Notice of Non-Discrimination on The Basis of Gender

The University of Texas at Austin

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1. UT AUSTIN’S COMMITMENT

The University of Texas at Austin is committed to maintaining a learning environment that is free from inappropriate conduct based on gender. As required by Title IX, the University does not discriminate on the basis of sex in its education programs and activities, and it encourages any student who thinks that he or she has been subjected to sex discrimination, sexual harassment (including sexual violence) or sexual misconduct by another student, member of the faculty or staff, or campus visitor or contractor, to immediately report the incident to any of the individuals or offices listed below.

2. WHERE TO REPORT

Students, employees, campus visitors and contractors may directly report incidents of sex discrimination, sexual harassment (including sexual violence) and sexual misconduct to any of the Title IX coordinators listed below.

- Institutional Title IX Coordinator
  Dr. Jennifer R. Hammat
  Assistant Vice President for Student Affairs
  Office of the Vice President for Student Affairs
  302 Flawn Academic Center (FAC)
  512-471-1133
  j.hammat@austin.utexas.edu

- Deputy Title IX Coordinator for Students
  Ms. Christa F. López
  Associate Director of Student Emergency Services
  Office of the Dean of Students
  4.104 Student Services Building
  512-471-5017
  christa.sandelier@austin.utexas.edu

- Deputy Title IX Coordinator for Employees, Visitors and Contractors
  Mr. Travis Gill, J.D.
  Assistant Director
  Office of Institutional Equity
  4.302 North Office Building
  512-471-1849
  travis.gill@austin.utexas.edu

3. REFERRAL RESPONSIBILITY

Every supervisor, administrator, and University official is responsible for promptly reporting incidents of sex discrimination and sexual harassment that come to his or her attention to either the Office of the Dean of Students, or to the Office of Institutional Equity. Where a supervisor, administrator or
University official is concerned about the conduct of a particular University employee but no specific complaint has been made, such concerns may be forwarded to the Office of the Dean of Student or to the Office of Institutional Equity for discussion and potential investigation.

Complaints or allegations of student-on-student sex discrimination, sexual harassment (including sexual violence) or sexual misconduct will be handled by the Office of the Dean of Students.

Students may also contact the U.S. Department of Education, Office for Civil Rights to complain of sex discrimination or sexual harassment including sexual violence; see: http://www.hhs.gov/ocr/civilrights/complaints/index.html.

Complaints of sex discrimination, sexual harassment (including sexual violence) or sexual misconduct by non-students will be handled by the University’s Office of Institutional Equity.

Cases of sexual violence may also be reported to the University of Texas Police Department 512-471-4441 (non-emergency) or 911 or http://www.utexas.edu/police/; the City of Austin Police Department 512-974-5750 (non-emergency) or 911 or http://www.austintexas.gov/department/police and other local law enforcement authorities; the Title IX Coordinators can assist individuals with contacting these law enforcement agencies.

4. STUDENTS

For more detailed information regarding the procedures for reporting a grievance, see the following policies, as contained in the Institutional Rules on Student Services and Activities found in the General Information Catalog 2013-2014 http://catalog.utexas.edu/general-information/:

- Appendix C, Chapter 11(Student Discipline and Conduct) http://catalog.utexas.edu/general-information/appendices/appendix-c/student-discipline-and-conduct/,
- Appendix D (Policy on Sex Discrimination and Sexual Harassment) http://catalog.utexas.edu/general-information/appendices/appendix-d/,
- Appendix E (Policy on Sexual Misconduct) http://catalog.utexas.edu/general-information/appendices/appendix-e/,
- Appendix H (Prohibition of Sexual Assault) http://catalog.utexas.edu/general-information/appendices/appendix-h/, and
- Appendix I (Nondiscrimination Policy) http://catalog.utexas.edu/general-information/appendices/appendix-i/.

5. EMPLOYEES

For more detailed information regarding the procedures for reporting a grievance, see the following policies, and contained in the Handbook of Operating Procedures found at http://www.policies.utexas.edu/policies:

- 3-3020 Nondiscrimination Policy http://www.policies.utexas.edu/policies/nondiscrimination-policy,
- 3-3030 Sex Discrimination and Sexual Harassment http://www.policies.utexas.edu/policies/sex-discrimination-and-sexual-harassment, and
- 3-3040 Sexual Misconduct http://www.policies.utexas.edu/policies/sexual-misconduct, and
- 3-3050 Consensual Relationships http://www.policies.utexas.edu/policies/consensual-relationships.
6. DEFINITIONS

a) “Actor” means the person alleged to have committed a sexual assault.
b) “Another” means a person other than the actor.
c) “Consent” means assent in fact, whether express or apparent, by all of the involved parties to engage in the same sexual activity at the same time.
d) “Minor” means a person younger than seventeen (17) years of age.

7. SEX DISCRIMINATION

Sex discrimination, including sexual harassment, is 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’s or group’s employment or education on account of sex.

a) Sexual Harassment. Unwelcome conduct of a sexual nature. Sexual harassment is a form of sex discrimination that includes:

i. Sexual violence, as defined under the Texas Penal Code which includes rape, sexual assault, sexual battery, and sexual coercion, and 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, have the effect of creating an objectively hostile environment that substantially interferes with employment or education on account 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.

ii. 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.

iii. Verbal conduct, including oral, written, or symbolic expression, that, depending on 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 only applies to verbal conduct that is not necessary to an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea.
b) **Sexual Assault.** An actor commits a sexual assault if he/she intentionally or knowingly:
   i. Causes the penetration of the anus or sexual organ of another person by any means, without that person’s consent; or
   ii. Causes the penetration of the mouth of another person by the sexual organ of the actor, without that person’s consent; or
   iii. Causes the sexual organ of another person, without that person’s consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor.

c) **Consent.** An individual’s manner of dress or the existence of a current or past dating relationship between two or more individual does not, in and of itself, constitute consent to engage in a particular sexual activity. Consent is informed and voluntary and can be revoked at any time and for any reason. However, there are certain instances where an individual cannot give consent to participate in a sexual act. The following illustrate some of those instances:
   i. The actor compels another to submit to or participate in a sexual act by the use of physical force or violence against the other person.
   ii. The actor compels another to submit to or participate in a sexual act by threatening to use force or violence against the other person.
   iii. The person has not consented to the sexual act and the actor knows the other person is unconscious or physically unable to resist.
   iv. The actor knows that the other person is, at the time of the sexual act, incapable of either appraising the nature of the act or of resisting it.
   v. The other person has not consented to the sexual act and the actor knows the other person is unaware that the sexual act is occurring.
   vi. The actor or another has intentionally impaired the other person’s power to appraise or control the other person’s conduct by administering any substance without the other person’s knowledge.
   vii. The actor compels the other person to submit to or participate in a sexual act by threatening to use force or violence against any other person.
   viii. The individual is under the age of seventeen (17) and is not the spouse of the actor.

d) **Minors.** An actor commits a sexual assault against a minor (who is not the spouse of the actor) if the actor:
   i. Causes the penetration of the anus or sexual organ of a minor by any means; or
   ii. Causes the penetration of the mouth of a minor by the sexual organ of the actor; or
   iii. Causes the sexual organ of a minor to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or
   iv. Causes the anus of a minor to contact the mouth, anus, or sexual organ of another person, including the actor; or
   v. Causes the mouth of a minor to contact the anus or sexual organ of another person, including the actor.

e) **Use of Drugs and Alcohol.** The fact that the student accused of sexual assault was under the influence of drugs or alcohol at the time of the assault will not diminish the student’s responsibility for a violation of the Institutional Rules on Student Services and Activities, nor shall being under the influence of alcohol or drugs be construed as an invitation to or as implied consent for unwanted sexual advances.

Conduct that may not rise to the level of sexual harassment or sexual violence may be covered by the Policy on Sexual Misconduct. For more information on the Policy on Sexual Misconduct, please refer to Appendix E (Policy on Sexual Misconduct) [http://catalog.utexas.edu/general-information/appendices/appendix-e/](http://catalog.utexas.edu/general-information/appendices/appendix-e/).
8. CONSENSUAL RELATIONSHIPS

The University strongly discourages any of its employees who have direct teaching, supervisory, advising or evaluation responsibilities from engaging in consensual romantic or sexual relationships with persons they teach, supervise, advise or evaluate. Such relationships create conflicts of interest and appearances of impropriety that impair the integrity of academic or employment decisions. Should such a relationship develop the individual with the responsibility for the subordinate party is required to disclose its existence to an immediate supervisor and cooperate in making alternative arrangements for the supervision, evaluation, instruction, grading or advising of that person. For more information on the Policy on Consensual Relationships, please refer to Appendix F (Policy on Consensual Relationships) http://catalog.utexas.edu/general-information/appendices/appendix-f/.

9. CONFIDENTIALITY

The confidentiality of a complaint of sex discrimination, sexual harassment (including sexual violence) or sexual misconduct, and all documents, correspondence, and notes of interviews and discussions related to the investigation of a complaint will be maintained, on a need-to-know basis, to the extent permitted by law. Documentation related to the resolution of complaints or incidents of sex discrimination, sexual harassment (including sexual violence) and sexual misconduct will be maintained by the Office of the Dean of Students, and the Office of Institutional Equity as appropriate.

10. PROHIBITION OF RETALIATION

Students, faculty and staff members are prohibited from retaliating in any way against an individual who has brought a complaint of sex discrimination, sexual harassment (including sexual violence) or sexual misconduct; or against any individual who has participated in an investigation of such complaints.

11. FILING OF FALSE COMPLAINTS

Any person who knowingly and intentionally files a false complaint of sex discrimination, sexual harassment (including sexual violence) or sexual misconduct is subject to disciplinary action, up to and including dismissal from the University.

12. CRISIS SUPPORT

Student Emergency Services 512-471-5017 (M – F, 8 a.m. – 5 p.m.) may provide limited emergency funds, assist with academic issues, provide referrals within the University and in the Austin area when necessary, and serve as an advocate for students while working with other campus departments.

Crisis Counseling at the Counseling and Mental Health Center (CMHC) is available on a walk-in basis (M – F, 8 a.m. – 5 p.m.), No appointment is necessary for this option. This can be accomplished by coming to the CMHC reception desk on the 5th floor of the Student Services Building (SSB) to request a same-day appointment in order to deal with an "urgent VAV issue(s)."

UT 24-hour Telephone Counseling at 512-471-CALL (2255) (UT Students Only). Callers can either choose to identify themselves when calling or remain anonymous.

SafePlace is a local nonprofit organization that also offers a twenty-four-hour hotline for survivors of sexual assault and domestic violence. The phone number is 512-267-SAFE (267-7233). For more information about services available at SafePlace, visit the Web site: http://www.safeplace.org/.

National Sexual Assault Online Hotline also provides online crisis support. The hotline provides live, secure, anonymous crisis support for victims of sexual violence, their friends, and families. To access
help twenty-four hours a day, every day visit http://www.rainn.org/get-help/national-sexual-assault-online-hotline.

13. CAMPUS RESOURCES

- Provides advocacy services to help survivors with safety, legal, housing, academic, and medical options
- Offers individual and group counseling services for survivors of sexual assault, relationship violence, and stalking
- Operates twenty-four-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 training that is customized for faculty, staff and/or students
- Manages VAV Survivor Emergency Fund

University Health Services | [http://healthyhorns.utexas.edu/](http://healthyhorns.utexas.edu/)
- Appointments: 512-471-4955
- Twenty-four-hour Nurse Advice Line: 512-475-NURS (475-6877)
- Health Promotion Resource Center: 512-475-8252
- Provides general exams to treat injuries, both internal and external
- Performs testing for sexually transmitted infections after an assault
- Distributes educational and prevention information

- May provide limited emergency funds to survivors of sexual assault
- Assists with academic issues
- Provides referrals within the University and in Austin when necessary
- Serves as an advocate for students while working with other campus departments

- 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 he or she is 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 UTPD

- Provides programs to raise awareness of sexual assault on campus and resources for prevention and support
- Trains Orientation advisers about issues related to sexual assault and interpersonal violence
- Gives all freshmen who attend Orientation a wallet card highlighting important campus and local resources

- Conducts educational workshops for individual fraternities and sororities
- Provides sexual assault education to all incoming pledges

University of Texas Police Department (“UTPD”) | 512-471-4441 | [http://www.utexas.edu/police/](http://www.utexas.edu/police/)
- Offers crime prevention presentations that include issues related to assault
- Publishes crime statistics information
• Provides free Rape Aggression Defense ("RAD") classes to all female University students, staff members, and faculty members

**University Residence Halls | Call 512-471-3136 |**
http://www.utexas.edu/student/housing/index.php?site=1&scode=4&id=140

• Trains resident assistants on issues related to sexual assault
• Includes discussion of issues related to sexual assault in floor meetings
• Provides educational programs in the residence halls
• Publishes an online safety handbook
• Offers individual and group support and follow-up

14. COMMUNITY RESOURCES

**SafePlace | 512-267-SAFE (7233) |** http://www.safeplace.org/

• Operates a twenty-four-hour hotline
• Helps survivors navigate the forensic medical exam
• Offers individual and group therapy for survivors of sexual assault and domestic violence
• Provides domestic violence shelter services

**Austin Police Department | 911 |** http://www.austintexas.gov/department/police

• At 911, provides emergency response and takes reports of sexual assaults
• Offers Victim Services counselors at 512-974-5037

**St. David’s Hospital Emergency Room | 512-544-4240 |** http://www.stdavids.com/locations-facilities/st-davids-medical-center/medical-services/emergency-department.aspx

• Performs Sexual Assault Forensic Exam (SAFE). The cost of the forensic portion of the exam is covered by the law enforcement agency that is investigating the assault or, in cases where the survivor is not making a police report, the Texas Department of Public Safety. This does not include fees related to medical treatment. SAFE exam can only occur within the first 120 hours (5 days) after a sexual assault with police involvement and 96 hours (4 days) without police involvement. A non-report option preserves evidence for two years, during which time a survivor can make the decision about whether or not to pursue criminal charges.
• Operates an emergency room located at 919 East 32nd Street, Austin, TX, 78705

15. OPTIONS AND RESOURCES FOR INDIVIDUALS WHO HAVE EXPERIENCED A SEXUAL ASSAULT

a) **Police and Medical.**

A student who experiences any form of sexual assault is encouraged to seek immediate medical care. Students can undergo a medical exam to preserve physical evidence of the assault with or without the police’s involvement. This should be done immediately if possible. If not immediately, students who have experienced a sexual assault may have a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) within five (5) days of the assault if law enforcement is involved and within four (4) days if they are not. With the student’s consent, the physical evidence collected during this medical exam can be used as part of a criminal investigation; however, a student may undergo a SAFE regardless of whether they have contacted, or intend to contact, the police. To undergo a SAFE, go directly to the emergency department of St. David’s Medical Center at 919 East 32nd Street, Austin, TX, 78705. For more information about the SAFE, see http://hopelaws.org/.

The cost of the forensic portion of the exam is covered by the law enforcement agency that is investigating the assault or, in cases where a report will not be made to the police, the Texas Department of Public Safety. This does not include fees related to medical treatment that are not
Reporting an assault to law enforcement does not mean that the case will automatically go to criminal trial or to a University disciplinary hearing. If the police are called, a uniformed officer will be sent to the scene to take a detailed statement. A ride to the hospital may be provided by a police department counselor. A report may be filed with the police regardless of whether or not the assailant was a UT student.

If a decision is made to make a report to the police, it is important to note that police jurisdictions depend on where the sexual assault occurred.

If the incident occurred on the UT campus, a report may be filed with the UT Police Department (“UTPD”) by calling 512-471-4441 or in person at UTPD headquarters at 2201 Robert Dedman Drive (across from the Manor Garage and the football stadium).

If the incident occurred in Austin but off-campus, a report may be filed with the Austin Police Department (APD), regardless of time elapsed since the assault occurred. If a report is made to the police, a uniformed officer will be dispatched to the location to make a written report.

A student who has experienced a sexual assault is strongly encouraged to seek medical and psychological care regardless of whether he/she intends to request a SAFE or report the assault to the police. He/she may be prescribed medications to prevent sexually transmitted infections and/or pregnancy regardless of whether the police were contacted or a SAFE was performed. Medical care can be provided at University Health Services, at a local emergency room, or by a private physician. Psychological support can be provided by the UT Counseling and Mental Health Center, SafePlace, or by a care provider of the student’s choosing.

UHS Nurse Advice Line is staffed twenty-four hours a day, every day of the year. Students may call 512-475-6877 (NURS) for free advice and guidance about health-related questions.

A student who experiences any form of sexual assault may pursue any civil or criminal remedies provided by state law.

- Emergency: 911
- Victim Services (bilingual operators available): 512-974-5037
- Relationship violence (Family Protection Team): 512-974-8535
- Non-emergency stalking reports: 311

For more information about sex discrimination, sexual harassment (including sexual violence) or sexual misconduct, please contact:

- Institutional Title IX Coordinator
  Dr. Jennifer R. Hammat
  Assistant Vice President for Student Affairs
  Office of the Vice President for Student Affairs
  302 Flawn Academic Center (FAC)
  512-471-1133
  j.hammat@austin.utexas.edu.