



TEXAS
The University of Texas at Austin

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RESPONDING TO SEXUAL MISCONDUCT: A GUIDE FOR THE UNIVERSITY COMMUNITY

INTRODUCTION

UT's core purpose is to transform lives for the benefit of society. We strive to provide our community with the resources and support they need to achieve this goal.

Whether you are a student, faculty member or staff member, the team in the Title IX Office and our partners across campus are here to support you. If you have experienced harm, have been accused of perpetrating harm, are a mandatory reporter, or have been affected by an investigation process as a colleague, supervisor, or friend, the Title IX Office is here for you.

Title IX is a comprehensive federal law that prohibits [discrimination on the basis of sex](#) in any federally funded education program or activity. The Title IX Office is committed to supporting the University's mission to create and maintain an educational and work environment free from all forms of sexual harassment, sexual discrimination, exploitation and intimidation, and to provide fair and equitable support and processes in which all students, faculty, and staff can learn, work, thrive and succeed.

HOW TO USE THE GUIDE

This guide exists to support you as you interact with a Title IX process and is for informational purposes only. For relevant official policies, please see the [Title IX website](#). You can navigate the guide by choosing the section that applies to you: Complainant, Respondent, Reporter, or Third Party.

Complainant: a person who submits a complaint alleging a Title IX policy violation or is identified as the person who has allegedly experienced a Title IX related incident.

You might be considered a complainant if:

- You have experienced harm.
- You identify as a survivor or a victim.
- You reported your experience to the university.
- Someone else reported your experience to the university.

Respondent: the person designated to respond to a complaint. The respondent is the person alleged to be responsible for the prohibited conduct alleged in a complaint.

You might be considered a respondent if:

- You have been accused of a Title IX policy violation.
- You have been accused of perpetrating harm.
- Someone has made a complaint against you.

Reporter: a person who has information that prohibited conduct may have been committed and submitted a report to the university. You might be considered a reporter if:

- You are a responsible employee (mandatory reporter).
- You made a report to the university about a Title IX related incident.
- You have information about a Title IX related incident that you need or want to report to the university.

Third party: a person not directly involved in a Title IX related incident, but who may be aware of the incident. You might be considered a third party if:

- You have a friend, coworker, or family member who has experienced harm.
- You have a friend, coworker, or family member who has been accused of a Title IX policy violation, or of perpetrating harm.
- You witnessed a Title IX violation and are not required to report.
- Someone shared information with you about a Title IX violation and you are not required to report.

As you go through the guide, you'll find definitions for key terms as you hover over the text. You'll also find those definitions in the [glossary](#). If you have questions that are not answered in the guide, or if you find something that needs to be updated or changed, please email us at titleix@austin.utexas.edu.

COMPLAINANT

A Complainant (CP) is a person who submits a complaint alleging a Title IX policy violation or is identified as the person who has allegedly experienced a Title IX related incident.

You might be considered a complainant if:

- You have experienced harm.
- You identify as a survivor or a victim.
- You reported your experience to the university.
- Someone else reported your experience to the university.

Title IX and the university's policies on the "Prohibition of Sexual Discrimination, Sexual Harassment, Sexual Assault, Sexual Misconduct, Interpersonal Violence, and Stalking" protect Complainants who have experienced an incident of sexual assault, interpersonal violence (including domestic violence and dating violence), stalking, sexual harassment, sexual misconduct and sex/gender discrimination. We realize that not all people who experience harm will report their experience or identify with the term "Complainant." We use "Complainant" to be as clear and objective as possible throughout the process.

Our goal is that you know your options, get the support and assistance you need, maintain your personal choice throughout the process, and discover what works for you.

SAFETY

Our first priority is your safety. If you feel you are in danger of harm by another person or yourself, please call 9-1-1.

If you have experienced harm, make sure to first take care of your physical and emotional needs. If you are experiencing a mental health crisis, need medical attention, or would like to speak with the police, please visit our [resources page](#) for a list of people who can help.

MEDICAL ATTENTION¹

After an incident, you may wish to seek medical treatment for possible injuries or to check for unseen injuries. You may want to prevent pregnancy or test for sexually transmitted infections.

If you decide to proceed with a criminal, civil, or university investigation, it is critical to preserve any evidence.

The main way evidence is collected after a sexual assault is through a sexual assault forensic exam (SAFE). These exams are available with trained sexual assault nurse examiners

at University Health Services (UHS) in the Student Services Building and off campus at Eloise House, a program of the SAFE Alliance. Choosing to have a SAFE does not mean that you have to report the assault to law enforcement. The exam can only occur within the first 120 hours (five days) after a sexual assault if a police report is filed, and 96 hours without a police report. The non-report option preserves the evidence for two years, during which time a Complainant can make the decision about whether to report the incident to law enforcement. For more information on available medical services, visit the [resources page](#).

SEEKING SUPPORT

If you are unsure about what to call your experience, unsure about whether it falls under Title IX, or if you just want to get care and support, there are several resources that are not required to report to Title IX on campus. The Counseling and Mental Health Center, University Health Services and the Employee Assistance Program are confidential as outlined by federal and state law. These services are there for you if you would like mental health support, or have medical concerns you need addressed, respectively.

UT also offers private resources who are not confidential but are non-mandatory reporters to Title IX and the university. Advocates, University Ombuds, Faculty Ombuds, and the Interpersonal Violence Peer Support Program are all private resources, and safe spaces to ask questions and receive support without making an official report to the university. These services are there for you if you would like emotional support, would like to discuss options, or are in need of academic or financial assistance. For more information on these services, please visit the [resources page](#).

AVAILABLE ASSISTANCE

Trauma and experiences of harm can greatly affect you psychologically, physically, and emotionally. The university can provide assistance to address safety concerns and provide flexibility and support including:

- Course load reductions or full withdrawals.
- Discreet absence notifications or requests for flexibility/alternative participation to faculty.
- Safety planning.
- Emergency funds.
- Short-term emergency housing accommodations or housing changes.
- Services for food insecurity.

Many forms of assistance can be provided without reporting the incident. Talk with Student Emergency Services, Interpersonal Violence Peer Support, or an Advocate to

¹ As noted in the Handbook of Operating Procedures 3-3031 and General Information Catalog (Institutional Rules), [Appendix D: Prohibition of Sex Discrimination, Sexual Harassment, Sexual Assault, Sexual Misconduct, Interpersonal Violence, and Stalking](#).

discuss what forms of assistance and support services may be available to address your needs.

REPORT THE INCIDENT

WHY REPORT?

There are many reasons you may want to report your experience of sexual misconduct to the Title IX Office. It may be that:

- It has negatively affected your academics or employment.
- You have concerns about your safety or the safety of the community.
- You need someone to confide in or want to seek assistance and support, but you are not seeking action or do not want to name the Respondent.
- You would like to see the university take action and investigate the behavior of the Respondent.
- You want the university to pursue disciplinary action against the Respondent.
- You want a No Contact Directive to be put in place between you and the Respondent.
- You would like to be provided with resources.

REPORT TYPES

Anonymous Report

You can report without sharing your name through the [Title IX website](#). You may choose to report anonymously if you would like to make the university aware of an incident but would not like any further action. This can help us gain information if we have other reports of the incident or the Respondent. You can always come back and add your name in the future. Without names, the university may be limited in its investigation or response.

Limited Information Report

If you want to discuss assistance and support services, but would not like to pursue an investigation, you can report without giving the name of your Respondent. This is especially important if you do not want the Respondent to know you have made a report. If the university has the name of the Respondent, we have a legal duty to inform that person of the allegation and provide opportunity for response.

University Report

If you would like the university to investigate and possibly hold the Respondent accountable, an informal resolution or a formal investigation process can take place. Your name will not be kept confidential, but your information will be kept as private as possible. (For example, only those who need information on the case will be informed. Professors,

supervisors, and even witnesses will not have details available to them about your experiences.) Please be aware that you are not required to participate in an informal resolution or a formal investigation process. You can submit a report to the university and then opt to be a Reluctant Complainant. The university will proceed with either an informal resolution or a formal investigation process and keep you informed as much as you want.

A Respondent who is not affiliated with the university, cannot be held accountable to a university policy violation. We can still provide support and make a report to any other affiliated university.

Police Report

Criminal action involves a reporting and investigation process that is separate from a Title IX investigation process. We do not share information with the University of Texas Police Department (UTPD) or Austin Police Department (APD) unless the Complainant gives us specific permission to do so, there are immediate safety concerns, or we are compelled to do so by a subpoena or court order. If you would like to pursue criminal action instead of, or in addition to, administrative action, please contact UTPD or APD.

HOW TO REPORT

Call the Title IX Office

Ask for the Title IX coordinator or deputy. They can answer any questions you may have and take your report over the phone. No paperwork needed. 512-471-0419

Report Online

Access our online reporting form through the [Title IX homepage](#) and fill in all the information you have about the incident. Don't worry if you can't fill in all the boxes. Just fill in what you know.

Report to a Title IX Deputy or Liaison

Title IX Deputies and Liaisons are available throughout campus. Contact information is available on [Title IX Contact Us](#).

MANDATORY REPORTERS

A mandatory reporter, also known as a "Responsible Employee," is a UT employee who is required to report incidents of sexual misconduct to the university. Supervisory staff members, administrators, academic advisers, athletic staff members who interact directly with students, faculty members including TAs and AIs, resident assistants, residence life directors, and graduate research assistants are mandatory reporters.

If you are discussing your experience with a mandatory reporter, or if you think that an employee has the power to

address a situation, keep in mind that person has a duty to report what you share to the university's Title IX office. If you do not want details disclosed to the Title IX coordinator, you can talk to a private resource on campus, such as a clinical provider or an advocate..

AFTER THE REPORT

There are two offices on campus that investigate reports of alleged sexual misconduct on campus. Which office you work with depends on the affiliation of the Respondent.

The Office of the Dean of Students:

- If you are a student and the respondent is a student, non-UT affiliated or unknown.
- If you are an employee and the respondent is a student.

The Office for Inclusion and Equity:

- If you are an employee and the respondent is an employee, non-UT affiliated or unknown.
- If you are a student and the respondent is an employee.

You can decide how you are most comfortable responding to their outreach. You have the right to participate as much or as little as you'd like. The process will be different depending on each situation, so feel free to meet with an investigator and ask questions before making a decision. Keep in mind that if you have named the Respondent, investigators have a duty to follow up with that person.

You will also be connected to other support services on campus. Students will receive outreach from Student Emergency Services. Student Emergency Services provides advocacy and support, offers financial and academic accommodations, and provides referrals to mental health and other support services. Employees can receive additional support through the Employee Assistance Program, the confidential counseling and support service available for employees. For more information, visit our [resources page](#).

IF THE RESPONDENT IS A STUDENT

If the Respondent is a student, your case will be investigated within the Office of the Dean of Students. You can fill out their specific [reporting form](#). There are three possibilities for you within this process:

Reluctant Complainant

You have the right to not actively participate in the investigation. You can still receive support and advocacy through Student Emergency Services and other resources on campus.

Informal Resolution Process

The informal resolution process is available for certain incidents such as sexual harassment and misconduct. This process is not available for violent incidents such as interpersonal violence (including dating violence and domestic violence) and sexual assault. The informal resolution process may be terminated at any time by either the Title IX coordinator or any of the parties involved, and the matter will be investigated via the formal investigation process.

The goal of the informal resolution process is to facilitate an agreement between the Respondent and Complainant and provide an educational opportunity to the Respondent to learn from harmful behavior through recommendations such as counseling, training programs, and mediation. No formal investigation occurs.

Formal Investigation Process

The goal of a formal investigation is to gather evidence and determine whether the standard of proof, which is the preponderance of evidence (more likely than not), is met to show that a violation of [university policy](#) has occurred. If the standard of proof is met, the case is referred to Student Conduct and Academic Integrity for conduct resolution. This does not mean the investigators have drawn any conclusions about whether your experience is valid or was traumatic. The investigator's role is to be a neutral and impartial party that uses facts and evidence to determine whether a violation of the university's Institutional Rules occurred.

- The investigators will meet with the Complainant, Respondent and witnesses as part of the investigation process.
- A no contact directive may be issued. This is permanent until the students graduate, unless both students request for it to be dismissed.
- All parties involved will have an equal opportunity to discuss their knowledge of the situation and provide relevant evidence and names of witnesses.
- The investigators will meet with the witnesses identified by the Complainant and Respondent only to the extent they are deemed to have relevant information or evidence. The investigators may also call upon additional necessary witnesses identified through the course of the investigation.
- The investigators will review the evidence gathered throughout the course of the investigation process such as text messages, call logs, emails, and conversations with others about the incident.
- The investigators will update the Complainant and Respondent about the status of the case throughout the course of the investigation.

- If the investigators determine the incident meets the preponderance of evidence standard (more likely than not that it happened), the case will be referred to Student Conduct and Academic Integrity. There will be opportunities to appeal the decision within the student conduct process. Find more information about the student conduct process at the [student conduct website](#).

IF THE RESPONDENT IS AN EMPLOYEE

If your Respondent is an employee, your case will be investigated within the Office for Inclusion and Equity (OIE). You can fill out their specific [reporting form](#). There are three possibilities within this process. **This is true whether you, as the Complainant, are either a student or an employee.**

Dismissed Complaint

If the allegation does not fall within OIE's jurisdiction or does not meet requirements, the complaint will be dismissed. The requirements are outlined in OIE's [Procedure and Practice Guide, Chapter 4, Section B](#). You do have the option to appeal this decision.

Informal Resolution Process

The Informal Resolution Process, as described in the previous section, is available.

Formal Investigation Process

The Formal Investigation Process, as described in the previous section, is available. The process can be slightly different if the Respondent is an employee.

- Investigators conduct interviews with the Complainant, Respondent, and witnesses.
- Investigators issue a report with proposed findings to the Vice President for whom the Respondent works. At this point, Complainant and Respondent get the chance to provide comments on the report to the vice president or their designee to respond to the investigation and findings provided.
- The vice president and investigators may consult to review the findings and comments. Additional investigation will be done at this point, if needed.
- The vice president or designee renders the final decision. Both parties are notified of the outcome. If the complaint meets the preponderance of evidence standard (it more likely than not happened), the vice president or designee determines the appropriate discipline.
- Employee discipline, and the process for appealing discipline, can look different depending on whether the respondent is a [staff](#) or [faculty](#) member.

YOUR RIGHTS DURING AN INVESTIGATION

You are entitled to due process during a Title IX investigation, which includes the following rights:

- To receive a prompt, fair and impartial investigation.
- To receive information and ask questions pertaining to the Title IX investigation process.
- To have an adviser present during all meetings. The adviser can be a friend, family member, attorney, or any other support person. This person is there to provide you advice and support and cannot speak for you in the meeting.
- To choose not to actively participate in the investigation process, if you are the Complainant.
- To file a complaint with local and/or campus law enforcement authorities.
- To be informed of and have access to campus services, including confidential resources.
- For more information, please see the Title IX Trainings and Investigations ["What to Expect" form](#).

WHAT ELSE SHOULD I KNOW?

Investigators Are Trauma-Informed

The investigators have been trained to understand that trauma can make it difficult to retain and organize memories. Investigators also recognize that retelling your story can be difficult. They may ask questions or seek details that may seem obtrusive or uncomfortable. This is only to better understand the facts. The investigation is neutral and impartial. Feel free to discuss as much or as little as you are comfortable with.

Privacy Vs. Confidentiality

The Title IX process is not confidential. It will, however, protect your privacy as much as possible. Only those who need information on the case will be informed. Professors, colleagues, and even witnesses will not have details available to them about your experiences. Records may be subject to open-records requests, but investigation records have some protection from such requests, and the university works to protect your privacy as much as possible. Records related to students are protected by the Family Educational Rights and Privacy Act and, with few exceptions, are not subject to open records requests.

No Contact Directives and Interim Measures

A no contact directive can be put in place prohibiting any contact between the Complainant and Respondent, if both names are known and both are affiliated with the university. This is to ensure that the parties do not communicate with one another. It is in place until both parties leave the university, both request it to be removed, or the matter is otherwise

resolved. A violation of the No Contact Directive results in a separate student conduct investigation. Other interim measures can be put in place to protect the safety of those involved during an investigation, such as rearranging class schedules or relocation of on-campus housing. This will be determined on a case-by-case basis.

Retaliation Is Prohibited

If anyone retaliates against you because you make a report or participate in a Title IX process as a Complainant, Respondent, or witness, the university will take immediate action. Retaliation includes job reprimands, removal from organizations or activities, negative evaluations, threats, harassment, or other adverse treatment when the treatment is taken for a retaliatory reason. If you feel you are being retaliated against, please report that to your investigators or the Title IX Office.

Amnesty

Some students and bystanders are afraid to come forward because alcohol or other substances were involved with the incident. Fear of punishment should never be a reason for deciding not to get help. We have a policy not to punish drug- and alcohol-related student conduct violations that occur during the harmful incident.

RESPONDENT

A Respondent (or Responding Party, RP) is the person designated to respond to a complaint report filed to the Title IX Office. The respondent is the person alleged to be responsible for the prohibited conduct alleged in a complaint.

You might be considered a respondent if:

- You have been accused of a Title IX policy violation.
- You have been accused of perpetrating harm.
- Someone has made a complaint against you.

If you have been accused of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), or stalking, it is important that you understand the process and the rights and resources afforded to you. The process can be stressful and complicated. The information below may answer questions you have. If you don't find the information you need here, please reach out to the Title IX Office, Title IX Training and Investigations, the Office for Inclusion and Equity or other support services.

SAFETY

Our first priority is your safety. If you feel you are in danger of harm by another person or yourself, please call 9-1-1.

If you've experienced harm, make sure to first take care of yourself physical and emotional needs. If you are experiencing a mental health crisis, if you'd like medical attention, or would like to speak with the police, please visit our [resources page](#) for a list of people who can help.

SEEKING SUPPORT

If you are responding to an allegation under Title IX, there are confidential and private resources available to provide support through the process. The Counseling and Mental Health Center, University Health Services and the Employee Assistance Program are confidential as outlined by federal and state law.

UT also offers private resources who are not confidential but are non-mandatory reporters to Title IX and the university. University Ombuds is an informal, independent, and neutral resource to ask questions and receive support without making an official report to the university. These services are there for you if you would like to discuss options and processes further.

If you are in need of academic or financial assistance, Student Emergency Services (SES) can provide support and coordination for Respondents in a discreet, fair, and private manner. For more information on these services, please visit the [resources page](#).

AFTER THE REPORT

IF YOU ARE A STUDENT

As a student, your case is investigated by Title IX Training and Investigations in the Office of the Dean of Students. There are two processes that may take place when you are asked to meet with investigators.

Informal Resolution Process

The informal resolution process is available for certain incidents such as sexual harassment and misconduct. This is not an available process for violent incidents such as interpersonal violence (including dating violence and domestic violence) and sexual assault. The informal resolution process may be terminated at any time by either the Title IX coordinator or any of the parties involved, and the matter will be investigated via the formal investigation process.

The goal of the informal resolution process is to facilitate an agreement between the Respondent and Complainant, and provide an educational opportunity to the Respondent to learn from harmful behavior through recommendations such as counseling, training programs, and mediation. No formal investigation occurs.

Formal Investigation Process

The goal of a formal investigation process is to gather evidence and determine whether the standard of proof, which is the preponderance of evidence (more often than not), is met to show that a violation of [university policy](#) has occurred. If the standard of proof is met, the case is referred to Student Conduct and Academic Integrity for conduct resolution. This does not mean the investigators have drawn any conclusions about whether your experience is valid or was traumatic. The investigator role is to be a neutral and impartial party that uses facts and evidence to determine whether a violation of the University's Institutional Rules occurred.

- The investigators will meet with the Complainant, Respondent and witnesses as part of the investigation process.
- A no contact directive can be issued. This is permanent until the students graduate, unless both students request for it to be dismissed.
- All parties involved will have an equal opportunity to discuss their knowledge of the situation and provide any relevant evidence and names of witnesses pertaining to the matter.
- The investigators will meet with the witnesses identified by the Complainant and Respondent only to the extent they are deemed to have relevant information or evidence. The investigators may also call upon additional necessary witnesses that are identified through the course of the investigation.

- The investigators will review the evidence gathered throughout the course of the investigation such as text messages, call logs, emails, and conversations with others about the incident.
- The investigators will update the Complainant and Respondent about the status of the case throughout the course of the investigation.
- If the investigators determine the incident meets the preponderance of evidence standard (it more likely than not happened), the case will be referred to Student Conduct and Academic Integrity. There will be opportunities to appeal the decision within the student conduct process. student conduct process at the [student conduct website](#).

IF YOU ARE AN EMPLOYEE

If you are an employee, your case will be investigated within the Office for Inclusion and Equity (OIE). There are three possibilities within this process as well.

Dismissed Complaint

If the allegation does not fall within OIE's jurisdiction, or does not meet requirements, the complaint will be dismissed. The requirements are outlined in OIE's [Procedure and Practice Guide, Chp. 4, Section B](#). You do have the option to appeal this decision.

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Formal Investigation Process

The goal of a formal investigation is to gather evidence and determine whether a violation of [university policy](#) has occurred. This does not mean they don't believe your experience is valid or was traumatic. Their role is to be a neutral and impartial party and use facts to make a ruling of violation of policy.

- Investigators conduct interviews with the Complainant, Respondent, and witnesses.
- Investigators issue a report with proposed findings 'to the Vice President for whom the Respondent works. At this point, Complainant and Respondent get the chance to provide comments and edits to the vice president or their designee, to respond to the investigation and findings provided.

- The vice president and investigators may consult to review the findings and comments. Additional investigation will be done at this point, if needed.
- The vice president or designee renders the final decision. Both parties are notified of the outcome. If the complaint meets the preponderance of evidence standard (that it more likely than not happened), the vice president or designee determines the appropriate discipline.

Employee discipline, and the process for appealing discipline, can look very different depending on whether you are a [staff](#) or [faculty](#) member.

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- To receive information and ask questions pertaining to the Title IX Investigation process.
- To have an adviser present during all meetings. The adviser can be a friend, family member, attorney or any other support person. This person is there for support only and cannot actively participate in the meeting.
- To file a complaint with local and/or campus law enforcement authorities.
- To utilize available counseling, academic, legal, and other applicable support services, including confidential services.
- For more information, please see the Title IX Trainings and Investigations ["What to Expect" form](#).

WHAT ELSE SHOULD I KNOW?

Investigators Are Trauma-Informed

The investigators have been trained to understand that trauma can make it difficult to retain and organize memories. Investigators also recognize that retelling your story can be difficult. They may ask questions or seek details that may seem obtrusive or uncomfortable. This is only to better understand the facts. The investigation is neutral and impartial. Feel free to discuss as much or as little as you are comfortable with.

Privacy Vs. Confidentiality

The Title IX process is not confidential. Investigators will, however, protect your privacy as much as possible. Only those who need information on the case will be informed. Professors, colleagues, and even witnesses will not have details available to them about your experiences. Records may be subject to open- records requests, but investigation records have some protection from such requests, and the university works to protect your privacy as much as possible. Records

related to students are protected by the Family Educational Rights and Privacy Act and with few exceptions are not subject to disclosure pursuant to open records requests.

No Contact Directives and Interim Measures

A no contact directive may be put in place prohibiting any contact between the Complainant and Respondent, if both names are known and both are affiliated with the university. This is to ensure that the parties do not communicate with one another. It is in place until both parties leave the university, both request it to be removed, or the matter is otherwise resolved. A violation of the No Contact Directive results in a separate student conduct investigation. Other interim measures can be put in place to protect the safety of those involved during an investigation, such as rearranging class schedules or relocation of on-campus housing. This will be determined on a case-by-case basis.

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If anyone retaliates against you because you make a report or participate in a Title IX process as a Complainant, Respondent, or witness, the university will take immediate action. Retaliation includes job reprimands, removal from organizations or activities, negative evaluations, threats, harassment, or other adverse treatment when the treatment is taken for a retaliatory reason. If you feel you are being retaliated against because of your participating in our process, please report that to your investigators or the Title IX Office.

Amnesty

Some students and bystanders are afraid to come forward because alcohol or other substances were involved with the incident. Fear of punishment should never be a reason why people decide not to get help. We have a policy not to punish drug- and alcohol-related student conduct violations that occur during the harmful incident.

REPORTER

A Reporter is a person who has information that prohibited conduct may have been committed and submitted a report to the university.

As members of the UT Austin community, we have an ethical responsibility to report harmful and dangerous behavior to protect our colleagues, our students, and ourselves. Certain employees are classified by the university as “Responsible Employees” or “Mandatory Reporters,” which means that they are required to report violations of Title IX. Even if you’re not classified as Responsible Employees, reporting is a tool you can use to support those in need of help and to stop sexual misconduct from continuing.

You might be considered a reporter if:

- You are a responsible employee (mandatory reporter).
- You made a report to the university about a Title IX related incident.
- You have information about a Title IX related incident that you need or want to report to the university.

This section will guide you through the process of having a disclosure conversation and help you figure out when and how to make a report.

WHAT IS “DISCLOSURE?”

In this context, disclosure is when someone shares information with you about an experience that has affected them. For example, someone might share with you that they experienced harm or have been involved in a Title IX related incident. People can disclose in a variety of ways. They may tell you in person, include an experience within a class assignment, or share during a discussion. You may also observe inappropriate behavior or hear about it through another person. Words or actions to look out for include:

- Sexual assault.
- Sexual harassment.
- Stalking.
- Discrimination based on gender.
- Retaliation.
- Jokes or comments of a sexual nature.
- “I’m not really sure, but...”
- “Making me uncomfortable.”
- Not showing up for class/work.
- Drastic changes in behavior or appearance.

It is important to listen, validate and report an incident that is disclosed to you no matter when it occurred. Even if it happened in the past, trauma can still affect a person’s present life. It’s our job to reach out to students, staff and faculty members and offer support no matter how much time has passed or how the information was shared with you.

WHY MIGHT SOMEONE DISCLOSE TO YOU?

There are many reasons people may open up to you about past or current experiences of sexual misconduct. It may be that:

- It has affected their interaction with you.
- It has negatively affected their academics or employment.
- They have safety concerns.
- They need someone to confide in but aren’t seeking action.
- They trust you and think you may be able to help.

If someone discloses to you, it means that the person feels safe entrusting you with something deeply personal. As a person in a supporting role, you should honor the disclosure with compassion, transparency, and supportive action.

TIPS FOR SUPPORTING SOMEONE WHO HAS DISCLOSED

“Thank you.” Disclosing can be a scary thing. It is important to acknowledge their willingness and vulnerability to share with you. Things you can say are “thank you for trusting me” and “thank you for sharing with me.” This can have a powerful impact moving forward in the conversation.

The power of language: Language is important and can have deep effects. Mirror the language of the person disclosing to you. If they label their experience as “harassment,” it can be harmful to use another word like “flirting.” Similarly, asking prying questions about the situation may be viewed as disbelief or victim-blaming. Your students and co-workers need to know that they can share with you safely and without judgment.

Empathic listening: Pay attention to the person speaking and react with compassion, feeling, and insight. Listen non-judgmentally. Try these tips to practice empathetic listening:

- Try to see things from the other person’s point of view.
- Acknowledge and validate the other person’s perspective.
- Stay aware of your biases and attitudes.
- Pay attention to the speaker’s verbal and nonverbal cues.

Offer resources and make referrals: UT and the greater Austin community have many [confidential and non-confidential services](#) available to students and employees. Talk through the options together, and help the person make contact.

Questions to Ask	What to Say	What Not to Say
<ul style="list-style-type: none"> • Are you safe? • How are you feeling? • What can I do to help? • What kind of support do you need? • How are you doing in classes/at work? • Do you have friends/family/loved ones who are supporting you? 	<ul style="list-style-type: none"> • Thank you for sharing this with me. • This sounds upsetting/difficult/hard. • I hear you. • I see that you're feeling... • You are not alone. • I'm here for you. • I care about you and your experience. • Offer resources and referrals. 	<ul style="list-style-type: none"> • Questions about the incident or investigation. • Questioning the validity of the person's experience. • Why/how did this happen? • Promising outcomes. • Promising accommodations that are out of your control. • Sharing information related to the incident with other parties. • Placing blame.

Be vulnerable and transparent: There is no wrong way for a person to react and process a traumatic experience. Because of that, there is no standard answer that you can give. Transparency is important. Don't be afraid to admit that you don't know the answer to a question, or you're not sure about what to do. If they are comfortable, offer to look through this guide together! The UT process is not a secret, and we don't expect you to remember everything in this guide. Just remember to listen, being empathetic, and reach out to us for support if you're not sure of the next step!

MANDATORY REPORTING: WHO, WHAT, WHERE, WHEN, WHY, HOW

WHAT IS A "MANDATORY REPORTER"?

A mandatory reporter, also known as a "Responsible Employee," is a UT employee who is required to report incidents of sexual misconduct to the university.

WHO ARE MANDATORY REPORTERS?

All supervisory staff, administrators, academic advisers, athletic staff members who interact directly with students, faculty members including TAs and AIs, residence life directors, and graduate research assistants are considered mandatory reporters.

If you are on that list, or if a student or co-worker would have reason to think that you have the power to address a situation, you have a duty to report incidents of sex/gender discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence, and stalking to the university Title IX coordinator or a deputy Title IX coordinator. We recommend you add information about mandatory reporting to your course syllabus and/or bring it

up in group conversations with students and co-workers to make sure everyone is informed.

If you're not sure whether you are a mandatory reporter, talk to your supervisor or call us at the Title IX Office.

WHY IS IT IMPORTANT TO REPORT SEXUAL MISCONDUCT?

Our core purpose at UT is to "Transform lives for the benefit of society." That means it is our job to connect our people with the support they need to do life-changing work while here at UT. Our campus community has incredible resources available to support students, staff members and faculty members. When you submit a Title IX report, you make it possible for us to ensure those in our community affected by sexual misconduct receive the support they need and that the university responds appropriately to violations of our community standards.

WHEN SHOULD YOU MAKE A REPORT?

If you heard, read, or saw something that made you wonder, "Should I report that?"—the answer is probably yes. If you're not sure that what you witnessed is reportable under Title IX or if you don't have all the information to make that decision, give us a call. It's okay to be unsure. We're here to help you through every step of the process. We may ask you to follow up with the student or co-worker, and we can guide you through that as well. We may also say it is not something that needs to be reported. In that case, we will be glad you reached out to us. When it comes to the safety of our fellow Longhorns, we never want to take a chance.

WHAT TO SAY WHEN SOMEONE DISCLOSES TO YOU

There are many tips on how to support someone who has disclosed in the section above, and as a mandatory reporter, you have the added responsibility to inform the person of your duty to report. You can do this through a gentle interruption.

The goal of a gentle interruption is to let the person speaking with you know that you are a mandatory reporter. You have the opportunity to give your student or co-worker power over the information shared with the university. It's important that the person is informed of your role as a mandatory reporter as soon as possible. If the conversation makes you feel as though the person might disclose something that falls under your obligation, gently stop the conversation as soon as you can. Some sample language includes:

- “It sounds like you want to talk about a sensitive situation. Can we pause so I can share my role as a mandatory reporter with you?”
- “Before we go further, I want to let you know I'm a mandatory reporter, and this is what that means ...”

Not all situations will be reportable. If neither of you is sure, you can invite the person to talk without details or pose hypothetical questions or statements, so you can get a better idea about what the person wants to talk about.

After you share your role as a mandatory reporter, if the person you're speaking with decides not to share any further, that is okay. Give them information about confidential spaces on campus where they can go to talk without triggering a report, and ask about whether there is anything else you can do to support them. Keep in mind that if they did disclose any reportable information before they were aware of your role, you are still obligated to share that information with the Title IX Office (name of Complainant, Respondent, incident details).

What if I witnessed the incident or the person disclosed in writing?

You won't always have the time and space to gently interrupt before learning about an incident. Not everyone in our campus community knows about or understands mandatory reporting. Someone may share something without being fully informed. We understand this can feel like you are breaking their trust by reporting what you have learned. It's still crucial that you follow through so we can provide the person with the support and the university can take action. If this happens, it's important to follow up with the person and share the following:

- Tell the person that you've made a report to the Title IX Office.
- Everyone reacts to trauma differently, so it is important

to provide options to meet each person's needs. Make sure the person knows they have the power to make decisions throughout the process after a report is made: They have the right to choose what to do (and not to do) moving forward. For more information, see [Third Parties](#).

- Confidentiality vs. privacy: As a mandatory reporter, you can't keep the information confidential, but you should let your student or co-worker know that anything shared with the university will be kept as private as possible. Information is shared on a strictly need-to-know basis. Information should not be shared with other supervisors or deans, unless your department protocol differs (not many do).

MAKE A REPORT

So here you are: A student or co-worker has shared something with you that you think may be a violation of Title IX. Or, perhaps you have observed something that you know you need to report. What next?

Call the Title IX Office

Ask for the Title IX coordinator or deputy. They can answer any questions you may have and take your report over the phone. No paperwork needed. 512-471-0419

Report Online

Access our online reporting form through the [Title IX homepage](#) and fill in all the information you have about the incident. Don't worry if you can't fill in all the boxes. Just fill in what you know.

Report to the Title IX Deputy or Liaison

Title IX Deputies and Liaisons are available throughout campus. Contact information is available on [Title IX Contact Us](#).

WHAT INFORMATION NEEDS TO BE REPORTED?

Report any pertinent information that is shared with you. Information that should be included in the report (if known) includes but is not limited to: name of the Complainant, Respondent, witnesses and others involved, and any incident details shared. This does not mean you have to ask for extra information. It's okay if the person does not share the name of the Respondent or go into detail about the experience. Only report what the person is willing to share with you.

PROVIDE ASSISTANCE

After you have made your report, take some time to ask what support your student or co-worker may need and how you can help. When someone goes through a traumatic incident, studies and work may be disrupted. What's most important is that the person is able to heal mentally and physically. For example, you could:

For Students

- Give an extension on an assignment.
- Excuse an absence.
- Allow your student to come in early to class to choose a seat or leave early to avoid interacting with another person involved in the Title IX case.
- Provide an alternate workspace for an exam.
- Arrange remote participation in class.
- Approve an incomplete for a course.

For Co-Workers

- Reschedule a meeting or presentation.
- Assist with or take on a project.
- Provide an alternative workspace.
- Accompany your co-worker to spaces where others involved in the Title IX case may be present.

Only provide the support that your student or co-worker asks for. Every person copes with trauma differently. Respect their decisions and don't put pressure on them, even if their healing process doesn't make sense to you.

AFTER A REPORT IS MADE

After you make a report to the Title IX Office, you won't receive any further information about the status of the investigation. For information about being called as a witness, see [Witnesses](#). The privacy and comfort of Complainants and Respondents is very important to us, and we ask that you maintain that by not inquiring about the details of a case. If people choose to confide in you about how the process is affecting them, we ask that you support them and make referrals to other resources on campus. For more information on available resources, visit our [resources page](#).

GET SUPPORT FOR YOURSELF

Remember that you are not in this alone. If at any point you have questions and concerns about the person, the reporting process, or need support yourself, call the Title IX Office (512-471-0419) or other support services on campus.

THIRD PARTY

A Third Party is a person not directly involved in a Title IX related incident, but who may be aware of the incident.

If you have not been directly affected by sexual misconduct, but you've become aware that an incident has occurred in your community, you are a Third Party. You may report anything you know to the Title IX Office, though you are not required to do so.

You might be considered a third party if:

- You have a friend, coworker, or family member who has experienced harm.
- You have a friend, coworker, or family member who has been accused of a Title IX policy violation, or of perpetrating harm.
- You witnessed a Title IX violation and are not required to report.
- Someone shared information with you about a Title IX violation and you are not required to report.

Whether someone discloses to you that they've been harmed, that they've been accused of harming others, or when you witness sexual misconduct, you will feel the effect. You may feel stressed, upset or worried. This may bring up memories of something you've experienced yourself. It's important to pay attention to what's going on for you and to reach out for the support you need.

CONTACT SUPPORTIVE UNIVERSITY RESOURCES

If you're unsure about what to do, or if you want assurance that you've taken all the necessary steps, call the Behavior Concerns Advice Line (512-232-5050) or the Title IX Office (512-471-0419) to talk through the process.

SEEK SUPPORT

You may find it helpful to talk through your feelings with loved ones, supportive co-workers or a counselor. Processing the effect this experience had on you can help you show up to support your students and co-workers at 100 percent.

SET GOOD BOUNDARIES

As someone not directly involved in a case, you won't have access to information about the investigation or resolution. Respect the privacy of your students and co-workers, and manage your expectations.

When someone we care about is hurting, we want to do everything possible to support that person. It may feel overwhelming and frustrating to see how many people and steps are involved in the process. Try to focus on what you can

do within your role to support the student or co-worker. That may have the most powerful effect on their experience.

LEADERSHIP COMMUNICATION

What can be shared with others when allegations become widely known?

Sexual misconduct can affect everyone in your classroom or workplace community. Even those who aren't fully aware of what's happening may be experiencing secondary trauma, which can manifest as anger, hopelessness, fear, hypervigilance, withdrawal and disconnection. It's important to engage in the healing process with your entire team and be aware that incidents of sexual misconduct will affect each person differently. Here are some tips for addressing the impact of sexual misconduct on your community:

- Do not provide details about specific cases, (i.e. names, dates, details about the incident or allegations, information about outcome or discipline). Explain that this is to protect the privacy of all those involved.
- Without sharing specific details about the incident, speak openly and be transparent about the university's process. Talk to your team about what information the university can and can't share. If you aren't able to answer questions about policy and procedure, reach out to the Title IX Office for support.
- Acknowledge publicly with your group that the incident has had an effect on everyone in the community. Let them know what resources exist on campus to support them, and identify yourself as a safe person to talk to, if you're comfortable doing so.
- Request a facilitator from the Title IX Office to host an open conversation for your team. Give people the opportunity to talk through their feelings and concerns and to seek support from one another.
- Reach out to the Office of Conflict Management and Dispute Resolution. The staff there can help you organize a resolution process that will ensure everyone on your team feels heard and is able to engage in the healing process.

Communication and Public Response

If you are in a leadership position or the communicator of a department dealing with a Title IX related incident, the following information will be helpful for you in considering public acknowledgements and statements:

- Should be made extremely rarely.
- Can be a result of traditional and social media activity/rumors. (It is important to monitor.)
- Cannot include names or details of specific allegations.

-
- Should never be made to members of the media. (Send reporters or inquiries to your departmental communicator or to University Communications at 512-471-3151.)
 - Should be grounded in high-level, concise and assertive language. Make it clear that the University does not tolerate misconduct.

As a manager dealing with a sexual misconduct case, you may be seeking assistance with communication. Internal and external messages should be handled with great care. University Communications is available to help you during this time. Please call 512-471-3151 as soon as you are made aware of your involvement in a case.

WITNESSES

During the meetings, you will have an opportunity to discuss your knowledge of the situation, provide any evidence, and ask questions about the process.

If summoned as a witness, UT students, faculty and staff must meet with the investigators. During the meetings, you will have an opportunity to discuss your knowledge of the situation, provide any evidence, and ask questions about the process.

For privacy reasons, you will not be informed of the final outcome of the investigation. Keep in mind that if the case moves to a student conduct hearing, you may have to participate. For more information, please see the Title IX Trainings and Investigations [“What to Expect” form](#).

ADVISERS

If you were asked to be an adviser, this means the person trusts you enough to ask for your support through this process. The adviser does not actively participate in the investigation. You will not be asked to answer questions or to make comments. For more, see the Title IX Training & Investigations [“What to Expect” form](#).

You can be an adviser or a witness, but never both.

RESOURCES

CAMPUS RESOURCES

NON-CONFIDENTIAL RESOURCES

Title IX Office

512-471-0419

titleix.utexas.edu

- Available to answer questions about what needs to be reported, resources and assistance available.
- Receive reports of misconduct.
- Provides a 24-hour hotline for anonymous reporting: **1-877-507-7321**.
- Provides training and educational opportunities to the campus community about Title IX, mandatory reporting, prevention, and workplace culture. Request a training.
- Collaborates with the campus community to implement prevention efforts on campus.

Student Emergency Services

512-471-5017

deanofstudents.utexas.edu/emergency/

- Deputy Title IX Coordinator (Office of the Dean of Students) is available to receive reports and answer questions.
- May provide limited emergency funds.
- Assists with academic or classroom assistance for students involved in the Title IX process.
- Provides referrals within the university, and in the Austin area when necessary.

Behavior Concerns Advice Line

512-232-5050

utexas.edu/safety/bcal/

- Allows members of the University community to discuss their concerns about an individual's behavior.
- Offers a centralized resource that is available twenty-four hours a day for anyone who is not sure how to help a person that they are concerned about.
- Operates as a partnership between the Office of the Dean of Students, the Counseling and Mental Health Center, the Employee Assistance Program, and the University of Texas Police Department.

Student Conduct and Academic Integrity

512-471-2841

deanofstudents.utexas.edu/conduct

- Provides student conduct process for policy violations.
- Provides referrals within the university, and in the Austin area when necessary.

Title IX Training and Investigations

512-471-5017

deanofstudents.utexas.edu/investigations

- Investigates allegations of student misconduct involving sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic and dating violence), and stalking.
- Provides referrals within the university, and in the Austin area when necessary.
- Facilitates trainings related to the university's Title IX investigation and accommodations process.

University of Texas Police Department

512-471-4441

utexas.edu/police/

- Where you file criminal reports (pseudonym is available to victims to shield your identity in the police report).
- Offers crime prevention presentations that include issues related to assault.
- Publishes crime statistics information.
- Teaches free Rape Aggression Defense (RAD) classes to any female University students, staff members, and faculty members.

SURE Walk

512-232-9255

www.utsg.org/request-a-sure-walk/

- email to request at orderasurewalk@gmail.com.
- Request someone to walk you anywhere on campus or close to campus.
- Available 7 days a week, 8:30 p.m. to 2 a.m. during full semesters.

SURE Ride

parking.utexas.edu/sure

- To access, download the Lyft App.
- Use Lyft line anywhere close to campus and if your ride is within the parameters, the ride will be free.
- Available 7 days a week, 11 p.m. to 4 a.m.

UTPD Escort
512-471-4441, then press 9

Office for Inclusion and Equity
512-471-1849
utexas.edu/equity

- Deputy Title IX Coordinator (Office for Inclusion and Equity) is available to receive reports and answer questions.
- Investigates allegations of employee misconduct involving sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic and dating violence), and stalking.
- Helps resolve complaints of discrimination in the workplace.
- Facilitates trainings related to employment equity, inclusion, and non-discrimination for departments and units.
- Provides referrals within the university, and in the Austin area when necessary.

**Conflict Management and
Dispute Resolution Office**
512-471-6638
hr.utexas.edu/dispute

- Offers informal and restorative processes for resolution of appropriate cases.

Human Resources
512-471-HRSC (512-471-4772) or 1-800-687-4178
utexas.edu/hr/

- For employee complaints, find your HR Representative:
utexas.edu/hr/hrpro/lookup/.

**PRIVATE RESOURCES (NON-MANDATORY
REPORTING OPTIONS)**

Private resources do not have obligations to report sexual misconduct to the Title IX Coordinator, and information disclosed with these offices is not shared with others without the person's consent. However, there are limits to the privacy, and the resources are not confidentially protected under law.

Interpersonal Violence Peer Support
512-471-6147

[deanofstudents.utexas.edu/emergency/
advocacysupport.php](https://deanofstudents.utexas.edu/emergency/advocacysupport.php)
ivps@austin.utexas.edu

- A group of expertly trained undergraduate and graduate students who offer private, peer-based support to students who have been impacted by interpersonal violence.
- Engage in respectful, active listening and emotional support.
- Provide information about students' rights and options

regarding the Title IX reporting and investigation process.

- Explore academic, housing, medical, and or/ financial accommodations and assistance.
- Referrals for on and off campus resources.

Advocates
512-471-5017
[deanofstudents.utexas.edu/emergency/
advocacysupport.php](https://deanofstudents.utexas.edu/emergency/advocacysupport.php)

- Serves as an advocate and available to answer questions, discuss reporting options, and help with coordinating assistance.
- Provides referrals within the university, and in the Austin area when necessary.

University Ombuds
ombuds.utexas.edu/

- For students and staff: **512-471-3825**.
- For faculty: **512-471-5866**.
- Provides a neutral, informal, and independent space for information about university resources and processes.
- Provides a space to discuss interpersonal difficulties, university policies, university bureaucracy, and conflict resolution techniques.
- Help identify options and seek resolution.

CONFIDENTIAL RESOURCES

Services from the below resources are considered confidential by federal and state law. Information shared with these services will not be shared with others or used against them in the court of law.

**Counseling and Mental Health Center,
Voices Against Violence Program (VAV)**
512-471-3515
cmhc.utexas.edu/

- Provides VAV counseling/advocacy services to give information about safety, legal, housing, academic, and medical options.
- Offers individual and group counseling service for survivors of sexual assault, relationship violence, and stalking.
- Offers 24-hour telephone counseling service at **512-471-CALL (512-471-2255)**.
- Offers interactive peer theatre educational programming that addresses the complex issues surrounding sexual assault on campus.
- Provides opportunities for student involvement in programming throughout the academic year.

- Provides training that is customized for faculty, staff and/or students.
- Manages VAV Survivor Emergency Fund.

Employee Assistance Program (EAP)

512-471-3366

utexas.edu/hr/eap/

- Confidential brief counseling sessions, crisis intervention, and assessment and referral from experienced licensed psychologists and social workers.
- If it is after normal business hours and you are in crisis, you can reach the after-hours counseling service at **512-471-3399** to speak to a crisis counselor.
- Available for benefits-eligible employees, including graduate students.

University Health Services

512-471-4955

healthyhorns.utexas.edu/

- Nurse Advice Line: **512-475-NURS (512-475-6877)**.
- Health Promotion Resource Center: **512-475-8252**.
- Provides individuals who have experienced a sexual assault a place to receive the forensic medical exam by a Sexual Assault Nurse Examiner (SANE).
- Provides general exams to treat injuries, both internal and external.
- Performs testing for sexually transmitted infections after an assault.
- Distributes educational and prevention information.

COMMUNITY RESOURCES

Safe Alliance

512-267-SAFE (512-267-7233)

www.safeaustin.org/safeplace/

- Operates a 24-hour hotline (listed above).
- Offers individual and group therapy for individuals who have experienced sexual assault and/or domestic violence.
- Provides domestic violence shelter services.

Austin Police Department

9-1-1

austintexas.gov/department/police

- 9-1-1 calls provide emergency response and takes reports of sexual assaults.
- Offers Victim Services counselors at **512-974-5037**.

National Sexual Assault Online Hotline

rainn.org/get-help/national-sexual-assault-online-hotline

- Provides online crisis support.
- The hotline provides live, secure, anonymous crisis support for victims of sexual violence, their friends, and families twenty-four hours a day.

St. David's Hospital Emergency Room

512-544-4240

www.stdavids.com/locations-facilities/st-davids-medical-center.aspx

- Operates emergency room, located at 919 East 32nd Street, Austin, Texas 78705.

Dell Seton Medical Center

of The University of Texas at Austin

512-324-7000

www.seton.net/locations/dell-seton/

- Operates emergency room, located at 1500 Red River Street, Austin, Texas 78701.

Texas Advocacy Project

512-476-5377

www.texasadvocacyproject.org/

- Offers legal advice from attorneys on issues of family violence, dating violence, sexual violence, and protective orders.

Asian Family Support Services of Austin (AFSSA)

1-877-281-8371

www.afssaustin.org

- Provides crisis intervention, advocacy, legal services, and support groups for Asian women who have experienced sexual assault or are in abusive relationships.

Legal Aid for Survivors of Sexual Assault

1-800-991-5153

www.legalaidforsurvivors.org/

- Provide free legal services and general advice.
- Provide community trainings.
- Provides resources and materials to educate survivors on their legal rights and options.

For more resources, see

titleix.utexas.edu/resources/

GLOSSARY

The following definitions are cited from the [Handbook of Operating Procedures 3-3031](#) and the General Information Catalog (Institutional Rules), [Appendix D: Prohibition of Sex Discrimination, Sexual Harassment, Sexual Assault, Sexual Misconduct, Interpersonal Violence, and Stalking](#).

Complainant

A person who submits a complaint alleging a violation of this policy.

Consent

A voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity. Consent to one act does not imply consent to another. Past consent does not imply future consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Any expression of an unwillingness to engage in any instance of sexual activity establishes a presumptive lack of consent.

Consent is not effective if it results from: (a) the use of physical force, (b) a threat of physical force, (c) intimidation, (d) coercion, (e) incapacitation, or (f) any other factor that would eliminate an individual's ability to exercise free will to choose whether or not to engage in sexual activity.

An individual's manner of dress or the existence of a current or previous dating or sexual relationship between two or more individuals does not, in and of itself, constitute consent to engage in a particular sexual activity. Even in the context of a relationship, there must be a voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity.

Incapacitation

A state of being that prevents an individual from having the capacity to give consent. For example, incapacitation could result from the use of drugs or alcohol, a person being asleep or unconscious, or because of an intellectual or other disability.

Interpersonal Violence

An offense that meets the definition of domestic violence or dating violence.

Domestic Violence: Abuse or violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person with whom the complainant is cohabiting (or has cohabited) with a spouse or intimate partner, by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the State of Texas, or by any other person against an adult or

youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Texas.

Dating Violence: Abuse or violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship will be determined based on the complainant's statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence.

Respondent

The person designated to respond to a complaint. Generally, the respondent is the person alleged to be responsible for the prohibited conduct alleged in a complaint.

Responsible Employee

Pursuant to Title IX, a Responsible Employee is a University employee who has the authority to take action to redress an alleged violation of this policy; who has been given the duty of reporting such allegations to the University Title IX Coordinator or designee; or whom an individual could reasonably believe has this authority or duty.

At the University of Texas at Austin, Responsible Employees include, but are not limited to:

- administrators
- academic advisors
- coaches, and other athletic staff who interact directly with students
- faculty members, including professors, adjuncts, lecturers, associate/assistant instructors (AIs), and teaching assistants (TAs)
- graduate research assistants
- residence life directors
- resident assistants
- all supervisory staff

Responsible Employees have a duty to promptly report incidents of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence, and stalking to the University Title IX Coordinator or Deputy Title IX Coordinators. Responsible Employees are not confidential reporting resources.

Retaliation

Any action that adversely affects the academic, employment, or other institutional status of a student or employee of the University, visitor, applicant for admission to or employment with the University, because an individual has, in good faith, brought a complaint under this policy, opposed an unlawful practice, participated in an investigation, or requested accommodations. Examples of retaliation include, but are not limited to: denial of promotion, non-selection/refusal to hire, denial of job benefits, demotion; suspension, discharge, threats, reprimands, negative evaluations, harassment, or other adverse treatment that is likely to deter reasonable people from pursuing their rights. Retaliation is strictly prohibited and will not be tolerated.

Sex Discrimination

Conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects the individual or group's employment or education on the basis of sex (gender).

Sexual Assault

An offense that meets the definition of rape, fondling, incest or statutory rape.

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the complainant.

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Sexual intercourse with a person who is younger than 17 years of age and is not the spouse of the respondent.

Sexual Harassment

Unwelcome conduct of a sexual nature. Sexual harassment is a form of sex discrimination that can occur when

- the submission to unwelcome physical conduct of a sexual nature, or to unwelcome requests for sexual favors or other verbal conduct of a sexual nature, is made an implicit or explicit term or condition of employment or education;
- the submission to or rejection of unwelcome physical conduct of a sexual nature, or unwelcome requests for

sexual favors or other verbal conduct of a sexual nature, is used as a basis for academic or employment decisions or evaluations;

- unwelcome physical acts of a sexual nature, or unwelcome requests for sexual favors or other verbal conduct of a sexual nature, that have the effect of creating an objectively hostile environment that substantially interferes with employment or education on the basis of sex; or
- such conduct is intentionally directed towards a specific individual and has the purpose or effect of unreasonably interfering with that individual's education, employment, or participation in University activities, or creating an intimidating, hostile, or offensive atmosphere.

Sexual harassment may include:

1. Sexual violence, as defined under the Texas Penal Code, which includes rape, sexual assault, sexual battery, and sexual coercion.
2. Physical conduct that, depending on the totality of the circumstances present, including frequency and severity, may constitute sexual harassment includes, but is not limited to
 - unwelcome intentional touching; or
 - deliberate physical interference with or restriction of movement.
3. Verbal conduct, whether oral, written, or symbolic expression, that dependent of the totality of the circumstances present including frequency and severity, may constitute sexual harassment includes, but is not limited to
 - explicit or implicit propositions to engage in sexual activity;
 - gratuitous comments, jokes, questions, anecdotes, or remarks of a sexual nature about clothing or bodies;
 - gratuitous remarks about sexual activities or speculation about sexual experiences;
 - persistent, unwanted sexual or romantic attention;
 - subtle or overt pressure for sexual favors;
 - exposure to sexually suggestive visual displays such as photographs, graffiti, posters, calendars, or other materials; or
 - deliberate, repeated humiliation or intimidation based upon sex.

This policy applies only to verbal conduct that is not necessary to an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea.

Sexual Misconduct

Behavior or conduct of a sexual nature that is unprofessional and/or inappropriate for the educational and/or working environment. Behaviors that may constitute sexual misconduct include, but are not limited to

- repeatedly engaging in sexually oriented conversations, comments, or horseplay, including the use of language or the telling of jokes or anecdotes of a sexual nature in the workplace, office, or classroom, even if such conduct is not objected to by those present;
- gratuitous use of sexually oriented materials not directly related to the subject matter of a class, course, or meeting, even if not objected to by those present;
- failure to observe the appropriate boundaries of the supervisor/subordinate or faculty member/student relationship, including the participation of a supervisor, teacher, advisor, or coach in an unreported consensual romantic or sexual relationship with a subordinate employee or student; or
- engaging in any form of sexual exploitation. Sexual exploitation occurs when an individual takes non-consensual or abusive sexual advantage of another for his or her own benefit or to benefit anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to, engaging in voyeurism; forwarding of pornographic or other sexually inappropriate material by email, text, or other channels to non-consenting students/groups; and any activity that goes beyond the boundaries of consent, such as recording of sexual activity, letting others watch consensual sex, or knowingly transmitting a sexually transmitted disease (STD) to another.

Stalking

A course of conduct directed at a specific person that would cause a reasonable person to fear for his/her own safety or the safety of others or would cause that person to suffer substantial emotional distress. A "course of conduct" means two or more 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 a person or interferes with a 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.