



**Sexual Misconduct and Interpersonal
Violence Policy & Resolution Procedure
Governing Students and Employees**

SCOPE

All Faculty, Staff and Students

PREFACE TO POLICY

The University of St. Thomas (“UST”, “St. Thomas” or “the University”) is committed to providing timely support and assistance to victims and/or survivors¹ of sexual misconduct, interpersonal violence and/or gendered harassment. This policy provides detailed descriptions of how the institution identifies and responds to such complaints. This preface is intended to provide a snapshot of essential information for persons who need immediate assistance, so they do not have to navigate the entire document. This information is also included within the document in more detail. You may also visit www.stthom.edu/sexualmisconduct that houses this policy and information regarding on and off campus resources that may be helpful.

“Sexual misconduct” is an umbrella term that refers collectively to the below offenses that are prohibited by the University of St. Thomas. Those offenses are the following:

- Sexual Harassment
- Sexual Assault, which includes Non-Consensual Sexual Penetration and Sexual Touching
- Forms of Interpersonal Violence or Intimate Partner Violence, which include Dating Violence and Domestic Violence
- Sexual Exploitation
- Stalking, regardless of if it occurs in the context of an intimate relationship
- Non-sexual gender-based harassment and discrimination

Students or employees who experience an incident of sexual misconduct or one of the other prohibited offenses should consider the information and resources provided below. Full definitions of the above offenses are found later in this document.

EMERGENCY INFORMATION

FOR IMMEDIATE ASSISTANCE

1. Confidential Support: Any student in need of immediate emotional support should contact Counseling and Disability Services and request to speak with a confidential counselor (after hours, contact the police department or your housing staff to access the counselor on call). You may also access the Counseling and Disability Services website, www.stthom.edu/CDS. Survivors (employees or students) may also contact AVDA (sexual and domestic violence resource center off campus) to speak with a confidential advocate 24 hours a day, 7 days a week by calling (713) 224-9911. Access AVDA website at www.avda-tx.org.
2. Reporting: Students and employees are *strongly* encouraged to report sexual misconduct or other prohibited conduct to University authorities and to the police in order to protect themselves and others. Even if the survivor does not

¹ The words “victim” and “survivor” are used interchangeably throughout this document. UST respects the decision of those who have experienced violence to identify as a victim or a survivor. We recognize that choosing to identify as a survivor is an important part of the healing process for some who have experienced sexual misconduct. When we are referring to the “victim” or “survivor’s” role in the administrative process, we refer to them as the “Complainant” or “Reporting Party”.

want to make a formal incident report with the University or cooperate with law enforcement, he or she still may have the right to other victims' services, including reasonable accommodations and interim protective measures in addition to support services. To file a report, any person can contact any of the following or file a report online at www.stthom.edu/sexualmisconduct:

- a. **Title IX Coordinator for Students:** (available during regular business hours) Lindsey McPherson, Assistant Vice President for Student Affairs / Dean of Students, 3909 Graustark, Room 215Q, Crooker Center, deanofstudents@stthom.edu, (713) 525-3570.
- b. **Title IX Coordinator for Employees:** (available during regular business hours) Randy Graham, Associate Vice President of Human Resources, 3818 Graustark Street, Room 104, titleixcoord@stthom.edu, (713) 525-3813.

Reporting to the Title IX Coordinator will not result in a criminal investigation but will result in an administrative investigation to determine if this policy was violated. If the incident occurred on campus, limited information will be shared with the UST Police for purposes of determining if a Timely Warning Notice should be sent out to the community and for purposes of capturing and counting crime data.

- c. **UST Police Department:** (available 24 hours a day, 7 days a week) (713) 525-3888 www.stthom.edu/police.

Reporting to the UST Police may initiate a criminal investigation into your complaint. The UST Police will also determine if a Timely Warning Notice should be sent out to the community and will capture and count crime data if the offense was reported to have occurred on campus or on a property owned or controlled by the institution. The UST Police will report your complaint to the Title IX Coordinator. You can tell the police as much or as little as you would like.

- d. **Houston Police Department:** (available 24 hours a day, 7 days a week) **Call 911 for emergencies** or (713) 837-0311. Visit the Houston PD's website, www.houston.tx.gov/police, for more information or to obtain the address or contact information for a specific division within the PD.

Important Note - The Houston PD may not share the details of your report with UST (however, the campus police must notify the Title IX Coordinator of a report made to their office). If you report to the city police, you should also report to the Title IX Coordinator so on campus accommodations, interim protective measures and resources may be provided, like changes in class schedule, housing, work location, or transportation options if you request these and if they are reasonably available.

MEDICAL TREATMENT AND EVIDENCE PRESERVATION

As of January 2009, victims of sexual assault may have a sexual assault forensic exam without reporting it to law enforcement.² State law allows you to have the sexual assault forensic exam (SAFE) up to 120 hours (5 days) after the sexual assault. You can report to law enforcement if you chose to. In Texas, you have ten years (statute of limitations on sexual assault) to make the report. Having a sexual assault forensic exam conducted allows you to preserve evidence that will be lost over time while you have time to decide how to proceed.

UST police officers and City of Houston police officers encourage victims to report the sexual or domestic assault even if it is past the statute of limitations. Your case cannot go forward with prosecution, but it is important to document the assault and the perpetrators who commit them (in addition to allowing UST to prevent recurrence of similar crimes, if applicable).

In circumstances of sexual assault, if a complainant does not opt for forensic evidence collection, health care providers still can treat injuries and take steps to address concerns of pregnancy and/or sexually-transmitted infection. It is important that a survivor of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where she or he was assaulted within 120 hours after the incident occurred so that evidence may be preserved.

² Violence Against Women Act, 2005.

Complainants of sexual assault, domestic violence, dating violence, or stalking also are encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if any exist that may be useful to University investigators, UST Police personnel, or local police.

Below is a chart of area hospitals where victims of sexual or intimate partner violence may go for medical services. The chart also indicates whether or not the facility has forensic evidence collection services available.

Hospitals in and around the Houston area:

Memorial Hermann Hospital	6411 Fannin Street Houston, Texas 77030 (713) 704-1261	Forensic Nurse Response Team available at any Memorial Hermann Hospital in the greater Houston area
Ben Taub Hospital	1504 Ben Taub Loop Houston, Texas 77030 (713) 873-2000	Forensic Kits available

INVESTIGATIONS

Survivors who wish to pursue an investigation may choose to:

1. Contact the UST Police Department to pursue a criminal investigation if the reported conduct occurred on property owned or controlled by UST.
2. Contact the Houston Police Department to pursue a criminal investigation.
3. File a civil complaint in a civil court. (This is equivalent to personally suing your attacker- this action may require you to obtain your own attorney.)
4. Report to the UST Title IX Coordinator. An investigation of a campus policy violation is independent from criminal investigations or civil court action and the Title IX Coordinator accepts complaints of all kinds of conduct (criminal and non-criminal) as well as conduct that occurred on and off campus.
5. Decide not to file charges or make a report for investigation. Survivors are strongly encouraged, but not required to report the incident. Survivors have the right to be free from any suggestion that victims must report the crime to be assured of any other rights or resources. Campus personnel will not pressure survivors to report a crime if the survivor does not wish to report, but will assist any person in filing a report with law enforcement no matter where the misconduct occurred. You should contact the Title IX Coordinator for assistance in filing a police report if you should require assistance.
6. A victim/survivor may report to all of the above and have concurrent criminal and administrative investigations. UST will not wait for the completion of a criminal investigation to begin or conduct its' administrative investigation but can temporarily yield to law enforcement so law enforcement can conduct preliminary fact-finding into your complaint.

ACCOMMODATIONS

A survivor may make a request for accommodations to the Title IX Coordinator. The survivor does not need to participate in an investigation or file charges in order to request accommodations. The Title IX Coordinator will work in conjunction with relevant parties to determine which measures are appropriate to ensure the victim's safety and equal access to educational programs and activities. Accommodations include:

- Accommodations related to academics, transportation, and/or your working environment.
- Relocation in their on-campus job if either will bring them into proximity with the accused party. Survivors may also request changes to their class schedule if they have classes in common with the accused party.

- A “no-contact” order may be put in place between the survivor and the accused party³ or if the accused party is a non-UST member, the institution may be able to work with law enforcement to prohibit the party from entering campus property.
- Providing Reporting Parties with financial aid-related information, such as how to apply for a leave of absence or addressing concerns about loan repayment.

INTRODUCTION

The University of St. Thomas (“UST”, “St. Thomas” or “the University”) values a learning community in which all members feel secure, physically and intellectually, and prohibits sex-based harassment. This includes having an environment free from sex-based harassment, to include sexual harassment, sexual assault, and the offenses of interpersonal or intimate partner violence (which include domestic and dating violence), stalking, sexual exploitation, complicity and retaliation (as those offenses are later defined in this policy and procedure.) Gender-based harassment, as defined later in this policy, is also prohibited. Faculty, staff, and students of the University of St. Thomas are expected to commit themselves to be examples of the highest standards of personal and professional conduct. As an educational institution, UST affirms by this policy statement that acts of sex and gender-based harassment are detrimental to the integrity of the institution and cannot be tolerated in our community. The University will take prompt and equitable action to eliminate sex and/or gender-based harassment, prevent its recurrence, and remedy its effects, no matter if the conduct occurred on or off campus when it has the propensity to create a hostile environment on campus.

To foster a climate of respect and security on campus as it relates to preventing and responding to acts of sex and/or gender-based harassment, this policy and resolution procedure serve to demonstrate the University’s commitment to:

- Identifying the forms of sexual misconduct or other forms of prohibited conduct that violate this policy;
- Disseminating clear policies and procedures for responding to sexual misconduct or other forms of prohibited conduct reported or reasonably known to the University;
- Developing a campaign for delivering primary prevention and awareness programs and ongoing training and education programs to students and employees so they may identify what behavior constitutes sexual misconduct and the other misconduct described in the policy; understand how to report such misconduct; recognize warning signs of potentially abusive behavior and ways to reduce risks; and learn about safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of sexual misconduct or other forms of prohibited conduct against a person other than such individual;
- Engaging in investigative inquiry and resolution of reports that are adequate, reliable, impartial, prompt, fair, and equitable that support the due process rights of both parties;
- Supporting complainants and respondents and holding persons accountable for established violations of this policy; and
- Providing a written explanation of the rights and options available to every person who alleges that they have been the victim of sexual assault, dating violence, domestic violence and/or stalking, regardless of when or where the conduct occurred.

In addition, this policy:

1. Identifies the University’s Title IX Coordinators, the function of the Title IX Investigators, the role of the police, the appellate process and describes their roles in compliance with Title IX and the Clery Act, to include VAWA.

³ The words “accused party”, “Respondent” and “perpetrator” will be used in this document to refer to the person who is alleged to have engaged in the harm or misconduct depending on which process (administrative policy violation or criminal process.) UST is not assigning any blame to the use of those word, rather using the word to refer to the party.

2. Identifies how students, employees, and others can report sexual misconduct or other forms of prohibited conduct to the University confidentially and what resources are available both on and off campus to aid them, including employees' and students' rights to notify campus and local law enforcement, be assisted in that notification, and their right to decline to notify such authorities.
3. Provides information about how reports are assessed, investigated, and resolved.
4. Provides the University with a means to take all reasonable steps to identify sexual misconduct and other prohibited conduct as identified in this policy, prevent recurrence, and to correct its discriminatory effects on the complainant and others, if appropriate.

This policy supersedes any conflicting information contained in other University policies with respect to the definitions or procedures relating to conduct prohibited by this policy.

JURISDICTION

This policy applies to students, University employees, contractors, vendors, visitors, guests or other third parties regardless of their sex, gender identity, gender expression and/or sexual orientation. This policy pertains to acts of sexual misconduct or other forms of prohibited conduct that may be based on sex or gender committed by or against students, employees and third parties when:

1. the conduct occurs on University property or other property owned or controlled by the University;
2. the conduct occurs in the context of a University employment or education program or activity, including, but not limited to, University-sponsored study abroad, research, on-line, or internship programs; or
3. the conduct occurs outside the context of a University employment or education program or activity but has continuing adverse effects on or has the propensity to create a hostile environment for students, employees or third parties while on University property or other property owned or controlled by the University or in any University employment or education program or activity.

NOTICE OF NON-DISCRIMINATION AND NOTICE OF COORDINATION WITH NON-DISCRIMINATION POLICY

The University is committed to maintaining an environment free from harassment and discrimination for everyone and does not discriminate on the basis of race, sex, national origin, religion, sexual orientation, gender identity or expression, or any other protected status. The University does not discriminate on the basis of sex or gender in any of its education or employment programs and activities. This policy prohibits specific forms of behavior that may violate Title IX of the Education Amendments of 1972 (Title IX); relevant provisions of the Violence Against Women Reauthorization Act of 2013 (VAWA); Title VII of the Civil Rights Act of 1964 ("Title VII"); the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"); and the Texas Commission on Human Rights Act.

The University recognizes that it is important to coordinate this policy with other existing policies related to harassment and discrimination knowing that harassment related to an individual's sex, sexual orientation, gender identity or gender expression, pregnancy or parenting status can occur in conjunction with misconduct and harassment related to a person's race, ethnicity, national origin, religion, age, disability, or other protected status (intersectional discrimination). Therefore, when a report is made of harassment or discrimination based on sex or gender as well as harassment or discrimination based on some other protected status, the University's response will be governed by the procedures referenced in this policy in addition to other relevant policies in place at the University. Questions about which policy applies in a specific instance should be directed to the Title IX Coordinator.

Employees should seek further information regarding equal opportunity, disability, harassment, discrimination and retaliation that **is not based on sex or gender** from:

Randy Graham
Associate Vice President for Human Resources
Title IX Coordinator for Employees
University of St. Thomas - Houston
(713) 525-3813
3818 Graustark Street
Houston, Texas 77006

TITLE IX COORDINATOR, DEPUTY TITLE IX COORDINATORS, AND INVESTIGATORS

The University has designated a Title IX Coordinator who is responsible for the oversight of this policy and any procedures related to it. The Title IX Coordinator is responsible for overseeing and resolving all Title IX complaints and identifying and addressing any patterns or systemic concerns that arise during the review of such reports. The Coordinator's responsibilities include oversight of a prompt, fair, equitable investigation and resolution process for reports of sexual misconduct or other forms of prohibited conduct at the University. The Title IX Coordinator also evaluates trends on campus by using information reported to them and makes recommendations for campus wide training and education programs and other remedial actions designed to eliminate sex-based harassment, prevent its recurrence and address its effects.

The Title IX Investigator(s) conduct thorough and impartial investigations into the facts of a complaint including interviewing the complainant, respondent, witnesses or others who may have relevant information, and collecting any other evidence deemed relevant to a case.

Title IX Coordinator for Students

Lindsey McPherson
(713) 525-3570
deanofstudents@stthom.edu

Title IX Coordinator for Employees

Randy Graham
(713) 525-3813
titleixcoord@stthom.edu

The U.S. Department of Education's Office for Civil Rights (OCR) is responsible for overseeing institutional noncompliance with Title IX. To file a report directly with the U.S. Department of Education, use the contact information below.

The OCR office for Texas is located at:

Dallas Office
Office for Civil Rights
U.S. Department of Education
1999 Bryan Street, Suite 1620
Dallas, Texas 75201-6810
Telephone: 214-661-9600
FAX: 214-661-9587; TDD: 800-877-8339
Email: OCR.Dallas@ed.gov

The OCR National Headquarters is located at:

U.S. Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg
400 Maryland Avenue, SW
Washington, DC 20202-1100
Telephone: 800-421-3481
FAX: 202-453-6012; TDD: 800-877-8339
Email: OCR@ed.gov

CONDUCT PROHIBITED UNDER THIS POLICY

Sexual Misconduct is a broad term used by the University to identify a number of forms of harassment based on sex. Sexual Misconduct includes the following specifically defined forms of behavior: Sexual Harassment, Sexual Assault, and

Sexual Exploitation. Other forms of conduct prohibited by this policy include all forms of Interpersonal Violence to include Intimate Partner Violence (domestic and dating violence) and stalking (regardless of if the stalking occurs in the context of an intimate relationship.). All forms of gender-based harassment, complicity, and retaliation are also prohibited conduct under this policy and resolution procedure.⁴

A violation of this policy will be found when: (1) submission to such conduct is made as express or implicit term or condition of an individual's employment, performance, appraisal, or evaluation of academic performance; or (2) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, humiliating, or offensive living, working, or learning environment.

Sex and Gender-Based Harassment

“Harassment” is conduct that creates an intimidating, offensive, or hostile working or learning environment or that unreasonably interferes with work or academic performance based on a person’s protected status, including sex, sexual orientation, gender identity, or gender expression. All such conduct is unlawful.

“Sexual Harassment” is any unwelcome sexual advance, request for sexual favors, or other unwelcome conduct of a sexual nature, whether verbal, physical, graphic, or otherwise.

“Gender-Based Harassment” is harassment based on sex, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal, physical, graphic, or otherwise. To qualify as Gender-Based Harassment, the conduct need not involve conduct of a sexual nature.

Generally speaking, harassment can be divided into two types of conduct:

1. **Quid Pro Quo Harassment.** Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual’s employment, academic standing, or participation in any aspect of a University program or activity or is used as the basis for the University’s decisions affecting the individual.
2. **Hostile Environment.** A hostile environment exists when the conduct is sufficiently severe, pervasive, or persistent that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the University’s education or employment programs and/or activities. Whether conduct is sufficiently severe, pervasive, or persistent is determined both from a subjective and objective perspective.

Harassing conduct can take many forms. The determination of whether an environment is hostile is based on the totality of the circumstances, including but not limited to: (1) the frequency of the conduct; (2) the nature and severity of the conduct; (3) whether the conduct was physically threatening; (4) the effect of the conduct on the Complainant’s mental or emotional state, with consideration of whether the conduct unreasonably interfered with the Complainant’s educational or work performance and/or University programs or activities; (5) whether the conduct was directed at more than one person; (6) whether the conduct arose in the context of other discriminatory conduct; and (7) whether the conduct implicates concerns related to academic freedom or protected speech.

A single isolated incident may create a hostile environment if the incident is sufficiently severe, particularly if the conduct is physical. A single incident of Sexual Assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal, written, or visual expression is typically not sufficient to constitute a hostile environment. It is also important to note that the University need not determine a hostile

⁴ NOTE: The definitions in this policy may differ from those used in the civil or criminal laws of the State of Texas. In some cases, the definitions include behaviors that, while not torts or crimes under Texas law, still violate UST’s standards of conduct for faculty, staff, and students. In addition, certain conduct may be punishable under Texas or Federal criminal statutes, civil law, and University policy and these processes may work concurrently and independently but are separate and distinct from one another.

environment was created to call behavior harassment, to initiate an investigation, or to resolve the complaint. The creation of a hostile environment triggers a duty to respond, but a single act of conduct that is harassing is taken seriously and is sufficient to trigger a response from UST.

Sexual or Gender-Based Harassment:

- May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- May be committed by anyone, regardless of gender, age, position or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational or employment relationships, harassment can occur in any context.
- May be committed by a stranger, an acquaintance, or someone with whom the Complainant has an intimate or sexual relationship.
- May be committed by or against an individual or may be a result of the actions of an organization or group.
- May occur by or against an individual of any sex, sexual orientation, gender identity, or gender expression.
- May occur in the classroom, in the workplace, in residential settings, or in any other setting.
- May be a one-time event or can be part of a pattern of behavior.
- May be committed in the presence of others or when the Parties are alone.
- May affect the Complainant and/or third Parties who witness or observe harassment and are affected by it.

Examples of conduct that may constitute Sexual Harassment as defined above may include one or more of the following:

- **Physical conduct**, including unwelcome touching, sexual/physical assault, impeding, restraining, or blocking movements, or unwanted sexual advances;
- **Verbal conduct**, including making or using derogatory comments, epithets, slurs or humor; verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations; or objectively offensive comments of a sexual nature, including persistent or pervasive sexually explicit statements, questions, jokes, or anecdotes;
- **Visual conduct**, including leering, making sexual gestures, displaying of suggestive objects or pictures, cartoons, or posters in a public space or forum; or severe, persistent, or pervasive visual displays of suggestive, erotic, or degrading sexually oriented images that are not pedagogically appropriate;
- **Written conduct**, including letters, notes or electronic communications containing comments, words, or images described above;
- **Quid pro quo conduct**, including direct propositions of a sexual nature between those for whom a power imbalance or supervisory or other authority relationship exists; offering educational or employment benefits in exchange for sexual favors; making submission to sexual advances an actual or implied condition of employment, work status, promotion, grades, or letters of recommendation, including subtle pressure for sexual activity, an element of which may be repeated requests for private meetings with no academic or work purpose; or making or threatening reprisals after a negative response to sexual advances.

This Policy is consistent with the University's commitment to Academic Freedom (Policy No. F.06.01). This commitment requires that the University protect community members' expressions of ideas in their teaching and learning, including topics that may be controversial, provocative, or unpopular. This protection extends to the expression of ideas, however controversial, in the classroom, and other campus-related activities.

It must be recognized, however, that this protection has its limits. This Policy defines those limits and conduct which is found to be "harassing" is not consistent with the University's commitment to academic freedom and free speech. No member of the University community may escape responsibility for engaging in harassing conduct merely by labeling the conduct as "speech" or other expressive activity.

Sexual Assault: Two Forms

Non-Consensual Sexual Penetration

“Non-Consensual Sexual Penetration” is having or attempting to sexually penetrate another individual:

- By force or threat of force;
- Without consent; or
- Where that individual is incapacitated and could not have provided consent.

Sexual penetration includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand) or object, or oral penetration involving mouth to genital contact.

Non-Consensual Sexual Touching/Contact

“Non-Consensual Sexual Touching/Contact” is having sexual contact with another individual:

- By force or threat of force;
- Without consent; or
- Where that individual is incapacitated and could not have provided consent.

Sexual Contact includes intentional contact with the intimate parts of another, causing an individual to touch their own intimate body parts, or disrobing or exposure of another’s private parts without permission. Intimate body parts may include the breasts, genitals, buttocks, groin, mouth or any other part of the body that is touched in a sexual manner.

Examples of behavior that would constitute non-consensual sexual penetration or contact include the following:

- Engaging in sexual activity with an unconscious or semi-conscious person;
- Engaging in sexual activity with someone who is asleep or passed out;
- Engaging in sexual activity with someone who has said “no”;
- Engaging in sexual activity with someone who is not reciprocating by body movement;
- Engaging in sexual activity with someone who is vomiting, unable to stand without assistance, or has to be carried to bed;
- Allowing another person to engage in sexual activity with your partner without his or her consent;
- Requiring any person to perform any sexual activity as a condition of acceptance into any organization affiliated with the University;
- Telling someone you will “out” them if they don’t engage in sexual activity (e.g., threatening to disclose the person’s sexual orientation without their consent);
- Having sexual contact with someone under the statutory age of consent (statutory rape) or with a family member that is situated within proximity in your family tree to violate state statute (incest);
- Telling someone you will fail them or give them a grade different from what they deserve if they don’t agree to engage in sexual activity; or
- Facilitating or assisting in a sexual assault including purchasing or providing alcohol or drugs to further a sexual assault.

Sexual Exploitation

“Sexual Exploitation” occurs when an individual takes non-consensual or abusive sexual advantage of another for one’s own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. Examples of Sexual Exploitation include, but are not limited to:

- Prostituting another;
- Surreptitiously observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all Parties involved;
- Non-consensual sharing or streaming of images, photography, video, or audio recording of sexual activity or nudity of the person being exploited, or distribution of such without the knowledge and consent of all Parties involved or possession or distribution of any of the above when they depict a person under the age of 18 regardless of the Parties consent (possession or distribution of child pornography);
- Exposing one's genitals or inducing another to expose their own genitals in nonconsensual circumstances;

- Knowingly exposing another individual to a sexually transmitted infection or virus without their knowledge; and
- Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

Stalking

“Stalking” occurs when a person engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

A *course of conduct* consists of two or more acts, including, but not limited to, acts in which a person directly, indirectly, or through third Parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person’s property.

Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.

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

Cyber-stalking is a particular form of stalking in which electronic media such as the Internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used.

Examples of stalking include, but are not limited to:

- Non-consensual communication including in-person communication, telephone calls, voice messages, text messages, email messages, social networking site postings, instant messages, postings of pictures or information on web sites, written letters, gifts, or any other communications that are undesired and/or place another person in fear;
- Following, pursuing, waiting, or showing up uninvited at a workplace, place of residence, classroom, or other locations frequented by a person;
- Surveillance and other types of observation, whether by physical proximity or electronic means; and
- Gathering of information about a person from family, friends, co-workers, and/or classmates.

To qualify as stalking, the conduct is not required to be sexual in nature.

Intimate Partner Violence: Two Forms

“Intimate Partner Violence” includes any act of violence or threatened act of violence against a person who is, or has been involved in, a sexual, dating, spousal, domestic, or other intimate relationship with the Respondent. The University will not tolerate Intimate Partner Violence of any form.

Intimate Partner Violence is often referred to as dating violence, domestic violence, interpersonal violence or relationship violence. Intimate Partner Violence can encompass a broad range of behavior including, but not limited to, physical violence, sexual violence, psychological and/or emotional violence, and economic abuse. It may involve one act or an ongoing pattern of behavior. Intimate Partner Violence may take the form of threats, assault, property damage, violence or threat of violence to one’s self, one’s sexual or romantic partner, one’s pets, or to the family members or friends of the sexual or romantic partner. Intimate Partner Violence affects individuals of all sexes, sexual orientations, gender identities, and gender expressions, races and social and economic backgrounds.

Dating Violence

“Dating Violence” is physical acts of assault or threats of assault, detainment, or unwanted touching committed by a person who is or has been in a social relationship of a romantic or intimate nature with the person subjected to such violence. Whether there was such a relationship will be determined based on, among other factors, the Complainant’s and Respondent’s statements, and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the Parties involved in the relationship.

Domestic Violence

“Domestic Violence” is physical acts of assault or threats of assault, detainment, or unwanted touching committed by: (1) a current or former spouse or intimate partner of the victim; (2) a person with whom the victim shares a child in common; (3) a person who is cohabiting with, or has cohabitated with, the victim as a spouse or intimate partner; (4) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Texas; or (5) any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws in the State of Texas.

Definitions of Additional Key Terms

To provide clarity to all individuals as to the kinds of behavior which constitute Sexual Misconduct or other Prohibited Conduct, the University further defines key terms which the University will use in evaluating whether Prohibited Conduct has occurred.

Consent: affirmative, conscious, and voluntary agreement to engage in sexual activity. Consent is required for any sexual activity to occur between two or more individuals. It is the responsibility of each person involved in the sexual activity to ensure that the person has the affirmative consent of the other(s) to engage in the sexual activity.

It shall not be a valid excuse to alleged lack of consent that the Respondent believed that the Complainant consented to the sexual activity under either of the following circumstances: (a) The Respondent’s belief in consent arose from the intoxication or recklessness of the Respondent, or (b) the Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant consented.

The following are essential elements of consent at UST:

- *Informed and reciprocal:* All Parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way.
- *Freely and actively given:* Consent cannot be obtained through the use of force, coercion, threats, intimidation or pressuring, or by taking advantage of the incapacitation of another individual.
- *Mutually understandable:* Communication regarding consent consists of mutually understandable words and/or actions that indicate a mutually unambiguous willingness to engage in sexual activity. Consent may not be inferred from silence, passivity, lack of resistance, or lack of active response. An individual who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. **Relying solely upon non-verbal communication can lead to a false conclusion as to whether consent was sought or given.**
- *Not indefinite:* Consent must be ongoing throughout the activity. **Consent may be withdrawn by any Party at any time.** Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout all stages of sexual activity. Withdrawal of consent can be an expressed “no” or can be based on an outward demonstration that conveys that an individual is hesitant, confused, uncertain, or is no longer a mutual participant. Once consent is withdrawn, the sexual activity must cease immediately, which means they must separate their bodies, and all Parties must obtain mutually expressed or clearly stated consent before continuing further sexual activity.
- *Not unlimited:* Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to activity with any other person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant. Even in the context of a current or previous intimate relationship, each Party must consent to each instance of sexual contact each time. The consent must be based on mutually understandable communication that clearly indicates a willingness to engage in sexual activity. The mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts.
- *Age:* The State of Texas considers sexual intercourse with a person under the age of 17 to be unlawful. A person who engages in “unlawful” sexual intercourse as described in the Texas Penal Code does so without effective consent as defined by this University policy. Specifically, there is no consent under this University policy where one Party (the “minor”) is under the age of seventeen, and the other Party is more than three years older than the

minor. Reports received that allege sexual contact with a person under the age of 17 will be reported to the Houston Police Department (or appropriate law enforcement agency if the act occurred outside of Houston) as this conduct could constitute sexual abuse of children.

Force: The use or threat of physical violence to overcome an individual's freedom of will to choose whether or not to participate in sexual activity or provide consent. Consent obtained by force is not valid.

For the use of force to be demonstrated, there is no requirement that a Complainant resist the sexual advance or request. However, evidence of resistance by the Complainant will be viewed as a clear demonstration of a lack of consent.

Intimidation: The use of implied threats to overcome an individual's freedom of will to choose whether or not to participate in sexual activity or provide consent. Consent obtained by intimidation is not valid.

Coercion: The use of pressure to compel another individual to initiate or continue sexual activity against that individual's will. Consent obtained through coercion is not valid.

Coercion can include a wide range of behaviors, including unwanted pressure, intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include continuously pressuring someone ("wearing them down" to engage in sexual activity), threatening to "out" someone based on sexual orientation, gender identity, or gender expression (whether true or not) and threatening to harm oneself if the other Party does not engage in the sexual activity. When someone indicates, verbally or physically, that they do not want to engage in a particular sexual activity, that they want to stop a particular activity, or that they do not want to go past a certain point of sexual interaction, continued activity or pressure to continue beyond that point can be coercive. The University will evaluate the following in determining whether coercion was used: (a) the frequency of the application of pressure, (b) the intensity of the pressure, (c) the degree of isolation of the person being pressured, and (4) the duration of the pressure.

Incapacitation: A state where an individual cannot make an informed and rational decision to engage in sexual activity because of a lack of conscious understanding of the fact, nature, or extent of the act (e.g., to understand the who, what, when, where, why, or how of the sexual interaction) and/or is physically helpless. For example, an individual is incapacitated, and therefore unable to give consent, if the individual is asleep, unconscious, or otherwise unaware that sexual activity is occurring. An individual will also be considered incapacitated if the person cannot understand the nature of the activity or communicate due to a mental or physical condition.

Incapacitation may result from the use of alcohol, drugs, or other medication. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation.

The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impacts an individual's: (1) decision-making ability; (2) awareness of consequences; (3) ability to make informed judgments; or (4) capacity to appreciate the nature and the quality of the act.

It shall not be a valid excuse that the Respondent believed that the Complainant affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances: (a) the Complainant was asleep or unconscious; (b) the Complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity; (c) the Complainant was unable to communicate due to a mental or physical condition.

Whether the Respondent reasonably should have known that the Complainant was incapacitated will be evaluated using an objective reasonable person standard. The fact that the Respondent was actually unaware of the Complainant's incapacity is irrelevant to this analysis, particularly where the Respondent's failure to appreciate the Complainant's

incapacitation resulted from the Respondent's failure to take reasonable steps to determine the Complainant's incapacitation or where the Respondent's own incapacitation (from alcohol or drugs) caused the Respondent to misjudge the Complainant's incapacity.

It is the responsibility of each Party to be aware of the intoxication level of the other Party before engaging in sexual activity. In general, sexual activity while under the influence of alcohol or other drugs poses a risk to all Parties. If there is any doubt as to the level or extent of the other individual's intoxication, it is safest to forgo or cease any sexual contact or activity.

Being intoxicated by drugs or alcohol is no defense to any violation of this Policy and does not diminish one's responsibility to obtain consent.

Retaliation: Any adverse action taken against a person for making a good faith report of sexual misconduct or other forms of prohibited conduct or participating in any proceeding under this policy. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. Retaliation may be present even where there is a finding of "no responsibility" on the allegations of Sexual Misconduct or other prohibited behavior. Retaliation does not include good faith complaints filed with the University.

Complicity: Any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of an act of sexual misconduct or other forms of prohibited conduct by another person. The University reserves the right to investigate organizations affiliated by the University if the University knows or reasonably discovers that an organization facilitated the sexual abuse, harassment or physical violence against another based on their sex or gender.

Complainant: The person reporting prohibited conduct, who can be either the victim or a third party.

Employee: Categories of individuals employed at The University of St. Thomas include:

- Exempt
- Non-Exempt
- Full Time
- Part Time
- Faculty
- Staff
- Administrator
- Temporary
- Student Worker
- Graduate Assistant

FERPA: The Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g; 34 C.F.R. Part 99.

Gender and Sex: Often used synonymously, however, the terms have different meanings. "Sex" refers to whether a person anatomically is male or female, e.g., "he's a boy" or "she's a girl" whereas "gender" refers to either someone's innate sense of being male or female or their presentation as male or female.

Gender Bias: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

Gender identity: A person's internal sense of being male, female, or a combination of both; that internal sense of a person's gender may be different from the person's gender at birth. *Note: A transgender person may express their gender*

identity through gender characteristics, such as clothing, hair, voice, mannerisms, or behaviors that do not conform to the gender-based expectations of society.

Gender identity bias: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.

Gender Non-conforming: A person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing, or a man wearing makeup.

Preponderance of the evidence: A standard of proof in which the totality of the evidence offered in support of a fact is greater or more convincing than the evidence which is offered in opposition to it; given the totality of information the version of events that is more likely than not. Preponderance of the evidence is understood to require more than 50 percent certainty to determine responsibility for a policy violation (51% or greater).

Respondent: The person reported to have engaged in Sexual Misconduct or other forms of prohibited conduct is the “respondent”.

Sexual misconduct: A broad term that includes sex-based harassment, to include sexual harassment, sexual assault, and sexual exploitation. Other forms of prohibited conduct included with sexual misconduct include the offenses of intimate partner violence, stalking, complicity, retaliation, and gender-based harassment, intimidation, bullying and assault.

Student: A new or re-admitted student will be considered enrolled if the following conditions are met:

- a. Is currently enrolled at the University (it will be verified that student has attended at least one class),
- 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,
- e. Or has engaged in prohibited conduct at a time when he/she met a, b, c, or d above.

After classes begin, students need to be attending classes to continue their enrollment status. Students are considered continuously enrolled when they are registered for consecutive fall and spring terms. Those who arrive to campus prior the start of classes for official University functions including, but not limited to student employment, trainings, athletics, band, etc. are considered University of St. Thomas students.

CONSENSUAL RELATIONSHIPS

Sexual or romantic relationships between employees and students with whom they instruct, supervise, evaluate, or advise are prohibited at UST. The University agrees with the American Association of University Professors statement:

Sexual relations between students and faculty members with whom they also have an academic or evaluative relationship are fraught with the potential for exploitation. The respect and trust accorded a professor by a student, as well as the power exercised by the professor in an academic or evaluative role, make voluntary consent by the student suspect. Even when both parties initially have consented, the development of a sexual relationship renders both the faculty member and the institution vulnerable to possible later allegations of sexual harassment in light of the significant power differential that exists between faculty members and students.

If you are engaged in a romantic or sexual relationship with another employee or student whom you instruct, supervise, evaluate, or advise, it is your professional responsibility to advise Human Resources of that relationship so that Human

Resources can discuss and assess the situation with you and/or your supervisor to determine whether it is appropriate to make changes to the instructional, advisory, evaluative, or supervisory relationship. Information disclosed in these discussions shall be treated as confidential, and disclosure to others shall be made only on a need-to-know basis.

The University of St. Thomas prohibits romantic or sexual relationships between an employee and his or her manager. In these circumstances, even when both parties have consented, the relationship can give rise to problems that compromise the professional integrity of staff and faculty and may generate charges of unfair treatment or of sexual harassment. Human Resources, in conjunction with the employee's manager, will work to find an acceptable solution.

Please note: In the event you are the subject of a report of sexual harassment and if the facts show that you were engaged in a romantic or sexual relationship with someone whom you instructed, supervised, evaluated or advised, and you did not advise HR of the existence of that relationship so that steps could have been taken to change, if appropriate or necessary, the instructional, advisory, evaluative, or supervisory relationship, the University may decline to assist you in your legal defense against the allegation(s), and you, not the University, may bear any litigation costs or fees associated with your legal defense. In addition, you may face disciplinary action, up to and including termination, for any substantiated misconduct resulting from such a relationship.

PRIVACY AND CONFIDENTIALITY

The University is committed to protecting the privacy of all individuals involved in the investigation and resolution of a report under this policy. The University also is committed to providing assistance to help students, employees and third parties make informed choices. With respect to any report under this policy, the University will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to assess the report and to take steps to eliminate Sexual Misconduct and associated prohibited misconduct, prevent its recurrence, and remedy its effects.

Privacy and confidentiality have distinct meanings under this policy.

Privacy: Privacy means that information related to a report of sexual misconduct or other forms of prohibited conduct will be shared with a limited circle of University employees who "need to know" to assist in the assessment, investigation, and resolution of the report. All Employees who are involved in the University's response to reports of sexual misconduct or other forms of prohibited conduct receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law.

Further, the University will maintain as private, any accommodations or protective measures provided to the complainant to the extent that maintaining such confidentiality would not impair the University's ability to provide the accommodations or protective measures.

The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"). All documentation related to a student's report, investigation, and resolution are protected by FERPA and will not be released, except as required by law. Non-identifying information about a report may be shared with the UST Police Department to comply with the Clery Act. A complainant's name will never be published in connection with the University's obligations under the Clery Act. In addition, the University does not publish identifiable information regarding victims in the University's Daily Crime Log or online. In addition, any person including a victim of sexual misconduct may request that her or his directory information on file be removed from public sources. Complainants may request that directory information on file be removed from public sources by contacting the Title IX Coordinator at titleixcoord@stthom.edu / (713) 525-3813 (for employees) or deanofstudents@stthom.edu / (713) 525-6972 (for students).

The privacy of an individual's medical and related records generally is protected by the Health Insurance Portability and Accountability Act ("HIPAA"), excepting health records protected by FERPA and by Texas Penal Code. Access to an employee's personnel records may be restricted in accordance with the applicable Texas law.

Confidentiality: Confidentiality exists in the context of laws that protect certain relationships, including with medical and clinical care providers (and those who provide administrative services related to the provision of medical and clinical care), mental health providers, counselors, and licensed and/or credentialed clergy acting in that capacity, all of whom may engage in confidential communications under Texas law. The University has designated individuals who can have privileged communications as "Confidential Employees." When information is shared by an individual with a Confidential Employee or a community professional with the same legal protections, the Confidential Employee (and/or such community professional) cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18; and/or (iv) the employee is identified as a Campus Security Authority under the Clery Act, in which case they would need to report non-identifying aggregate data about the incident to the reporting structure of the institution. (The U.S. Department of Education does not consider the reporting of statistical data to be a breach of confidentiality.) In these circumstances, the information will be captured and counted for inclusion in the University's crime statistics and will also be assessed for purposes of assessing the incident for potential distribution of a Timely Warning Notice as required by the Clery Act).

The following classifications of individuals are Confidential Employees under University policy for Title IX purposes:

Licensed Professional Counselors and Psychologists with the State of Texas whose official University responsibilities include providing mental health counseling to members of the campus community are not required by Title IX to report any information regarding an incident of sexual misconduct or other forms of prohibited conduct to the Title IX Coordinator or other University officials.

Clergy with whom are licensed and/or credentialed and whose official University responsibilities are to provide pastoral counseling to members of the University community are not required by Title IX to report any information reported to them regarding the abuse to the institution. Faculty members who are also licensed or credentialed clergy should take care to ensure students and others disclose to them while in their official church role as disclosures outside of this would constitute notice to the institution (faculty members are not confidential). If the clergy Faculty member also advised a student organization, then that faculty member may have additional responsibilities to report non-identifying aggregate data to the UST Police Department regarding numerous other types of misconduct if such misconduct is reported to have occurred on campus owned or controlled by UST.

Employee Reporting Responsibilities

Title IX uses the concept of notice and imposes obligations for a "prompt and effective remedy" on universities when notice of a sex and/or gender harassment complaint is given to a "responsible employee." A school has notice if a reasonable employee knew, or in the exercise of reasonable care should have known, about the harassment. Every faculty, staff, and volunteer on campus who has been identified as a responsible employee must immediately report to the Title IX Coordinator any sexual misconduct or other forms of prohibited conduct reported to them or observed by them, including the name of the complainant and respondent, if known, and all known details as a "Responsible Employee". The University requires everyone in the campus community, including Confidential Employees, to report the suspected abuse of children (those under the age of 18).

Public awareness events such as "Take Back the Night," the Clothesline Project, candlelight vigils, protests, "survivor speak outs," or other forums in which students, staff, or faculty members disclose incidents of sexual misconduct, are not

considered a report of sexual misconduct or other forms of prohibited conduct or notice to the University of Sexual Misconduct or other forms of prohibited conduct for purposes of triggering the University's obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and the University will provide information about Title IX and Clery (VAWA) rights at these events. Similarly, information disclosed during a student's participation as a subject in an Institutional Review Board-approved human subjects research protocol ("IRB Research") is not considered a report of sexual misconduct or other forms of prohibited conduct for purposes of triggering the University's obligation to investigate any particular incident(s). Institutional Review Boards may, in appropriate cases, require researchers to provide such information to all student subjects of IRB Research.

Request for Anonymity by a Complainant

Where the complainant requests that their identity not be shared with the respondent or that the University not pursue an investigation, the University must balance this request with the University's responsibility to provide a safe and non-discriminatory environment for all University community members. The University, through the Title IX Coordinator, will take all reasonable steps to investigate and respond to the complaint consistent with the request not to share identifying information or pursue an investigation, but its ability to do so may be limited by the request. Under these circumstances, the complainant's request will be balanced against the following factors:

- The seriousness of the conduct;
- The respective ages and roles of the complainant and respondent;
- Whether there have been other reports of sexual misconduct or other forms of prohibited conduct under this policy involving the respondent;
- Whether the circumstances suggest there is a risk of the respondent committing additional acts of sexual misconduct;
- Whether the respondent has a history of arrests or records indicating a history of violence;
- Whether the report indicates the respondent threatened further sexual violence or other violence against the complainant and other individuals involved;
- Whether the reported conduct was committed by multiple individuals;
- Whether the circumstances suggest there is a risk of future acts of sexual misconduct or other forms of prohibited conduct under similar circumstances;
- Whether the reported conduct was perpetrated with a weapon; and/or
- Whether the University possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence).

The University will take all reasonable steps to investigate and respond to the report consistent with the request not to share identifying information or pursue an investigation, but its ability to do so may be limited based on the nature of the request by the complainant. Where the University is unable to act consistent with the request of the complainant, the Title IX Coordinator will inform the complainant about the chosen course of action, which may include the University seeking disciplinary action against a respondent. Alternatively, the course of action may also include steps to eliminate the effects of the sexual misconduct or other forms of prohibited conduct and prevent its recurrence that do not involve formal disciplinary action against a respondent or revealing the identity of the complainant.

Where the University determines that it must move forward with an investigation despite a complainant's request for anonymity, the University will notify the complainant and will make reasonable efforts to protect the privacy of the complainant to the extent possible. However, certain actions that may be required as part of the University's response, including an investigation and disciplinary resolution, will involve speaking with the respondent and others who may have relevant information, in which case the complainant's identity may have to be disclosed. In such cases, the University will notify the complainant that it intends to move forward with an investigation, but in no event will the complainant be required to participate in any such actions undertaken by the University. The University reserves the right to act as the complainant when pursuing complaints in which the complainant is not participating.

REPORTING

Any person who experiences sexual misconduct or other forms of prohibited conduct or who is aware of a member of the University community who has been subject to sexual misconduct or other forms of prohibited conduct is strongly encouraged to contact the Title IX Coordinator and the UST Police Department.

In addition, an individual does not have to be a member of the University community to file a report under this policy. The University will also take action to respond to allegations of sexual misconduct or other forms of prohibited conduct *when the University knows or reasonably should know* based on any available information that sexual misconduct or other forms of prohibited conduct has occurred.

Complainants may simultaneously pursue criminal and University disciplinary action. The University will support complainants in understanding and assessing their reporting options. Upon receipt of a report, the University will inform individuals of their right to file (or decline to file) a criminal report as well as the availability of medical, counseling and support services, and additional interim measures to prevent contact between a complainant and a respondent, such as housing, academic, transportation and working accommodations, if reasonably available (see Interim Measures). Making a report to the University does not require participation in any subsequent University proceedings, nor is a report required for a complainant to receive support or remedial measures.

Although the University strongly encourages all members of its community to report violations of this policy to law enforcement, it is the complainant's choice whether to make such a report and victims have the right to decline involvement with the police.⁵ The University's Title IX Coordinator will assist any victim with notifying local police if they so desire.

If the complainant would like to contact local law enforcement authorities, either of the following processes may be used:

- A complainant may choose not to have law enforcement contacted and no report filed but still may have a rape kit collected. (Note: The complainant later may file a report and may pursue criminal charges.) (Important: Police will be called to the hospital when a sexual assault is reported. You do not have to speak to them, and you may still have evidence collected from your body.)
- A complainant may file a police report and ask that the investigation and charges be pursued immediately. While the prosecuting attorney is still the decision-maker in whether the perpetrator is charged criminally, the complainant can cooperate and provide as much timely cooperation and information as may be possible.

To the extent of the complainant's cooperation and consent, University offices will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, including taking interim measures before the final outcome of an investigation.

The University will provide resources to any person who has been a victim of sexual misconduct no matter where that conduct is reported to have occurred and will apply disciplinary procedures to those who violate this policy, if they have jurisdiction to do so. The procedures set forth below afford a prompt and equitable response to reports of sexual

⁵ The Title IX Coordinator is a "Responsible Employee" under Title IX and also a "Campus Security Authority" under the Clery Act. Statistical information not including the victim's identifying information will be provided to the University official responsible for compiling the University's crime statistics for the annual security report, even if the victim chooses not to report the incident to campus public safety.

misconduct, maintain privacy and fairness consistent with applicable legal requirements, and impose appropriate sanctions on violators of this policy.

The University provides procedures and rights consistent with fundamental fairness to both parties involved; however, the University must ensure that steps taken to accord rights to the respondent do not restrict or unnecessarily delay the Title IX protections of the complainant. The University will complete an adequate, reliable and impartial investigation of reports that are made in good faith and will provide both parties their equitable rights during this process.

Anonymous reports also are accepted and should be directed to the Title IX Coordinator. An anonymous report can be made online at www.stthom.edu/sexualmisconduct. The University will respond promptly and equitably to anonymous reports, but the response may be limited if the report does not include identifying information and/or a description of the facts and circumstances. Anonymous reports that provide enough information to constitute certain criminal offenses will be reported to UST Police for purposes of inclusion in the University's Annual Security Report and to assess whether the University should send a Timely Warning Notice as required by the Clery Act.

REPORTING TIMEFRAMES

The University encourages prompt reporting of sexual misconduct or other forms of prohibited conduct so that the University can respond promptly and equitably; however, the University does not limit the timeframe for reporting. If the respondent is no longer affiliated with the University at the time the report is made, the University will provide reasonably appropriate remedial measures, assist the complainant in identifying external reporting options, and take other reasonable steps to respond under Title IX. The University may continue to investigate for purposes of complying with Title IX and take steps to prevent the recurrence of such conduct and remedy the effects, if appropriate.

PRESERVATION OF EVIDENCE AND MEDICAL ATTENTION

After an incident of sexual assault or intimate partner violence involving physical force, the victim should consider seeking medical attention as soon as possible. Victims who agree to have forensic evidence collection conducted as part of their care can locate hospitals with such emergency rooms in the *Resources* section of this policy or by calling the UST Police Department. Memorial Hermann Hospital and Ben Taub Hospital can complete forensic evidence recovery and preserve evidence in case the complainant decides to file a police report.

It is important that a victim of sexual assault not bathe, douche, smoke, change clothes or clean the bed/linen/area where the victim was assaulted if the offense occurred within the past 120 hours, so that evidence may be preserved. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers still can treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of all forms of sexual misconduct are also encouraged to preserve evidence including saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any that may be useful to University investigators or campus or local police.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a report regarding an incident, he or she nevertheless should consider speaking with the Title IX Coordinator or local law enforcement to preserve evidence if she or he changes her/his mind later.

UNIVERSITY ALCOHOL AND DRUG AMNESTY

Alcohol and other drugs amnesty is intended to encourage students to seek assistance for themselves or someone else by reducing fear of facing the University's Student Code of Conduct for other misconduct. It is an attempt to remove barriers that prevent students from seeking the medical attention or other assistance that they need when sexual misconduct or other forms of prohibited conduct has occurred.

This policy does not necessarily grant amnesty for criminal, civil or legal consequences for violations of federal, state or local laws. The UST Police Department consists of sworn police officers with full arrest authority and, in some circumstances, they have discretion to exercise that authority as circumstances dictate per their training and professional experience.

However, the health and safety of the University community is a primary concern and this policy may provide amnesty for students from violations of the University's Student Code of Conduct where alcohol and/or other drug use is evidenced if granted by the Dean of Students.

PROTECTION ORDERS AND NO CONTACT ORDERS

The following information is available through the Office of the Attorney General, State of Texas. See the off-campus resource section for contact information.

What is a Protective Order?

In Texas, a protective order is a civil court order issued to prevent continuing acts of family violence, sexual assault, human trafficking or stalking.

Family violence (sometimes called Domestic Violence) is basically defined as (1) any act by one member of a family or household intended to physically harm another member, (2) a serious threat of physical harm, or (3) the abuse of a child.

Family includes blood relatives or relatives by marriage, former spouses, parents (married or not) of the same child, foster parents and foster children, or any member or former member of a household (people living in the same house, related or not).

How Can a Protective Order Help?

A protective order may prohibit the offender from:

- committing further acts of family violence, sexual assault, human trafficking or stalking
- harassing or threatening the victim, either directly or indirectly by communicating the threat through another person
- going to or near a school or day-care center of a child protected under the order attends

In some situations, a protective order may also include orders to: prohibit transfer or disposal of property, establish possession and visitation of a child, pay child or spousal support for a period not to exceed one year, attend mandatory counseling, vacate the residence or other specified property, if certain conditions are met. These additional provisions are not criminally enforceable. A person who violates them is not immediately arrested, but may be taken to civil court, found in contempt, fined and jailed.

Who is Eligible for a Protective Order?

If the court finds that family violence, sexual assault, human trafficking or stalking has occurred and is likely to occur again, a court may render a protective order.

Ultimately, a court must determine on a case-by-case basis whether a protective order is warranted.

How Can I Get a Protective Order?

You can apply for a protective order through the district or county attorney, a private attorney, or through a legal aid service program. The application must be filed in the county in which you or the offender lives. There are no minimum time limits to establish residency, and protective orders are available in every county in Texas.

Who May File for a Protective Order?

1. An adult member of a family or household; or
2. any adult for the protection of a child; or
3. a prosecuting attorney; or
4. the Department of Human and Regulatory Services.

The person who is the alleged victim of family violence, sexual assault, human trafficking or stalking is considered to be the "applicant."

What Information Do I Need to Provide?

When you apply for a protective order, you must supply the following information:

1. The name of each applicant (victim) and the county where each applicant (victim) resides;
2. the name, address, and county of residence of each individual who has committed family violence the offense against which protection is sought;
3. the relationship between the victim(s) and the offender; and
4. a request for one or more protective orders.

The victim should file for the order as soon after the incident has occurred as possible. Additionally, if other incidents of family violence, sexual assault, human trafficking or stalking have occurred, the victim needs to provide this information to the attorney who files the protective order application.

What Does it Cost?

The applicant (victim) or an attorney representing the applicant may not be assessed a fee, cost, charge, or expense by a district or county clerk or by a sheriff, constable or other public official or employee in connection with the filing, serving, entering or for any other service including any fees for dismissing, modifying, or withdrawing a protective order, certifying copies, comparing copies to originals, court reporter fees, judicial fund fees, transferring a protective order or for any other service related to a protective order.

The court may require the offender to pay the fees incurred in connection with the protective order unless the offender shows good cause or is indigent.

How Long Does it Take to Receive and How Long Does it Remain in Effect?

Unless a later date is requested by the applicant, the court shall set a hearing date no later than 14 days after the application is filed. If, however, the court finds from the information contained in the application that there is a clear and present danger of family violence, the court may immediately issue a temporary ex parte order. The temporary order is valid for up to 20 days. Final protective orders are effective for 2 years, unless another length of time is specified.

What Happens if the Protective Order is Violated?

Call the police immediately! Remember, protective orders do not offer complete protection. No piece of paper can protect you from all instances of violence.

Law enforcement agencies are notified of all protective orders issued in their area and they are required to maintain a list of those orders. If an offender violates the order and law enforcement is notified, officials will act to arrest the offender and seek to have charges filed. If a person violates the protective order in the presence of law enforcement, the offender must be arrested immediately. In cases involving the violation of a protective order, including an ex parte order, the offender may be punished for contempt of court by a fine of as much as \$500 or up to six months in jail or both. In cases of violation, excluding ex parte orders, the offender may be punished by a fine of as much as \$4,000 or jail for up to one year or both.

How can the UST assist me?

The Title IX Coordinator and/or members of the UST Police Department are available to assist individuals seeking a protective order and will coordinate safety plans in collaboration with Student Affairs or Human Resources, when appropriate. The University complies with Texas law in recognizing orders of protection and encourages any person who obtains an order of protection from Texas or any other state to provide a copy to UST Police and the Title IX Coordinator. A complainant may then meet with UST Police, HR, or the Title IX Coordinator to develop a Safety Action Plan, which is a plan for the University and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location, etc.

What is a No Contact from the University?

No Contact directives from the University can serve as an interim measure from the University's Title IX Coordinator or designee. This prohibition of contact is between a respondent and a complainant including, but not limited to, in person and/or via third party, phone, text, written communication, or any form of social media.

Regardless of whether a complainant elects to pursue a criminal report, the University will assist a complainant and will provide each complainant with a written explanation of his/her rights. If a No Contact Directive is put in place, the Title IX Coordinator will also assess any other interim measures with both parties that may include, but is not limited to: escorts, special parking arrangements, changing classroom location, etc.

INTERIM MEASURES

The University may take interim measures at any point during an investigation. These measures may be both remedial (designed to address a complainant's safety and well-being and continued access to educational opportunities) or protective (involving action against a respondent). Interim measures are designed to eliminate the hostile environment, prevent its recurrence and remedy its effects. These measures may include, but are not limited to, no contact orders, changes in housing assignment for the respondent and/or complainant, academic accommodations, changes in supervisor or work location, removal from campus housing or grounds, social restrictions, changes in parking locations, increased security, and/or emotional and other support. An interim suspension, i.e. suspension from classes, work and other privileges or activities, or from the University, may also be instituted until resolution of a case.

Remedial measures are available regardless of whether a complainant pursues a complaint or investigation under this policy. The University will maintain the privacy of any remedial and protective measures provided under this policy to the extent practicable and will promptly address any violation of the protective measures. The Title IX Coordinator has the discretion to impose and/or modify any interim measure based on all available information and is available to meet with a complainant or respondent to address any concerns about the provision of interim measures.

INVESTIGATION AND RESOLUTION

All persons involved in the intake through the resolution of complaints are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking and instructed on how to conduct effective investigations and administer a conduct process that protects the safety of victims and promotes accountability. In proceedings under this policy, the standard of proof used to determine whether a violation of this policy has occurred is a preponderance of evidence, which means it is more likely than not the sexual misconduct or other forms of prohibited conduct occurred.

The University reserves the right to bring reports forward against a student or employee and to act as the complainant for purposes of this policy.

PROCESS

- Upon receiving a report, the Title IX Coordinator will conduct an initial assessment of the available information to include the complainant's immediate and ongoing safety and well-being; the incident or conduct at issue; any risk of harm to the parties, any other individuals, or the broader campus community; the existence of severe, persistent or pervasive conduct, including evidence of a pattern, use of a weapon or other predatory conduct; and the necessity for any interim measures or accommodations. The Notice of Complainant's Rights will also be given to the complainant upon receipt of the report.
- As outlined above in the section titled "Request for Anonymity by a Complainant," the Title IX Coordinator will also consider the interest of the complainant and the complainant's expressed preference for manner of resolution or the initiation of an investigation to determine if disciplinary action is warranted.
- If the report and/or intake appear upon initial assessment to be a possible violation of this policy, the Title IX Coordinator will assign the case for investigation. (Private information may also be disclosed to appropriate personnel if deemed necessary by the Title IX Coordinator including, but not limited to, the Vice President for Student Affairs, Vice President for Academic Affairs, a Department Chair or Dean, Athletic Director, Registrar, University President, etc.).
- The University, through a trained investigator, will conduct an adequate, reliable and impartial investigation into the facts of the case and will interview the complainant, respondent, witnesses and/or others who may have relevant information, and collect any other evidence deemed relevant to the case including electronic or other records of communications between the parties or witnesses (via voice-mail, text message, email and social media sites), photographs (including those stored on computers and smartphones), medical records (subject to the consent of the applicable party) and any other relevant evidence or witnesses.
- Absent consent of the applicable party, medical and counseling records are privileged and confidential documents that students will never be required to disclose during the resolution of a report under this policy. However, a party may choose to share medical and counseling records as part of the investigation.
- The sexual history of a complainant or respondent will never be used to prove character or reputation. Moreover, evidence related to the prior sexual history of either of the parties is generally not relevant to the determination of a policy violation and will be considered only in limited circumstances. For example, if the existence of consent is at issue, the sexual history between the parties may be relevant to help understand the manner and nature of communications between the parties and the context of the relationship, which may have bearing on whether consent was sought and given during the incident in question. However, even in the context of a relationship, consent to one sexual act does not, by itself, constitute consent to another sexual act, and consent on one occasion does not, by itself, constitute consent on a subsequent occasion. In addition, prior sexual history may be relevant to explain the presence of a physical injury or to help resolve another question raised by the report. The investigator will determine the relevance of this information and both parties will be informed if evidence of prior sexual history is deemed relevant.
- Prior or subsequent conduct of the respondent may be considered in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of sexual misconduct or other forms of prohibited conduct by the respondent may be deemed relevant to the determination of responsibility for the sexual misconduct or other forms of prohibited conduct under investigation. The determination of relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially like the conduct under investigation or indicates a pattern of similar misconduct.
- The University will provide the complainant and respondent timely and equal access to information that will be used during any informal and formal process.
- The University will provide the complainant and respondent an equal opportunity to participate in any process, present evidence and/or witnesses.
- At the conclusion of the investigation, the investigator will deliver the report to the Title IX Coordinator.
- The Title IX Coordinator will review the investigator's report and, if necessary, direct the investigator to conduct further investigation.
- At the conclusion of the investigation, the Title IX Coordinator will provide, in writing, to both parties that the conclusion of the investigation is complete and the fact-finding information related to the case. In preparing the

letter, the Title IX Coordinator will review all facts gathered to determine what information is relevant to include in the fact-finding section. In general, the Title IX Coordinator may choose to not include information that is irrelevant, more prejudicial than probative, immaterial, statements of personal opinion, statements as to general reputation for any character trait, including honesty and any information that may interfere with the given confidentiality of the complainant.

- The complainant and respondent may offer any additional comment or evidence to the Title IX Coordinator at this time.
- Upon receipt of any additional information by the complainant and respondent, or no comments, the Title IX Coordinator will review the report and all related documents and additional comments from the parties to make a determination using the preponderance of the evidence of whether or not the respondent is responsible for a policy violation and what sanctions, if any, will be issued. This proceeding is not open to the public and the complainant, respondent, and witnesses are not permitted to be present.
- The Title IX Coordinator will communicate decisions regarding responsibility and any sanction(s) to the involved parties.
- The outcome of the investigation, the rationale for the findings, and any sanction(s) imposed shall be simultaneously conveyed to the complainant and respondent in writing by email, U.S. Mail or face-to-face by the Title IX Coordinator. (Private information may also be disclosed to appropriate personnel if deemed necessary by the Title IX Coordinator including, but not limited to the Vice President for Student Affairs, the Vice President for Academic Affairs, a Department Chair/Dean, Athletic Director, Registrar, University President, etc.).
- The complainant and the respondent have the right to appeal determinations regarding responsibility.
 - Students should submit appeals in writing to the Vice President for Student Affairs within 5 business days of the notice of outcome.
 - Employees should submit appeals in writing to the Human Resource Generalist within 5 business days of the notice of outcome.

Appellate opportunity is equitable, that is both parties have the right to appeal. Appeals should be based on a procedural error or the discovery of new evidence that would substantially change the outcome (evidence that was not discovered during the fact-finding NOT evidence that was not shared and the party now wants shared) or sanction inconsistent with finding.

ADVISORS

The complainant and the respondent each have the right to be advised by an advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting or hearing in which the complainant or the respondent is required to be present. An advisor may only consult and advise his or her advisee, but not speak for the advisee at any meeting nor may the advisor direct questions to any administrator, party, or witness in the process. The Parties must represent him/herself at the hearing. Should the advisor become disruptive during any meeting, the Coordinator or investigator may ask them to leave. No advisor (or party) will be given the opportunity to cross-examine or to directly question a complainant/respondent. In consideration of the limited role of an advisor, and of the compelling interest of the University to expeditiously conclude the matter, a hearing will not be delayed due to the unavailability of an advisor. The names of the advisors and their credentials must be presented to the coordinator of the hearing at least 48 hours in advance of the hearing. If the complainant or respondent elects to have an attorney present as the advisor, the University maintains the right to also have an attorney present and may postpone a hearing to a later date until such an individual can be in attendance.

The advisor, on behalf of the complainant or respondent, may submit written questions to the Title IX Coordinator for consideration in the investigation. Upon review, those questions deemed appropriate will be forwarded to the Title IX Investigator for inclusion in the information-gathering process.

TIMELINE

Typically, the investigation and initial resolution under this policy will not exceed eight (8) weeks. This timeframe may be extended for good cause, which may exist if additional time is necessary to ensure the integrity and completeness of the investigation, to comply with a request by external law enforcement for temporary delay to gather evidence for a criminal

investigation, to accommodate the availability of witnesses, to account for complexities of a case, including the number of witnesses and volume of information provided by the parties, or for other legitimate reasons. The investigator will notify the Coordinator who will then notify the parties in writing of any extension of this timeframe and the reason for such extension. The complainant and respondent will be notified, in writing, throughout the process by the Title IX Coordinator in regard to the major timeframes of the process to include the start of an investigation and the policy violation that is being alleged, any delay in the investigation, the conclusion of the investigation, and determination of the outcome resolution and any related appeals. The University is committed to being prompt.

COORDINATION WITH LAW ENFORCEMENT

The Coordinator will contact any law enforcement agency that is aware is conducting its own investigation to inform that agency that a University investigation is also in progress; to ascertain the status of the criminal investigation; and to determine the extent to which any evidence collected by law enforcement may be available to the University in its investigation. At the request of law enforcement, the investigator may delay the University investigation temporarily while an external law enforcement agency is gathering evidence. The Coordinator will promptly advise the resuming of the University investigation when notified that law enforcement has completed the evidence-gathering stage of its criminal investigation.

OBLIGATION TO PROVIDE TRUTHFUL INFORMATION

Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of sexual misconduct or other forms of prohibited conduct is prohibited and subject to disciplinary sanctions under UST's related policies. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

SANCTIONS

Below is a list of sanctions that could be assigned if the Responding Party is found responsible for misconduct:

- Loss of selected rights and privileges for a specified period of time
- Social Probation: a loss of privilege to host or attend events on campus
- Residence Hall Separation
- Residence Hall Relocation
- No Contact Directive
- Discretionary Sanctions: work assignments, essays, behavioral contracts, community service, or other related discretionary assignments
- Restitution: compensation for loss, damage, or injury, this may take the form of appropriate service and/or monetary or material replacement
- Loss of Privileges: denial of specified privileges for a designated period of time, this includes, but is not limited to, loss of position in club or organization or athletic team, suspension from group, loss of privileges to use specified facilities, loss of privilege to have car on campus
- Conduct Probation: a written reprimand for violation of specified regulations
- Withholding Diploma: UST may withhold a student's diploma for a specified period of time. The student may also be denied participation in commencement exercises while charges are pending or as a sanction
- Suspension from the University for a specified period of time
- Expulsion from the University for a specified period of time
- Termination of employment

RECORDKEEPING

The University will retain all records related to reports of sexual misconduct or other forms of prohibited conduct under this policy in a locked storage area in the office of the Title IX Coordinator for a period of seven (7) years, regardless of case outcome. The University will destroy all case records after the applicable retention period unless the case resulted in permanent expulsion or termination from the University.

NON-RETALIATION

It is unlawful under Title IX and a violation of University policy to retaliate against any individual who has brought a good-faith report of sexual misconduct or other forms of prohibited conduct or who has assisted in the investigation of a report of sexual misconduct. Retaliation, whether actual or threatened, destroys the sense of community and trust that is critical to a learning and work environment. The University considers acts or threats of retaliation in response to such disclosures or participation to constitute a serious violation of University policy, which may result in disciplinary action, up to and including dismissal, against the individual responsible for retaliation.

For purposes of this policy and procedures, retaliation means any adverse action taken against a person for making a good faith report of Sexual Misconduct or other forms of prohibited conduct or participating in any proceeding under this policy. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. Retaliation may be present even where there is a finding of “no responsibility” on the allegations of prohibited conduct. Retaliation does not include good faith actions lawfully pursued in response to a report of prohibited conduct.

Retaliation may include the following forms of behavior:

- employment actions such as termination, refusal to hire, or denial of promotion;
- other actions affecting a person’s employment or academic or school-related activities such as threats, unjustified negative evaluations, unjustified negative references, or increased surveillance; and
- any other action such as an assault or unfounded civil or criminal charges that are likely to deter reasonable people from pursuing their rights.

NOTE: Adverse actions do not include petty slights and annoyances, such as stray negative comments in an otherwise positive or neutral evaluation, "snubbing" a colleague, not talking to a student, or negative comments that are justified by a student or employee's poor academic or work performance or history.

If you believe that you are being retaliated against because of making a report or assisting in an investigation in violation of this policy, you should promptly report your concerns to the Title IX Coordinator.

RISK REDUCTION

Experiencing Sexual Misconduct or other forms of prohibited conduct is never the victim’s fault. Only abusers are responsible for the abuse they perpetrate. However, the following are some strategies to reduce risk of victimization. The [Rape, Abuse, & Incest National Network \(RAINN\)](#) encourage individuals to:

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. **Avoid isolated areas.** It is more difficult to get help if no one is around.
3. **Walk with purpose.** Even if you don’t know where you are going, act like you do.
4. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
5. **Make sure your cell phone is with you** and charged and that you have money.

6. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
7. **When you go to a social gathering, go with a group of friends.** Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
8. **Trust your instincts.** If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
9. **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
10. **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
11. **Watch out for your friends, and vice versa.** If a friend seems out of it, is too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
12. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
13. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - a. **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
 - b. **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
 - c. **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 - d. **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
14. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
15. **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

ANNUAL REVIEW

The University will review and update this policy, as appropriate, by August 15, of each year. The University will evaluate, among other things, any changes in legal requirements, existing University resources, and the resolution of cases from the preceding year (including, but not limited to, timeframes for completion and sanctions and remedies imposed).

PREVENTION AND EDUCATION

The University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to reduce and eliminate sexual misconduct or other forms of prohibited conduct which:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and

- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:

- Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- Defines using definitions provided both by the U.S. Department of Education as well as state law what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- Defines what behavior and actions constitute consent to sexual activity in Texas and/or using the definition of consent found in this policy;
- Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- Delivers information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence; and
- The procedures that the institution will follow when one of these crimes is reported and the procedural requirements for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, and stalking.

BEING AN ACTIVE BYSTANDER

Bystanders play a critical role in the prevention of sexual and relationship violence. Bystanders are “individuals who observe violence or witness the conditions that perpetuate violence. These individuals are not directly involved but have the choice to intervene, speak up, or do something about it.”⁶ The University promotes a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. Individuals may not always know what to do even if they want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911, if a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like he or she could be in trouble or need help, ask if he or she is ok.
2. Confront people who seclude, hit on, attempt to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this policy for support in health, counseling, or with legal assistance.

⁶ Burn, S.M. A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792.

RESOURCE DIRECTORY

The University provides any complainant who reports an incident involving sexual misconduct or other prohibited conduct either on or off-campus with a copy of the Notice of Complainant's Rights. The following information and resources are listed in this notice along with procedures, options and available assistance from this policy.

ON CAMPUS RESOURCES

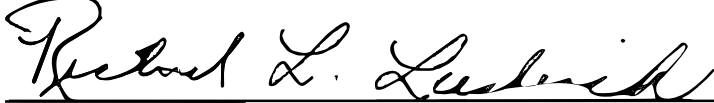
Office and Direct Contact	Address/Location on Campus	Phone Number
Counseling and Disability Services Director: Rose Signorello	Crooker Center, 206 3909 Graustark Street	(713) 525-2169
Title IX Coordinator for Employees Randy Graham	Human Resources 3818 Graustark Street	(713) 525-3813
Title IX Coordinator for Students Lindsey McPherson	Crooker Center, 215 3909 Graustark Street	(713) 525-3570
Human Resources Associate Vice President for Human Resources: Randy Graham	Human Resources 3818 Graustark Street	(713) 525-3813
UST Police Chief H.E. Jenkins	Moran Center 3807 Graustark	(713) 525-3888
Campus Chaplain Father David Bittner Campus Minister Father Chris Valka	Center for Faith and Culture 1302 Sul Ross	(713) 525-3589
Student Life Dean of Students: Lindsey McPherson	Crooker Center, 215 3909 Graustark Street	(713) 525-3570
International Student Support Services Director: Lily Swan	Crooker Center, 214 3909 Graustark Street	(713) 525-3503
Financial Aid Dean of Scholarships and Financial Aid: Lynda McKendree	Herzstein Enrollment Center 4115 Yoakum Street	(713) 525-2170
Employee Assistance Program: sthom		(800) 227-1060

OFF CAMPUS RESOURCES

Off Campus Resource	Address	Phone Number
Houston Police Department	1200 Travis Street	(713) 884-3131

Sexual Assault Hotline (Houston Area Women's Center)	1010 Waugh Drive Houston, Texas 77019	(713) 528-7273
YWCA Advocacy Group	6309 Martin Luther King Jr. Blvd Houston, Texas 77021	(713) 640-6820
The Montrose Center: LGBTQ Services	401 Branard Street Houston, Texas 77006	(713) 529-0037 office (713) 529-3211 24HR Helpline
AVDA: Domestic Violence Support (including male victims)	1001 Texas Avenue, Suite 600 Houston, Texas 77002	(713) 224-9911
Where to get Protective Orders - AVDA	1001 Texas Avenue, Suite 600 Houston, Texas 77002	(713) 224-9911
Victim Assistance City of Houston Victims Services Unit		(713) 308-0080
Visa & Immigration Assistance through Catholic Charities	2900 Louisiana Street, Houston, Texas 77006	(833) 468-4664

APPROVED:



Dr. Richard Ludwick

Original Formation: 9/1/2010

Revision Date: 12/19/2016

Current Revision Date: 7/1/2018

Note: Per Texas SB 968 of the Education Code, Sec 51.9363, this policy must be reviewed each biennium.