives of the Dean of Students or designee shall be considered a violation of the policy by the leaders, officers, and spokespersons of the organization as well as by the organization.
- 4.12.5. Sanctions for student group and/or registered student organization misconduct may include revocation or denial of registration as well as other appropriate sanctions cited in the policy.

## **5. REVIEW PROCESS**

Responsible Party (Reviewer): Dean of Students

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

*Signed Original on File*

Approved by President Loren J. Blanchard on: 04/16/2026

## 6. POLICY HISTORY

Issue #1: 07/17/94  
Issue #2: 12/15/86  
Issue #3: 08/22/88  
Issue #4: 10/16/95  
Issue #5: 11/03/99  
Issue #6: 02/29/12  
Issue #7: 04/16/26 (current issue)

## 7. REFERENCES

[PS 03.A.19 Academic Honesty Policy](#)  
[Texas Government Code 448.001](#)  
[UHD Student Handbook](#)  
[Texas Education Code Chapter 37](#)  
[PS.04.A.07 Hazing Policy](#)  
[Title IX of the Education Amendments of 1972](#)  
[SAM 01.D.08 Sexual Misconduct Policy](#)  
[SAM 01.D.07 Discrimination and Harassment Policy](#)  
[Family Education Rights and Privacy Act of 1974 \(FERPA\)](#)  
[Health Insurance Portability and Accountability Act of 1996 \(HIPAA\)](#)  
[PS 01.A.01 UHD Policy and Procedure System](#)  
[PS 01.A.03 Academic Shared Governance Policy](#)  
[PS 04.A.03 Student Organizations and Activities on Campus](#)  
[Texas Government Code Section 448.001](#)  
[PS 01.A.16 Campus Carry Policy](#)  
[Student Incident Report](#)

## 8. EXHIBITS

There are no exhibits associated with this PS.