

UNIVERSITY POLICIES RELATED TO RSOs

Students and Registered Student Organizations (RSOs) at the University of Houston each carry the responsibility of following the University of Houston rules and regulations, local, state, and federal laws. Below are several important policies that apply to RSOs and their events. For complete information on the various policies, please refer to the specific policy's website.

STUDENT HANDBOOK

The [Student Handbook](#) published annually by the Dean of Students (DOS) Office serves as a resource to faculty, staff, and students. It details important University policies relating to a variety of topics such as Academic Honesty, Student Life Policies, as well as Organizations Policy. The Organizations Policy is reprinted throughout this RSO Resource Guide.

HAZING STATEMENT AND POLICY

[UH Philosophy Regarding Hazing:](#)

“The University of Houston believes that true human development can best occur in an atmosphere of social and ethical responsibility. The University views responsible pre-initiation activity as a positive educational approach to preparation for student organization membership. The University views hazing activities as not contributing to the positive development or welfare of the individual. Therefore, the University of Houston recognizes acts of hazing as irresponsible, intolerable and inconsistent with the principles of higher education and basic human development and may be illegal.”

The burden to ensure that student organization activities are acceptable under this policy rests with the student organization. Questions regarding the acceptability of a proposed student organization activity should be discussed with a staff member in the Center for Student Involvement (CSI), Center for Fraternity and Sorority Life, or Dean of Students (DOS) Office. The Center for Student Involvement upholds the University policy and does not tolerate any hazing activities by RSOs.

UH MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES (MAPP): FREEDOM OF EXPRESSION

“The University of Houston is committed to fostering a learning environment where free inquiry and expression are encouraged. The University expects that persons engaging in organized expressive activities will demonstrate civility, concern for the safety of persons and property, respect for University activities, respect for those who may disagree with their message, and compliance with University policies and applicable local, state, and federal laws. The University of Houston maintains its right to place reasonable time, place, and manner restrictions on organized expressive activities. Additionally, any activities that are unlawful or materially and

substantially disruptive to the normal operations of the University including classes and University business activities will not be tolerated. The purpose of this policy is to provide for organized expressive activities to be conducted on the grounds of the University in a manner consistent with these principles. Groups or individuals engaging in disruptive activities or failing to comply with University policies and applicable local, state, and federal laws may face immediate removal from the campus and other appropriate actions by University officials and University police.”

FREEDOM OF EXPRESSION POLICY: POLICIES FOR RESERVING OUTDOOR SPACES

RSOs need to complete the Freedom of Expression (FOE) Organized Expressive Activity Description Form for all outdoor events with the exception of the PGH Breezeway. Certain areas on campus are considered “reservable” such as Lynn Eusan Park, Butler Plaza, and the Student Center Satellite Patio/Hill. All other locations on campus require University Sponsorship Form.

FREEDOM OF EXPRESSION POLICY: AMPLIFIED SOUND

The rules for amplified sound on campus are a part of the Freedom of Expression Policy. Amplified sound means any sound that is louder than a conversation. It does not only refer to electronically amplified sound.

- The current locations that permit amplified sound are Cougar Woods Arboretum, Lynn Eusan Park, Student Center Satellite Patio/Hill, Student Center Circle (with University Sponsorship Verification Form)
- On class days, the use of amplified sound in the Freedom of Expression areas is permitted between 11:30 a.m. and 1:30 p.m. and between 4:00 p.m. and midnight
- On non-class days, sound is allowed from 8:00 a.m. till midnight
- Even when amplified sound can be utilized, certain decibel level limits are in place. Please see the Freedom of Expression Policy for specific details
- RSOs that do not follow the guidelines for amplified sound can be referred to the Dean of Students Office and/or have their privileges suspended.

FREEDOM OF EXPRESSION POLICY: DISPLAYS AND STRUCTURES

Under the Freedom of Expression Policy, student organizations can set up displays or use structures, but there are size limitations that apply:

1. The current locations that allow structures are Lynn Eusan Park, Student Center Satellite Patio/Hill, Cougar Woods Arboretum and Butler Plaza
2. The displays or structures may not exceed 25 feet in length, 15 feet in height, and 15 feet in width
3. In Butler Plaza, the displays or structures may not exceed 15 in length, 15 feet in height, and 15 feet in width
4. All structures must be placed 5 feet from all walkways

5. Structures or displays should not present a significant threat to public safety
6. Exceptions to the size limitations are addressed in the Freedom of Expression Policy

ACTIVITIES NOT ALLOWED UNDER THE FREEDOM OF EXPRESSION POLICY

The University policy states that, “The President or designated University representative shall have the authority to take such steps to prevent expressive activities that materially interfere with the educational mission of the University. Such activities include, but are not limited to the following:

1. Activities that are illegal
2. Activities that deny the rights of students, faculty, and staff of the university
3. Activities that substantially obstruct or restrict the free movement of persons on any part of the University campus, including the free entry or exit from University facilities
4. Activities that deny the use of offices or other facilities to the students, faculty, staff, or guests of the University
5. Activities that threaten or endanger the safety of any person on the University campus
6. Activities that are likely to result in damage to or destruction of University property
7. Activities that create a sustained or repeated noise disturbance that substantially interferes with a speaker's ability to communicate and/or the rights of others to listen
8. Amplified sound, where permitted, that exceeds the decibel levels set forth in the Freedom of Expression Policy, Section VI
9. Activities that attempt to prevent a University event or other lawful assembly by the threat or use of force or violence”

Freedom of Expression Policies Section X. Emergency Authority. Retrieved from [University of Houston Manual of Administrative Policies and Procedures](#).

PROCEDURES FOR ALCOHOL DISTRIBUTION

A summary of the [University of Houston's philosophy on Alcohol](#) is listed below.

“As an institution interested in the intellectual, physical, and psychological well-being of the campus community, the University of Houston deems it important to curtail the abusive or illegal use of alcoholic beverages. All members of the University of Houston community and guests are required to comply with federal, state, and local laws regarding the distribution, possession, and consumption of alcoholic beverages.

Recognizing an educational responsibility, the University has developed these and other regulations to promote students' responsible decision-making and behavior relative to the use of alcoholic beverages. Distribution procedures must be followed for on-campus events by student organizations and others sponsoring the events for students. The Dean of Students is responsible for interpreting these procedures and for developing guidelines for its implementation.

Registering to distribute alcoholic beverages on the campus of the University of Houston is a

privilege granted to registered student groups and departments. Failure to adhere to university procedures may result in the denial of future registration and disciplinary action.”

Alcoholic beverages may be distributed in areas approved for programming within designated hours. Space and facilities for the event must be reserved through the appropriate university channels. Alcoholic beverages may be dispensed at campus events between 5 p.m. and 12 a.m. on Monday through Friday and between noon and 12 a.m. on Saturday and Sunday. For special campus-wide events, the Dean of Students or designate may permit earlier distribution.

Any event at which alcoholic beverages are to be consumed pursuant to this policy may not have that consumption be the main focus of the event. Any publicity for the event may refer to such beverages only as incidental to the event. Advertising will not portray drinking as a solution to personal or academic problems. Also, it may not promote gimmicks or games (i.e., "one charge for all you can drink," "chugging contests," "drink and drown contests," etc.), which enhance irresponsible drinking.

Persons responsible for distributing alcoholic beverages must:

- Be 21 years of age or older.
- Check a valid driver's license or Texas ID card for proof of age and identify legal age drinkers by the use of a hand stamp or a wristband.
- Post a sign at the point of distribution indicating "No alcoholic beverages may be consumed by anyone under age 21."
- Have nonalcoholic beverages available and displayed throughout the event as prominently as the alcoholic beverages. If the alcoholic beverages are being distributed free, a nonalcoholic beverage other than water must be available at no charge.
- Stop serving alcoholic beverages one hour before the event's scheduled conclusion or at 12 a.m., whichever is the earlier time.
- Cease serving alcoholic beverages to any person who appears to be under the influence of alcohol or any other intoxicating substance, to the degree that he or she may endanger himself or another.
- Take other appropriate steps they may identify to encourage the responsible use of alcoholic beverages at their event.
- Post a sign announcing their willingness to call a cab for those under the influence of alcohol or any other intoxicating substance.
- Provide food items in sufficient amounts for the number of persons attending the function.

Students shall not:

- Use false identification cards in order to receive alcoholic beverages;
- Provide alcoholic beverages to a minor;
- Consume alcoholic beverages on campus except in approved food establishments, at events where such beverages are being distributed legally and in approved areas in the residence halls;
- Bring alcoholic beverages into or out of an event where such beverages are being distributed legally.

Alcohol Distribution Registration for Student Events webpage. Retrieved from [Alcohol Policy](#) website.

RSO INDOOR EVENT POLICY

The [RSO Indoor Event Policy](#) pertains to those on-campus events sponsored by a registered student organization at the University of Houston meeting two of the three following criteria:

- Includes admissions, cash donations at the door, or advanced ticket sales
- Attracts persons who are not currently enrolled UH students
- Is a social event: to include, but not limited to mixers, dances, parties, performances, concerts, etc.

FIRE MARSHAL OFFICE FOOD SAFETY POLICIES AND PROCEDURES

It is the policy of the University of Houston to provide safe, sanitary, and healthful food service and food service facilities on this campus. The food service sanitation program will ensure a safe and sanitary environment by establishing the responsibilities and requirements for all food service facilities on campus and through the inspection process which will monitor compliance with city, state and federal health rules and regulations.

There are three levels of on-campus food permits:

- For bake sales with prepackaged foods
- For food sales/provision with “concession” type foods including hotdogs, hamburgers, pizza, etc.
- For food sales/provision requiring significant preparation of food stuffs, including cooking raw meat and/or eggs.

Each of these three levels will require a different amount of preparation, training, and oversight.

- [Temporary Food Dealers Policy](#)
- [Temporary Food Dealers Frequently Asked Questions](#)

TRAVEL POLICY

Student organizations may travel to attend programs and conferences outside of the University. In order to maintain safety and information about student travel, the University of Houston has created a policy to help gather information regarding the travel plans.

The policy applies to travel by one or more students presently enrolled at the University of Houston, and where such travel meets the following criteria: travel that is in excess of 25 miles to a University organized and sponsored activity or event where such activity or event is either a) funded by the University, and the travel is undertaken using a vehicle owned or leased by the University or b) is required by a student organization registered at the University.

RSOs whose travel falls under the policy should review the policy and procedures outlined in the University policy. Depending on the funding source for the trip, RSOs will have to complete one of two procedures.

Student organizations that are traveling outside of the US for organizational purposes are required to go through the [Learning Abroad Department](#).

Students can also get more information on [Student Service Organizations Abroad](#).

RSOS RECEIVING UNIVERSITY FUNDING

Student organizations should submit a [Travel Roster](#). The Travel Roster must include the traveler's name, student ID number, the name and phone number of an emergency contact person, date(s) of travel, mode of travel, destination, purpose of travel, and a notation indicating that the traveler has signed and submitted a [University Release and Indemnification Agreement](#). The completed Travel Roster must be signed by the dean or director of the university, college or department sponsoring the travel. One copy of the Travel Roster should be kept by the college/department sponsoring the travel and one copy of the Travel Roster should be received in UHDPDS Dispatch prior to travel.

RSOS RECEIVING NO UNIVERSITY FUNDING

Student organizations should submit a [Travel Roster](#). The Travel Roster must include the traveler's name, student ID number, the name and phone number of an emergency contact person, date(s) of travel, mode of travel, destination, and purpose of travel. The completed Travel Roster must be signed by one of the three registered student organization authorized representatives and submitted to the Center for Student Involvement at least 24 hours prior to travel.

- [Manual of Administrative Policies and Procedures](#)

CENTER FOR FRATERNITY AND SORORITY LIFE POLICIES

BAYOU OAKS POLICY

(Updated 10.1.2020)

The Bayou Oaks Townhouse Event Policy pertains to (1) registered social events sponsored by fraternities/sororities within their townhomes and (2) fraternities/sororities hosting off-campus social events with the intent to transport attendees to/from Bayou Oaks.

NEW MEMBER PRESENTATION POLICY

(Updated 10.1.2020)

The New Member Presentation Policy pertains to the planning and coordination of new member presentations by fraternities and sororities.

STATE/NATIONAL LEGAL PRECEDENTS

There are certain legal precedents that impact student organizations. Listed here are some of the most recent cases along with a short summary of their impact.

ALL-COMERS POLICY: CHRISTIAN LEGAL SOCIETY V. MARTINEZ

Overview:

Hastings College of Law established an Accept All-Comers Policy which states that any group seeking access to the services and benefits of the University had to accept any student. The Christian Legal Society argued that the University's policy negatively impacted members' First Amendment rights to free speech, expression, association & religion because the group "had to accept members who did not share its religious and sexual orientation beliefs or relinquish the advantages of recognition."

Retrieved from: acenet.edu

Significance:

The Supreme Court held that the Accept All-Comers Policy ensured no student was funding a group that would reject him/her as a member. The Court held that "the school's desire to redress the perceived harms of exclusionary membership policies" was a sufficient explanation for their position, and that this was not just a "disagreement" with the group's beliefs. The Supreme Court determined that as a result of the reasonableness of the policy, Christian Legal Society was seeking "preferential, not equal, treatment." At the University of Houston, the membership regulations are governed by the Student Handbook published by the Dean of Students Office. Registered student organizations have freedom of choice in the selection of members, provided that there is no discrimination on the basis of race, color, religion, national origin, sex, age, disability, veteran status, or sexual orientation. Membership in registered student organizations is restricted to currently enrolled University of Houston students, faculty, staff and alumni. Groups CAN have membership requirements such as payment of dues, specific skill-set, attendance, etc.

DUTY OF CARE: KENNER V. KAPPA ALPHA PSI, INC.

Overview:

Kenner sued a national fraternity local chapter advisor, and other fraternity officials, for negligence, claiming he sustained severe physical injuries as a result of a physical hazing by fraternity members. The Court, by applying the duty analysis factors, found there was a duty; but that Kenner failed to show the breach by the "fraternity" and the officials. The Kenner case did establish the chapter advisor's breach of duty.

Retrieved from:

Kaplin, William A. and Lee, Barbara A. 2006. The Law of Higher Education. 4th Ed. p.1094.

Significance:

The chapter advisor attended the "interest meeting," but failed to discuss hazing – thus establishing negligence.

Remember the negligence standard:

Duty of Care is a legal obligation which is imposed on an individual requiring that they adhere to a standard of reasonable care while performing any acts that could foreseeably harm others

The defendant is in *breach of duty* towards the claimant if their conduct fell short of the standard expected under the circumstances

Damage as a Result of the Breach: For a defendant to be held liable, it must be shown that the particular acts or omissions were the cause of the loss or damage sustained. Although the notion sounds simple, the causation between one's breach of duty and the harm that results to another can at times be very complicated. The basic test is to ask whether the injury would have occurred but for, or without, the accused party's breach of the duty owed to the injured party.

Proximate cause is an event sufficiently related to a legally recognizable injury to be held to be the cause of that injury.

STATE OF TEXAS MANDATED RISK MANAGEMENT PROGRAM

Per State of Texas House Bill 2639/Senate Bill 1138, enacted by the 80th Texas Legislature, top officers of all registered student organizations at the University of Houston must attend an annual risk management training. The top three student leaders – the three named on your organization's registration – are required to participate in this training. RSOs that do not complete the required training will not be registered by the University.

Advisors are required to attend an "Advisors Only" training session covering the mandatory topics. Advisors who are University of Houston Faculty and Staff are required by law to attend, and community advisors are strongly encouraged to attend. Once an advisor has attended the training, he or she will not need to complete the training in subsequent years.

The state mandated Risk Management training provides students and advisors with information about alcohol and drug use and prevention, sexual harassment and sexual assault prevention and response, fire and fire arm safety, safe travel, managing events in a safe fashion, and services for students with disabilities.

PERSONAL LIABILITY

RSO advisors sign and submit an annual Advisor Agreement every new academic year. The following Liability Statement is taken directly from this form.

LIABILITY STATEMENT

Faculty and staff at the University of Houston that advise registered student organizations are expected to adhere to University policies and state and federal laws in all their advising interactions with student organizations. Faculty and staff that advise student organizations as a function of their position are expected to advise organizations within the scope of their job duties and responsibilities. Faculty and staff that are advising student organizations voluntarily,

as well as those that are advising organizations as a function of their role, are expected to utilize common sense in all their interactions, and to provide advising only within the context of common-place parameters of their employment and their individual skill set and professional expertise. In general, faculty and staff that do so will receive legal representation by the UH System Office of the General Counsel and/or the Office of the Attorney General of Texas and indemnification in accordance with Texas law for issues arising from their work with registered student organizations.