1. PURPOSE

1.1. This Policy provides the exclusive mechanism for managing the non-criminal reporting, processing, investigation, and resolution of complaints of sexual misconduct filed with the University of Houston System and its component institutions (“University”). For the purpose of this policy, Sexual Misconduct is defined as:

- Sexual Harassment
- Non-Consensual Sexual Contact
- Sexual Assault
- Sexual Exploitation
- Intimate Partner Violence (Domestic and Dating Violence)
- Stalking

The University of Houston System and its component institutions (“University”) are committed to maintaining and strengthening an educational, working and living environment where students, faculty, staff and visitors are free from sex discrimination of any kind. Sexual Misconduct (as defined in this policy), a form of sex discrimination, is antithetical to the standards and ideals of the University. The University will take appropriate action in an effort to eliminate Sexual Misconduct from happening, prevent its recurrence and address its effects.

1.2. The University is committed to maintaining and strengthening an educational, working and living environment where students, faculty, staff and visitors are free from sex discrimination of any kind. Sexual Misconduct (as defined in this policy), a form of sex discrimination, is antithetical to the standards and ideals of the University. The University will take appropriate action in an effort to eliminate Sexual Misconduct from happening, prevent its recurrence and address its effects. The University aims to eradicate Sexual Misconduct through education, training, clear policies and serious consequences for violations of its policies. The University will conduct educational programs, including ongoing prevention and awareness campaigns, designed to promote awareness and prevent Sexual Misconduct. This Sexual Misconduct Policy (“Policy”) defines and describes prohibited sexual conduct and establishes a procedural mechanism for processing complaints of Sexual Misconduct. (Please see the University’s Discrimination and Harassment Policy, SAM 01.D.07, to find the procedural recourse for
responding to unlawful discrimination and harassment incidents that do not
constitute Sexual Misconduct.)

1.3. The University aims to eradicate Sexual Misconduct through education, training,
policies and serious consequences for violations of its policies. The University
will conduct educational programs, including ongoing prevention and awareness
campaigns, designed to promote awareness and prevent Sexual
Misconduct. Consistent with its commitment to addressing sex discrimination and
harassment, the University complies with Title IX of the Education Amendments
of 1972 ("Title IX"), which prohibits discrimination on the basis of sex in
education programs or activities, and Title VII of the Civil Rights Act of 1964
("Title VII"), which prohibits sex discrimination in employment. Sexual
Misconduct, as defined in this Policy, constitutes a form of sex discrimination
prohibited by
Title IX and Title VII.

1.4. This Sexual Misconduct Policy ("Policy") defines and describes prohibited sexual
conduct and establishes a procedural mechanism for providing a prompt, fair, and
impartial investigation and resolution of complaints of Sexual Misconduct.
(Please see the University’s Discrimination Policy, SAM 01.D.07, to find the
procedural recourse for responding to unlawful discrimination and harassment
incidents that do not constitute Sexual Misconduct.) All members of the
University are expected to adhere to this policy, to cooperate with the procedures
for responding to complaints and to report conduct or behavior that they believe
to be in violation of this Policy (See Sections 8 and 9 for reporting procedures).
The University will take seriously allegations of Sexual Misconduct by
conducting an investigation, and the University will work to ensure that all
persons are given appropriate support and fair treatment.

1.5. Consistent with its commitment to addressing sex discrimination and harassment,
the University complies with Title IX of the Education Amendments of 1972
("Title IX"), which prohibits discrimination on the basis of sex in education
programs or activities, Title VII of the Civil Rights Act of 1964 ("Title VII"),
which prohibits sex discrimination in employment, and Section 304 of the
Violence Against Women Reauthorization Act of 2013 (also known as the
Campus Sexual Violence Elimination Act (SaVE Act). Sexual Misconduct, as defined
in this Policy, constitutes a form of sex discrimination prohibited by Title IX and
Title VII. Inquiries concerning the application of Title IX may be referred to the
University Title IX Coordinator or to the U.S. Department of Education Office for
Civil Rights. This Policy provides the exclusive mechanism for handling the non-
criminal investigation of any alleged Sexual Misconduct, the determination of
whether this Policy was violated, and the appeal of Equal Opportunity Services’
(EOS') finding as to violation/no violation of this Policy. The proceedings under
this Policy shall provide a prompt, fair, and impartial investigation and resolution.
All members of the University are expected to adhere to this policy, to cooperate with the procedures for responding to complaints and to report conduct or behavior that they believe to be in violation of this Policy (See Sections 11 and 12 for reporting procedures). The University will take seriously allegations of Sexual Misconduct and will take prompt disciplinary action against any individuals within its control who violate this Policy. During its investigation into these matters, the University will work to ensure that all persons are given appropriate support and fair treatment.

1.7. This Policy applies to all University administrators, faculty, staff, students, and third parties within the University’s control, including visitors and applicants for employment. This policy applies regardless of the complainant’s or respondent’s sex, sexual orientation, gender identity, gender expression, immigration or citizenship status. Moreover, acts of Sexual Misconduct can occur between strangers or acquaintances.

1.8. Prohibited actions defined in this policy may also constitute a violation of criminal law. Anyone who reports Sexual Misconduct will be notified of their right to speak to the appropriate law enforcement agency and file a report for possible criminal prosecution.

2. GENERAL DEFINITIONS

2.1. Complainant – A party or entity (in the case of the University) who makes a complaint of Sexual Misconduct under Section 11 of this Policy.

2.2. Intimate Partner Violence – A term used to describe a range of prohibited actions that occur between people who have or have had a romantic or sexual relationship. Intimate partner violence can be a single event or a pattern of behavior that includes sexual and/or physical abuse. The term encompasses domestic violence and dating violence as further described in Section 8.

2.3. Respondent – A party who has been accused of committing an act of Sexual Misconduct by a Complainant under Section 16 of this Policy.

2.4. Responsible Employee – A University employee who has the duty to report incidents of sexual misconduct to the Title IX Coordinator or other appropriate designee, or an employee whom an individual could reasonably believe has this duty. Responsible employees include all administrators, faculty, supervisory staff, resident life coordinators and graduate teaching assistants, except any employee with confidentiality obligations as defined in Section 10.7.

2.5. Sexual Activity – Intercourse, however slight, meaning:

   a. Vaginal penetration by a penis, object, tongue or finger,
   b. Anal penetration by a penis, object, tongue or finger,
c. Oral copulation (mouth to genital contact or genital to mouth contact).

Sexual activity also includes:

a. Any intentional contact with another’s intimate body parts defined as the person`s breasts, buttock, groin, or genitals,
b. Touching another with any of these body parts,
c. Making another touch a person or themselves with or on any of these body parts;
d. Any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

Intercourse, however slight, meaning vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact or genital to mouth contact). Sexual activity also includes any intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch the Complainant or themselves with or on any of these body parts; and any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

2.6. Sexual Misconduct – A broad term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, sexual assault, sexual exploitation, stalking, and intimate partner violence as further described in Section 6.

2.74. Student – Any person who has been accepted for admission or who is currently or was previously enrolled in the University pursuing undergraduate, graduate or professional studies, whether full-time or part-time, and a person who is registered for a future semester.

2.85. Title IX Coordinator – The person who has been designated on each component institution campus to coordinate efforts to comply with and implement this Policy. The Title IX Coordinator is responsible for conducting the administrative investigation of reports of Sexual Misconduct and is available to discuss options, provide support, explain University policies and procedures and provide education on relevant issues. The Title IX Coordinator may designate one or more Assistant Title IX Coordinators. The Title IX Coordinators for each component institution campus are:

- University of Houston System/University of Houston
  Assistant VC/VP for Equal Opportunity Services
  (713) 743-8835

- University of Houston – Downtown
2.96. University-Affiliated Activity – Any activity on or off campus that is initiated, aided, authorized or supervised by the University or by an officially-recognized organization of the University.

2.10. University Community – All faculty, staff, and students of and visitors to any University premises or University-affiliated activity.

2.117 University Premises – Buildings or grounds owned, leased, operated, controlled or supervised by the University.

3. DEFINITION OF SEXUAL MISCONDUCT/JURISDICTION

3.1. The University has jurisdiction over, and will respond to, allegations of Sexual Misconduct occurring on the University’s premises, at University Affiliated Activities, and/or where both the accused person and alleged victim are a student, faculty, or staff. The University does not have jurisdiction over allegations between visitors or non-affiliated persons.

3.2. The University has the discretion to investigate conduct occurring off University premises or at a non-University affiliated activity if the Complainant and Respondent are UH-affiliated.

3.4. The process outlined in this Policy is separate from any criminal proceeding related to the reported behavior and may occur while criminal proceedings are ongoing.
3.5. Proceedings under this Policy will not be dismissed or delayed because criminal prosecution is pending, criminal charges have been dismissed, or the criminal charges have been reduced.

3.6. Proceedings may also continue if a party is no longer employed with or a student of the University.

3.7. The University does not limit the timeframe for filing a complaint of Sexual Misconduct. Complaints can be submitted at any time following an incident, although the University’s ability to take action may be limited by the passage of time.

“Sexual Misconduct” is a broad term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature. The term includes sexual assault, sexual exploitation, sexual intimidation, sexual harassment, domestic violence, dating violence and stalking as further described in Section 6. Sexual Misconduct can be committed by men or women, strangers or acquaintances, and can occur between people of the same or opposite sex. This Policy applies regardless of the complainant’s or the respondent’s sex, sexual orientation, gender identity or gender expression. An attempt to engage in conduct that constitutes Sexual Misconduct under this Policy may be treated itself as an act of Sexual Misconduct.

4. JURISDICTION

4.1. For purposes of this Policy, consent is an informed and freely and affirmatively communicated willingness to participate in a particular sexual activity.

4.2. Consent can be expressed either by words or by clear and unambiguous actions, as long as those words or actions create mutually understandable permission regarding the conditions of each instance of sexual activity.

4.3. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and gauging the receipt of consent, and individuals are thus urged to seek consent in verbal form for each instance of sexual activity before they initiate the sexual activity.

4.4. It is the responsibility of the person who wants to initiate a sexual activity to ensure that they have the consent of the other(s) to initiate in each instance of sexual activity before they initiate the sexual activity.

4.5. Consent is active, not passive, and cannot be inferred from the absence of a “no.”

4.6. Silence or lack of protest or resistance, without actions demonstrating permission, cannot be assumed to show consent.
4.7. The existence of a dating relationship or a previous sexual relationship between the persons involved does not provide the basis for an assumption of consent to future sexual activity.

4.8. Consent must be present throughout the sexual activity, and consent to some form of sexual activity cannot be automatically taken as consent to any other sexual activity.

4.9. At any time, a participant can communicate that they no longer consent to continuing the sexual activity.

4.10. If there is confusion as to whether an individual has consented or continues to consent to sexual activity, it is essential that the initiating person stops the sexual activity until the confusion is clearly resolved.

4.11. Alcohol or other drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and effectively given. Because consent is difficult to discern when a person has ingested alcohol and other drugs, anyone wanting to initiate sexual activity is strongly encouraged to err on the side of caution when either they or the person(s) they want to initiate the activity with appear(s) to be intoxicated.

4.12. Being under the influence of drugs and/or alcohol is never a defense for not obtaining consent.

4.13. A person cannot consent if physical force or violence is used or threatened. The University has jurisdiction over, and will respond to, allegations of Sexual Misconduct occurring on the University’s premises, at University Affiliated Activities, and/or where both the alleged perpetrator and victim are a student, faculty, or staff. A Sexual Misconduct complaint rising to the level of a potential criminal violation may be considered separately under this Policy and in the criminal justice system. Proceedings under this Policy will not be dismissed or delayed because criminal prosecution is pending, charges have been dismissed, or the charges have been reduced. Proceedings may also continue if a party is no longer employed with or a student of the University. Additionally, the University has the discretion to investigate conduct off University premises pursuant to Section 14.3.

5. CONSENT IN CAPACITATION

5.1. A person is incapacitated and cannot consent to sexual activity if:

    a. The person is unconscious or otherwise unable to resist;
    b. The person is unaware that sexual activity is occurring;
    c. The person does not have the legal capacity to consent;

(The definition of consent in the State of Texas can be found at http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.011)
5.2. Further, a person may be unable to consent when they are mentally or physically incapacitated due to the influence of drugs, alcohol, or medication and as a result are rendered temporarily incapable of understanding, appraising or controlling their conduct.

5.3. A person’s incapacity to understand, appraise or control their conduct may be analyzed based on surrounding factors including, but not limited to, hallucinations, blackouts, seizures, vomiting, slurred speech, disorientation, or incoordination.

5.4. When a Respondent has been accused of engaging in sexual activity with an incapacitated person, the perspective of a reasonable person will be the basis for determining whether the Respondent knew or should have known about the Complainant’s ability to give consent.

5.1. For purposes of this Policy, consent is an informed and freely and affirmatively communicated willingness to participate in a particular sexual activity. Consent can be expressed either by words or by clear and unambiguous actions, as long as those words or actions create mutually understandable permission regarding the conditions of each instance of sexual activity. It is the responsibility of the person who wants to engage in the sexual activity to ensure that s/he has the consent of the other to engage in each instance of sexual activity. (The definition of consent for the crime of sexual assault in Texas can be found at http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.011.)

5.2. Consent is active, not passive, and cannot be inferred from the absence of a “no.” Therefore, silence or lack of protest or resistance, without actions demonstrating permission, cannot be assumed to show consent. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and gauging the receipt of consent, and individuals are thus urged to seek consent in verbal form for each instance of sexual activity. The existence of a dating relationship or a previous sexual relationship between the persons involved does not provide the basis for an assumption of consent to future sexual activity.

5.3. Consent must be present throughout the sexual activity, and consent to some form of sexual activity cannot be automatically taken as consent to any other sexual activity. Importantly, at any time, a participant can communicate that s/he no longer consents to continuing the sexual activity. If there is confusion as to whether an individual has consented or continues to consent to sexual activity, it is essential that the participants stop the sexual activity until the confusion is clearly resolved.

5.4. In determining whether a person gave consent, various factors are relevant. However, there is no consent when physical force or violence is used or threatened, where a person is unconscious or otherwise unable to resist, where the person is unaware that a sexual assault is occurring, or where the person does not
have the legal capacity to consent. Further, a person may be unable to consent when the person is mentally or physically incapacitated due to the influence of drugs, alcohol, or medication and as a result is rendered temporarily incapable of understanding, appraising or controlling his or her conduct. A person’s incapacity to understand, appraise or control her or his conduct may be analyzed based on surrounding factors including, but not limited to, hallucinations, seizures, vomiting, slurred speech, disorientation, incoordination and other relevant factors.

6. FORMS OF SEXUAL MISCONDUCT

6.1. Sexual Harassment

Sexual harassment is a form of sex discrimination that includes verbal, written or physical behavior of a sexual nature, directed at someone, or against a particular group, because of that person’s or group’s sex, or based on gender stereotypes, when that behavior is unwelcome, severe or pervasive, and where it meets either of the following criteria:

a. Submission or consent to the behavior is believed to carry consequences for the individual’s education, employment, on-campus living environment or participation in a University-affiliated activity. Examples of this type of sexual harassment include, but is not limited to:

1. Pressuring another to engage in sexual behavior for some educational or employment benefit; or
2. Making a real or perceived threat that rejecting sexual behavior will result in a negative tangible employment or academic consequence.

b. The behavior has the purpose or effect of substantially interfering with another’s work or educational performance by creating an intimidating or hostile environment for employment, education, on-campus living or participation in a University-affiliated activity. Examples of this type of sexual harassment can include, but is not limited to:

1. Persistent unwelcome efforts to develop a romantic or sexual relationship;
2. Unwelcome commentary about an individual’s body or sexual activities;
3. Unwanted sexual attention;
4. 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; or
5. 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.

The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the harassment is physical. A single or isolated instance of sexual harassment may create a hostile environment if the incident is sufficiently severe.

6.2. Nonconsensual Sexual Contact

Nonconsensual sexual contact is any intentional touching in a sexual manner, however slight or momentary, or the use of an object to touch another in a sexual manner.

Examples of nonconsensual sexual contact under this Policy include, but are not limited to, the following non-consensual sexual activity:

a. Unwanted touching of a sexual nature;
b. Use of force or intimidation to make someone else engage in nonconsensual sexual touching;

6.3. Sexual Assault

For purposes of this Policy, sexual assault is sexual intercourse that occurs without consent.

Examples of sexual assault under this Policy include, but are not limited to, the following non-consensual sexual acts:

a. Penetration of an orifice (anal, vaginal, oral) with the penis, finger or other object

b. Oral sex

The definition of sexual assault as used in this Policy may constitute sexual assault in Texas. Relevant state law can be found at http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.011.

6.4. Sexual Exploitation

Sexual exploitation occurs when a party takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other Sexual Misconduct offenses. Examples can include, but are not limited to, the following behaviors:
a. Prostituting another;

b. Non-consensual electronically recording, photographing or transmitting intimate or sexual utterances, sounds or images without the knowledge and consent of all parties involved;

c. Voyeurism or watching or recording someone when that person is in a place where they would have a reasonable expectation of privacy;

d. Going beyond the boundaries of consent (such as engaging in actions that were not consented to during an otherwise consensual encounter);

e. Distributing intimate or sexual images about another person without that person’s consent, even if the images were obtained consensually

f. Knowingly exposing a person to and/or transmitting a sexually-transmitted infection or HIV/AIDS to another person.

6.5. Stalking

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

a. Fear for their safety and/or the safety of others; or

b. Suffer substantial emotional distress.

For the purposes of this Policy, stalking is considered a severe or pervasive form of harassment. This Policy will apply to acts of stalking that:

a. Occur between people who currently have or have had a romantic or sexual relationship, or

b. Occur because of the accused person’s desire to have a romantic or sexual relationship with the alleged victim.

For the purposes of defining stalking under this Policy:

A “course of conduct” is a pattern of behavior composed of two or more acts, whether directly by a Respondent or through third parties, over a period of time, however short, that evidence a continuity of purpose.

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

A “reasonable person” means a reasonable person in the Complainant’s circumstances.

The University may consider multiple actions outlined in this definition as one act of stalking. A report of stalking will be considered a new and distinct report if the behavior continues after an official intervention, including, not limited to:
6.6. Intimate Partner Violence

For purposes of this Policy, Intimate Partner Violence includes Domestic (Family) Violence and Dating Violence.

Actions that may violate this policy include, but are not limited to:

- Acts of physical violence
- Threats of physical violence
- Abduction, restraint, or false imprisonment
- Actions that may constitute a felony or misdemeanor crime of violence according to the laws of jurisdiction where the incident occurred.

a. Domestic Violence

Domestic Violence includes felony or misdemeanor crimes of violence committed by:

- A current or former spouse or intimate partner of an alleged victim
- A person with whom an alleged victim shares a child in common
- A person who is cohabitating with or has cohabitated with an alleged victim as a spouse or intimate partner
- A person similarly situated to a spouse of an alleged victim under the domestic or family violence laws of the State of Texas

http://www.statutes.legis.state.tx.us/SOTWDocs/CR/htm/CR.5.htm

b. Dating Violence

Dating violence includes acts between people who are currently or formerly in a social relationship of a romantic or intimate nature.

For the purposes of this Policy, the existence of such a relationship shall be determined by the alleged victim with consideration of the following:
6.7 Additional Actions that Constitute a Violation of this Policy

a) An attempt and/or threat to engage in conduct that would otherwise constitute a violation of this Policy;

b) Knowingly aiding another in violating this Policy;

c) Knowingly covering up actions by oneself or others that would constitute a violation of this Policy, including removing, hiding, altering or destroying evidence;

d) Knowingly engaging in actions that impede or obstruct a University investigation related to this Policy;

e) Attempting to coerce, compel, or prevent an individual from providing testimony or relevant information.

6.1. Sexual Assault

For purposes of this Policy, sexual assault is any form of non-consensual sexual activity. Sexual assault represents a continuum of conduct from forcible rape to non-physical forms of pressure that compel individuals to engage in sexual activity against their will. (The definition of sexual assault in Texas can be found at http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.011.)

Examples of sexual assault under this Policy include, but are not limited to, the following non-consensual sexual activity:

a) Sexual intercourse (vaginal or anal);

b) Oral sex;

c) Rape or attempted rape;

d) Penetration of an orifice (anal, vaginal, oral) with the penis, finger or other object;

e) Unwanted touching of a sexual nature;

f) Use of coercion, manipulation or force to make someone else engage in sexual touching, including breasts, chest and buttocks;

g) Engaging in sexual activity with a person who is unable to provide consent; or

h) Knowingly transmitting a sexually-transmitted disease to another.
6.2. Sexual Exploitation

Sexual exploitation occurs when a party takes *non-consensual* or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other Sexual Misconduct offenses. Examples can include, but are not limited to, the following behaviors:

a) Prostituting another;

b) Non-consensual electronically recording, photographing or transmitting intimate or sexual utterances, sounds or images without the knowledge and consent of all parties involved;

e) Voyeurism (spying on others who are in intimate or sexual situations);

d) Going beyond the boundaries of consent (such as letting friends hide in the closet to watch another friend having consensual sex); or

e) Distributing intimate or sexual information about another person without that person’s consent.

6.3. Sexual Intimidation

Sexual intimidation involves:

a) Threatening another with a non-consensual sex act;

b) Stalking or cyber-stalking; or

c) Engaging in indecent exposure.

6.4. Sexual Harassment

Sexual harassment is a form of sex discrimination that includes verbal, written or physical behavior of a sexual nature, directed at someone, or against a particular group, because of that person’s or group’s sex, or based on gender stereotypes, when that behavior is unwelcome, severe or pervasive, and where it meets either of the following criteria:

a) Submission or consent to the behavior is believed to carry consequences for the individual’s education, employment, on-campus living environment or participation in a University-affiliated activity. Examples of this type of sexual harassment include, but is not limited to:

1) Pressuring another to engage in sexual behavior for some educational or employment benefit; or

2) Making a real or perceived threat that rejecting sexual behavior will result in a negative tangible employment or academic consequence.
b) The behavior has the purpose or effect of substantially interfering with another’s work or educational performance by creating an intimidating or hostile environment for employment, education, on-campus living or participation in a University-affiliated activity. Examples of this type of sexual harassment can include, but is not limited to:

1) Persistent unwelcome efforts to develop a romantic or sexual relationship;

2) Unwelcome commentary about an individual’s body or sexual activities;

3) Unwanted sexual attention;

4) 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; or

5) 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.

6.5. Domestic (Family) Violence

For purposes of this Policy, domestic (family) violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim 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.

6.6. Dating Violence

For purposes of this Policy, dating violence is violence committed by a person:

a) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

b) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

   i. The length of the relationship

   ii. The type of relationship

   iii. The frequency of interaction between the persons involved in the relationship

6.7. Stalking
For purposes of this Policy, stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to

a) Fear for his or her safety or the safety of others; or
b) Suffer substantial emotional distress.

7. USE OF ALCOHOL OR OTHER DRUGS

7.1. Alleged victims of a violation of this Policy have the right to decide if and when they report the incident(s) to the University, law enforcement, or to any other member of the University community. The University strongly encourages individuals to access services, such as counseling and medical help, that can respond to the immediate mental and physical impact of an act of Sexual Misconduct. Individuals can access these services regardless of whether they report what happened.

7.2. The University strongly encourages reporting as soon as possible. Prompt reporting may preserve options that delayed reporting does not, including immediate police response and the preservation of physical evidence that may be necessary to prove an alleged criminal offense or to obtain a protective order.

7.3. Once an individual alerts the University of an alleged violation of this Policy they will be provided with information including this Policy, their rights, reporting options, and support resources. Alcohol or other drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and effectively given. The perspective of a reasonable person will be the basis for determining whether one knew or should have known about the impact of the use of alcohol or drugs on another’s ability to give consent. Being intoxicated or high is never an excuse for engaging in Sexual Misconduct.

8. RISK REDUCTION STRATEGIES

8.1. Alleged victims and others who are either not required to report or are bound by state law to remain confidential have the right to remain confidential.

8.2. The University will protect the confidentiality of all individuals involved in a report or a complaint by refusing to disclose their identifying information to anyone outside the University to the maximum extent permitted by law.

8.3. Anyone can receive information about this Policy, their rights under the Policy, reporting options, and support resources without disclosing facts related to the alleged incident.

8.4. The following members of the University community can provide this information:
Title IX Coordinator and any assistant coordinators
- Campus law enforcement and/or security
- Campus-based counseling staff
- Campus-based student health center staff
- Human Resources staff
- Dean of Students Office staff
- Student Housing and Residence Life professional staff

8.5. In addition, each component may have their own programs and services related to the issues covered in this policy.

8.6. University staff of campus counseling or health centers, individuals operating in the role of a pastoral counselor or a confidential advisor, and other University employees whose job is to provide medical and mental health care are exempt from required reporting.

8.7. Community-based programs not affiliated with the University may also be confidential resources and would follow their own policies and procedures regarding reporting duties.

8.8. Individuals may request that their report be investigated by the University without providing their name to the Respondent or witnesses. However, this may reduce the University’s ability to thoroughly investigate a report. When the University cannot fully investigate a report or take appropriate disciplinary action because of a request for a confidential investigation, the University will pursue other steps to limit the effects of the alleged violation, attempt to prevent its reoccurrence, and respond to the impact on the involved parties and the community.

8.9. If an individual discloses an incident to a responsible employee but wishes to maintain confidentiality and/or requests that no investigation into a particular incident be conducted or disciplinary action taken, the University will balance a request for confidentiality with its responsibility to provide a safe and non-discriminatory environment for the University community.

8.10. Request for confidentiality will be evaluated on a case-by-case basis by the Title IX Coordinator in cooperation with appropriate administrators and will consider a range of factors, including but not limited to the following:

a. Whether there is an increased risk that the accused person may commit additional violations of this Policy;

b. Whether a weapon was used;

c. Whether the alleged victim is a minor;
d. Whether there are other means to obtain relevant evidence (e.g. security cameras or personnel, physical evidence); and,
e. Whether the report reveals a pattern of alleged actions.

The presence of one or more of these factors could lead the University to investigate, and, if appropriate, pursue disciplinary action against respondents under its control.

8.11. Information will be shared within the University only to those individuals with a legitimate need to know.

Acts of Sexual Misconduct not only devastate their victims, but also the campus communities where they occur. For these reasons, the University of Houston System shall engage in risk reduction strategies emphasizing the collective responsibility of the campus community to reduce the risk of Sexual Misconduct throughout the system. As a part of that effort, every new student and employee shall attend a prevention and education program about Sexual Misconduct. The program will incorporate risk reduction strategies and include bystander intervention training which enables community members to take a role in preventing and interrupting incidents of Sexual Misconduct. The program will also provide resources, including information regarding this sexual misconduct policy.

Common sense, situational awareness and trusting your instincts will reduce your risk of being subjected to sexually misconduct.

Risk reduction strategies include, but are not limited to, the following:

A. If you consume alcohol, do so in moderation;
B. Do not leave your beverage unattended or accept a drink from an open container;
C. When you are with someone, communicate clearly to ensure he or she knows your limits from the beginning (both verbal and nonverbal (body language) communication can be used to ensure the message is understood);
D. If you go on a date with someone you do not know very well, tell a close friend what your plans are;
E. You have the right to say "No" even if you first say “Yes” and then change your mind, have had sex with this partner before, have been kissing or "making out" or are wearing what is perceived to be “provocative” clothing;
F. Always have extra money to get home and have a plan for someone you can call if you need help;
G. if you feel uncomfortable, scared or pressured, act quickly to end the situation by saying "Stop it" and leave or call for help;
H. when you go to a party, go with a group of friends, arrive together, watch out for each other and leave together;
I. be aware of your surroundings at all times;
J. do not allow yourself to be isolated with a person you do not know or trust;
K. travel with a friend or in a group;
L. walk only in lighted areas after dark;
M. keep the doors to homes and cars locked;
N. know where a phone is located.

Bystander Intervention

One of the most effective methods of preventing sexual assault is bystander intervention, which encourages people to identify situations that might lead to Sexual Misconduct and then safely intervene to prevent misconduct from occurring.

Recognizing when to intervene—Some people might be concerned that they are being encouraged to place themselves in jeopardy to stop crimes in progress. This is not the case. There are many situations and events that occur prior to Sexual Misconduct that are appropriate for intervention. Bystander intervention encourages people to watch for those behaviors and situations that appear to be inappropriate, coercive and harassing.

Responsibility to intervene—The University deems that it is every person’s responsibility to take safe and reasonable actions to prevent Sexual Misconduct.

Ways to intervene.
A. Making up an excuse to get a person out of a potentially dangerous situation;
B. Letting an individual know that his or her actions may lead to serious consequences;
C. Not leaving a person’s side who may be in trouble despite the efforts of someone else to get him/her alone or away from you;
D. Using a group of friends to remind someone behaving inappropriately that his or her behavior should be respectful;
E. Taking steps to curb someone’s use of alcohol before problems occur;
F. Calling the authorities when the situation warrants.

Understanding how to safely implement the choice—Safety is paramount in bystander intervention. Usually, intervening in a group is safer than intervening individually. Also, choosing a method of intervention that de-escalates the situation is safer than attempting a confrontation. However, there is no single rule that can account for every situation. Please use good judgment and always put safety first.

9. ANONYMOUS AND CONFIDENTIAL REPORTING
9.1. Alleged victims and others not required to report may submit a report through a web-based reporting system called MySafeCampus, which allows the option of anonymity.


9.3. Reports received through this site will be reviewed and may be investigated.

9.4. The University will work with anyone who is identified via a My Safe Campus report or subsequent investigation to provide confidentiality to the full extent possible under this policy.

9.1. When considering reporting options, victims should be aware that certain University personnel can maintain strict confidentiality, while others have mandatory reporting and response obligations. University personnel who receive a report of Sexual Misconduct may be required to share the information with appropriate administrative authorities for investigation and follow up. The University will protect the confidentiality of an alleged victim by refusing to disclose the alleged victim’s information to anyone outside the University to the maximum extent permitted by law. As for confidentiality of information within the University, the University must balance a victim’s request for confidentiality with its responsibility to provide a safe and non-discriminatory environment for the University community. Where the University cannot take disciplinary action against an alleged discriminator or harasser because of a complainant’s insistence of confidentiality, the University will pursue other steps to limit the effects of the alleged Sexual Misconduct and attempt to prevent its recurrence.

9.2. Each component institution has on-campus personnel who can maintain strict confidentiality. Campus crisis counselors can assist in a crisis situation and provide information about options including medical assistance, psychological counseling, victim advocacy resources, legal resources, University disciplinary action, and criminal prosecution. The crisis counselors can provide safe and confidential support, explain common reactions to crises, and discuss coping methods that may assist immediately following the assault and later. Talking about concerns may help the victim sort through feelings and decide what to do. Victims need not reveal their names if calling for information. Crisis counselors will not reveal the victim’s identity to anyone without the victim’s permission except under very limited exceptions (e.g., if an immediate threat to the victim or others is present, or if the victim is a minor). To obtain contact information for victim advocacy groups as well as counseling, health, mental health, legal assistance, and other services available to victims, please contact the appropriate Title IX Coordinator listed in Section 2.5.

9.3. In addition, a victim (or any individual who has information about an incident of alleged Sexual Misconduct) may submit a report through a secure web-based reporting system called MySafeCampus, which allows the option of anonymity. The web address for MySafeCampus is http://www.mysafecampus.com.
However, the reporter should know that, during the course of an investigation, his or her identity may be discovered. If that occurs, the reporter will receive the same confidentiality safeguards offered to those who make a formal report under this Policy.

10. **FORMAL REQUIRED REPORTING**

10.1. All employees, students, and third parties are strongly encouraged to immediately report any incidents alleged sexual misconduct to the Title IX Coordinator and/or a Deputy Coordinator.

10.2. All Responsible Employees who receive a report of Sexual Misconduct must share that information with the Title IX Coordinator and/or a Deputy Coordinator and cannot maintain confidentiality with the exception of:

- a. The staff of a counseling or health center
- b. Individuals who are associated with the University in the role of a pastoral counselor or confidential advisor

In addition, some individuals who are not Responsible Employees who must share reports of Sexual Misconduct with the Title IX Coordinator and/or a Deputy Coordinator, including, but not limited to:

- a. Academic Advisors
- b. Resident Advisors
- c. Members of Student Government Associations
- d. Individuals, including students, serving as responsible persons, even if they are volunteers, at a University-affiliated activity. These individuals could be teaching, graduate, and research assistants, chaperones, peer mentors and retreat counselors.

These individuals are required to report because they are either in a position to do something about the alleged actions, may be perceived to be able to do something about the alleged action, or would otherwise have to report known or suspected incidents of Sexual Misconduct.

10.3. Anyone who is required to report known or suspected violations of this Policy must promptly contact the Title IX Coordinator and disclose what they know about the alleged incident. Even if a required reporter is a Campus Security Authority, and must provide a report to law enforcement or other campus departments, the reporter must also notify the Title IX Coordinator as soon as possible.

10.4. Reports should include all relevant details including the following:
a. The name of the accused person (if known)
b. The name of the alleged victim
c. The names of other people who may be involved
d. Relevant facts, including date, time, and location of the incident(s)

10.5. The University will comply with all applicable state laws regarding mandatory reporting for known or suspected abuse, neglect, or exploitation of a child or a vulnerable adult.

10.6. Individuals who are required to report under this Policy but fail to do so may face disciplinary action by the appropriate administrator.

10.7. Individuals who are not required to report and who are not bound by state confidentiality laws are still encouraged to report known or suspected violations of this Policy and may do so through the confidential and non-confidential listed in Sections 11 and 12.

10.8. Public awareness events such as “Take Back the Night,” candlelight vigils, protests, “survivor speak outs” or other forums in which members of the community disclose incidents of violations of this Policy are not considered notice to the University for the purpose of triggering its obligation to investigate. However, information regarding rights under this Policy will be available to anyone who discloses Sexual Misconduct at one of these types of events.

10.10. Reporting to Outside Entities. An individual wishing to make a complaint may also contact the U.S. Department of Education, Office for Civil Rights (OCR) to complain of sex discrimination or sexual misconduct:

Office for Civil Rights
U.S. Department of Health and Human Services
1301 Young Street, Suite 1169
Dallas, TX 75202
Phone: (800) 537-76970
FAX: (214) 767-0432

Employees may also contact the U.S. Equal Employment Opportunity Commission to complain of sex discrimination or sexual harassment:

U.S. Equal Employment Opportunity Commission
Dallas District Office
207 S. Houston Street, 3rd Floor
Dallas, TX 75202
Phone: (800) 669-4000
FAX: (214) 253-2720
10.1. Although the victim of Sexual Misconduct may decline to report the incident, the University supports, encourages and will assist anyone who believes they have been the victim of Sexual Misconduct to report the incident to the reporting source of their choice, which can include, but is not limited to, any entity or individual listed in Section 2.5 above and/or in subsections A through E of this Section 10. Prompt reporting may preserve options that delayed reporting does not, including the preservation of physical evidence (which may be necessary to the proof of Sexual Misconduct or in obtaining an order of protection), the support of crisis counseling, and immediate police response. Regardless, whenever a student, faculty, staff or visitor alerts the University that she or he has been the victim of Sexual Misconduct, she or he will be provided a copy of or link to this Policy, which fully explains her or his rights and options.

10.2. Formal reporting as described in this section cannot provide complete anonymity, but the only persons who will be provided information relating to the report are those persons that need to know, unless additional disclosure is required by law. The University will make all reasonable efforts to maintain the confidentiality and privacy of parties involved in Sexual Misconduct investigations. Breaches of confidentiality or privacy committed by anyone involved in any investigation of alleged Sexual Misconduct, including the complainant, the accused, witnesses or the investigators, may be considered a separate violation of this Policy and may result in disciplinary sanctions.

10.3. When an incident of Sexual Misconduct is formally reported, the University will consider interim accommodations to protect the alleged victim while the incident is investigated and adjudicated through this Policy. The Title IX Coordinator and other appropriate University administrators will work together to identify alternative arrangements that will preserve the rights of both the alleged victim and the accused, as well as provide a safe overall educational or working environment until (and perhaps after) the report is investigated and any appropriate action is taken. A lawfully issued no contact, restraining order, or order of protection, will be adhered to by the University to the fullest extent permitted by law and while still maintaining a safe and non-discriminator environment at the University. Interim accommodations may include changing academic, living, transportation or working situations. Failure to adhere to the parameters of any interim accommodation may be considered a separate violation of this Policy and may result in disciplinary sanctions. In addition, the University will honor any order of protection, no contact order, restraining order or similar lawful order issued by any criminal, civil or tribal court.

10.4. As mentioned above, an individual may report an incident of Sexual Misconduct by various means, including reporting to appropriate local law enforcement agencies. Any University person receiving a report of Sexual Misconduct must promptly contact the Title IX Coordinator to discuss the report. In addition, there are specific University offices and individuals prepared to respond to incidents of Sexual Misconduct:
A. **University Police.** Reporting to the police helps protect others from future victimization, apprehend the alleged assailant and maintain future options regarding criminal prosecution, University disciplinary action and/or civil action against the alleged wrongdoer. When the victim reports the incident, a police officer will take a statement from the victim regarding what happened. A victim can request that his or her identity be kept confidential. Remember, reporting an incident is separate from choosing to prosecute. When a police report is filed, the victim is not obligated to continue with criminal proceedings or University disciplinary action.

A victim of Sexual Misconduct can make a report to their component institution’s Police Department as noted below:

- **University of Houston Main Campus Police Department**
  - [http://www.uh.edu/police](http://www.uh.edu/police)
  - 713-743-3333

- **University of Houston – Clear Lake Police Department**
  - [http://www.uhcl.edu/police](http://www.uhcl.edu/police)
  - 281-283-2273

- **University of Houston – Downtown Police Department**
  - [http://www.uhd.edu/campus/pd/](http://www.uhd.edu/campus/pd/)
  - 713-221-8911

- **UH – Victoria Campus**
  - [http://www.uhv.edu/handbook/campussafety.aspx](http://www.uhv.edu/handbook/campussafety.aspx)
  - 361-570-4245

- **UH System at Cinco Ranch**
  - Security officers are assigned to UHS at Cinco Ranch. Should anyone need assistance concerning an escort, safety or security matter, contact the security officer on duty by calling 832-842-2877. If the security officer is not available during an EMERGENCY situation, dial 911.

- **UH at Sugar Land**
  - Security officer are assigned to UH at Sugar Land. Should anyone need assistance concerning an escort, safety or security matter, contact the police officer or security officer on duty by calling 281-275-3302. If the security officer is not available during an EMERGENCY situation, dial 911.

B. **Title IX Coordinator.** Any incident of Sexual Misconduct can be brought to the attention of the Title IX Coordinator (See Section 2.5 for the contact information for each Title IX Coordinator). The Title IX
Coordinator will promptly inform the University of Houston System’s Office of Equal Opportunity Services (EOS) and EOS will begin its review process in consultation with the Title IX Coordinator. Although the University strongly encourages reporting Sexual Misconduct to the police, a victim may request administrative action by EOS with or without the filing of a police report. The administrative review process for Sexual Misconduct complaints utilizes a team approach, with EOS serving as fact finder/investigator and the appropriate University administrator consulting on and implementing the proposed sanctions, if any.

C. Campus Security Authority. A complaint of Sexual Misconduct can be brought to a Campus Security Authority (CSA), who is a person that has significant responsibility for students and campus activities. The CSA will promptly inform the Title IX Coordinator and/or EOS of the complaint, and EOS will begin its review process.

Dean of Students Office. A complaint of Sexual Misconduct involving a student can be brought to the Dean of Students Office, or its equivalent. The Dean of Students Office (or its equivalent) will promptly inform the Title IX Coordinator and/or EOS of the complaint and EOS will begin its review process.

D. Human Resources. A complaint of Sexual Misconduct involving a staff person can be brought to the Human Resources Department. The Human Resources Department will promptly inform the Title IX Coordinator and/or EOS of the complaint, and EOS will begin its review process.

11. RETALIATION

11.1. The University takes reports of Sexual Misconduct very seriously and will not tolerate retaliation against those who make such reports or participate in the investigation or adjudication process.

11.2. Retaliation includes, but is not limited to, any adverse employment or educational action taken for making a report of Sexual Misconduct, or otherwise participating under this Policy.

11.3. Any actual or threatened retaliation, or any act of intimidation to prevent or otherwise obstruct the reporting of a violation of this Policy or the participation in proceedings relating to a report of Sexual Misconduct, may be considered a separate violation of this Policy and may result in disciplinary sanctions.

11.4. Any person who believes that they have been subjected to retaliation should immediately report this concern to their Title IX Coordinator.

The University takes reports of Sexual Misconduct very seriously and will not tolerate retaliation against those who make such reports or participate in the investigatory or
adjudicatory process. Retaliation includes, but is not limited to, any adverse employment or educational action taken for making a report of Sexual Misconduct, or otherwise participating under this Policy. Any actual or threatened retaliation, or any act of intimidation to prevent or otherwise obstruct the reporting of Sexual Misconduct or the participation in proceedings relating to Sexual Misconduct, may be considered a separate violation of this Policy and may result in disciplinary sanctions. Any person who believes that they have been subjected to retaliation should immediately report this concern to their Title IX Coordinator.

12. SEXUAL MISCONDUCT COMPLAINT PROCEDURES

IMMEDIATE ASSISTANCE

12.1. Medical Assistance: An individual who experiences any form of sexual, domestic, or dating violence is encouraged to seek immediate medical care. Also, preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Victims can undergo a medical exam to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, individuals who have experienced a sexual assault may have a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) within 4 days of the incident. With the examinee’s consent, the physical evidence collected during this medical exam can be used in a criminal investigation; however, a person may undergo a SAFE even without contacting, or intending to contact, the police. To undergo a SAFE, go directly to the emergency department please go to the nearest hospital that provides SAFE services.

For more information about the SAFE, see http://hopelaws.org/ or https://www.texasattorneygeneral.gov/victims/sapcs.shtml#survivors. 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 a part of the SAFE.

Step One: Filing a Complaint

If the victim wishes to pursue a Sexual Misconduct complaint, s/he will be asked to complete a Formal Complaint Questionnaire with their Title IX Coordinator, who will forward the Complaint Questionnaire to EOS. The University does not limit the timeframe for filing a complaint of Sexual Misconduct. Complaints can be submitted at any time following an incident, although the University’s ability to take any action may be limited because of the passage of time. Once a complaint is filed, if the Complainant decides that s/he wants to withdraw the complaint, the University’s investigation may still proceed.

12.2. Step Two: Consideration of Interim Accommodations

Police Assistance: Because the prohibited actions outlined in this policy may also constitute a criminal act, individuals seeking emergency assistance or who want to
file a criminal report may contact their University police department or the appropriate municipal law enforcement agency. In addition to any possible criminal action, the University Police will forward the report to the Title IX Coordinator.

a. Reporting to the police helps maintain future options regarding criminal prosecution.
b. When the victim reports the incident, a police officer will take a statement from the victim regarding what happened.
c. An adult victim can request that their identity be kept confidential.
d. When a police report is filed, the victim is not obligated to participate in criminal proceedings or University disciplinary action.

Anyone wishing to file a report with University police can make a report to their component institution’s Police Department as noted below:

- University of Houston Main Campus Police Department  
  http://www.uh.edu/police 713-743-3333
- University of Houston - Clear Lake Police Department  
  http://www.uhcl.edu/police 281-283-2273
- University of Houston - Downtown Police Department
- http://www.uhd.edu/police-department/Pages/default.aspx 713-221-8911
- University of Houston- Victoria Campus  
  http://www.uhv.edu/handbook/campussafety.aspx 361-570-4245
- UH System at Cinco Ranch  
  Security officers are assigned to UHS at Cinco Ranch. Should anyone need assistance concerning an escort, safety or security matter, contact the security officer on duty by calling 832-842-2877. If the security officer is not available during an EMERGENCY situation, dial 911.
- UH at Sugar Land  
  Security officer are assigned to UH at Sugar Land. Should anyone need assistance concerning an escort, safety or security matter, contact the police officer or security officer on duty by calling 281-275-3302. If the security officer is not available during an EMERGENCY situation, dial 911.

Although interim accommodations may have already been considered and made, EOS will consider interim accommodations at this step to protect the Complainant while the incident is investigated and adjudicated through this Policy. EOS and other appropriate University administrators will work together to identify alternative arrangements that will preserve the rights of both the complainant and the accused, as well as provide a safe overall educational or working environment until (and perhaps after) the complaint is investigated and adjudicated. Interim accommodations may include changing academic, living, transportation or
working situations. Failure to adhere to the parameters of any interim measure may be considered a separate violation of this Policy and may result in disciplinary sanctions.

12.3. Counseling Assistance: A person who has experienced sexual violence is strongly encouraged to seek medical and psychological care even if he or she does not plan to request a SAFE or report the assault to the police. He or she may be prescribed medications to prevent sexually transmitted infections and/or pregnancy even if the police are not contacted or if a SAFE is not performed.

Step Three: EOS Investigation

EOS will begin an investigation upon its receipt of a complaint or other notice of alleged Sexual Misconduct. EOS will attempt to interview the Complainant, the Respondent and any witnesses, as appropriate. EOS will also gather and review any information it deems pertinent, as well as any information submitted by the Complainant, the Respondent and/or any witnesses. The EOS investigators will receive training at least annually on the issues related to Sexual Misconduct, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

12.4. Interim Measures and Ongoing Assistance: When an incident of Sexual Misconduct is reported, the University will consider interim measures to protect involved persons and/or the community while the incident is investigated and adjudicated through this Policy.

- An alleged victim does not need to file a complaint to receive interim measures. Some interim measures may be implemented without an alleged victim disclosing identifying information related to the incident(s). Interim measures include, but are not limited to, changes to academic, living, transportation, or working situations. The University will assess whether an interim measure will involve making these changes to the alleged victim or accused person’s circumstances on a case-by-case basis.

- When the University offers counseling through University-affiliated student counseling and employee assistance programs as an interim action, an alleged victim will not have to pay related fees for that counseling while the processes outlined in this Policy are on-going.

- If an interim measure is refused by a party it may still be available at a later date.

- No contact orders can be issued under this Policy between the parties involved in a report or others related to a report as an interim measure. No contact orders issued under this Policy can remain in effect indefinitely and are not contingent upon a formal complaint.
• Violations of interim measures may be considered a separate violation under this Policy or may be investigated and adjudicated through other relevant University policies.

• The University will honor any order of protection, no contact order, restraining order or similar lawful order issued by any criminal, civil or tribal court.

**Step Four: Response to a Complaint**

Within five business days after receiving a complaint, EOS will contact the Respondent to obtain the Respondent’s response. The response is due to EOS within 10 business days from the Respondent’s receipt of the Complaint. The response should address and respond to the specific allegations made in the Complaint and can include any other rebuttal information. Failure to respond may be considered a separate violation of this Policy and may result in disciplinary action.

12.5 **Step Five: EOS Finding**

EOS will issue a finding as soon as practicable and make every effort to issue its finding within 60 business days from its receipt of the complaint. The finding will be determined by a preponderance of the evidence; that is, whether it is more likely than not that the Respondent violated this Policy. If EOS determines that this Policy was violated, EOS will recommend appropriate university action in an effort to eliminate Sexual Misconduct from happening, prevent its recurrence and address its effects. Even if EOS determines that this Policy was not violated, EOS may recommend that the Respondent undertake educational initiatives and/or trainings. EOS will simultaneously notify the Complainant and the Respondent in writing of the outcome of its finding and any appeal rights under this Policy, to the extent permissible by law. EOS will notify the appropriate university administrator of any recommended university action.

12.6 **Step Six: Sanctions**

12.6.1 If EOS finds a violation of this Policy against a faculty member, EOS will recommend appropriate university action, and any sanction imposed on the faculty member will be determined by and implemented by the appropriate administrator after consultation with EOS and consistent with the component institution’s faculty handbook/manual.

12.6.2 If EOS finds a violation of this Policy against a non-faculty university employee, EOS will recommend appropriate university action, and any sanction imposed on the employee will be determined by and implemented by the appropriate administrator after consultation with EOS and consistent with the component institution’s policies and procedures related to employee discipline.
12.6.3. If EOS finds a violation of this Policy against a student, EOS will recommend appropriate university action, and any sanction imposed on the student will be determined by and imposed by the Dean of Student’s Office or its equivalent after consultation with EOS and consistent with the component institution’s policies and procedures related to student conduct/discipline.

12.6.4 The sanctions for committing an act of Sexual Misconduct will be commensurate to the offense and may include discipline up to and including probation, suspension, expulsion and/or termination of employment.

13.7. Step Seven: Appeal

13.7.1. If the Complainant or the Respondent is dissatisfied with EOS’ finding, the party can appeal to the component institution’s appellate board (“Board”). Members of the Board will receive training at least annually on the issues related to Sexual Misconduct, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

An appeal must be filed with the Title IX Coordinator within 10 business days of receiving EOS’ finding. Absent extenuating circumstances, the Title IX Coordinator will schedule a hearing to be held within 30 business days from the filing of the appeal. Written requests for rescheduling the hearing will be considered by the Board’s chairperson in consultation with the Title IX Coordinator. No later than five business days prior to the hearing, all materials that will be used at the hearing must be submitted to the Title IX Coordinator, who will forward the materials to the Board’s chairperson and will simultaneously provide to the other party. The materials must include the names of any witnesses intended to be called during the hearing (along with a brief summary concerning the subject matter of the witness’ expected testimony), and the name of any advisor to be in attendance at the hearing (and whether that advisor is an attorney). No witness, document/tangible evidence, or advisor will be permitted at the hearing unless such information was timely submitted.

13.7.2. Appeals/Grievances relating to sanctions assessed by the appropriate administrators are not considered under this Policy. Therefore, if the Complainant or the Respondent is dissatisfied with any sanction determined by the appropriate administrator under Sections 11.6.1 through 11.6.3 above, he/she may appeal the sanction as follows: any challenge to the sanction against a faculty member must be addressed through the component institution’s faculty handbook/manual; any challenge to the sanction against an employee must be addressed through the component institution’s policies and procedures related to employee grievances; any challenge to the sanction against a student must be addressed through the
appeal process in the component institution’s student code of conduct or its equivalent.

13.8. **Step Eight: Designation of Hearing Panel**

The hearing will be conducted by a Hearing Panel (“Panel”), which is charged with upholding or rejecting EOS’ finding based on the preponderance of the evidence. The Board’s chairperson is responsible for selecting the Panel members from available Board members. The Panel will be comprised of three board members. The Board’s chairperson will select the Panel’s chairperson. The appellant and the appellee shall be notified of the Panel’s composition. Within five business days of such notification, the appellant and the appellee shall have an opportunity to challenge in writing any Panel member for cause. The Board’s chairperson, in consultation with the Title IX Coordinator, will consider any challenge and replace the Panel member if appropriate.

13.9. **Step Nine: Hearing**

13.9.1. The general course of the hearing procedure will be as follows, subject to the discretion of the Panel chairperson:

a) The Panel chairperson will convene the hearing, introduce the individuals, give a brief description of the process and invite questions about the process and allow the appellant and appellee the opportunity to present a brief opening statement;

b) The appellant shall present his or her evidence (including calling and questioning his or her own witnesses) to the Panel;

c) The appellee shall present his or her evidence (including calling and questioning his or her own witnesses) to the Panel; and

d) An investigative summary will be presented to the Panel by EOS.

13.9.2. The Panel chairperson and/or Panel may question any individual at any time during the hearing.

13.9.3. The Panel chairperson may impose reasonable time limits on any stage of the hearing. The Panel chairperson may also determine the relevance of, and place restrictions on, any witness or information presented.

13.9.4. The appellant and the appellee may question their own witness and the EOS representative but not the opposing party’s witnesses. However, the appellant and appellee may request that the Panel chairperson ask questions of the other witnesses. Both parties may request that the Panel Chair ask questions of the other witnesses by submitting proposed questions to the Panel chairperson in writing either prior to, or during, the
hearing. The Panel chairperson may determine which questions are relevant, and the Panel chairperson has the discretion to revise a question or to decline asking the question.

13.9.5. An audio recording of the hearing will be kept for the use of the Panel and for any appeal.

13.9.6. In cases where an appellant or an appellee refuses to participate in the hearing, the Panel will convene and make a decision based on the evidence and testimony available to the Panel. Any party who declines to participate in a hearing waives any additional right to appeal.

13.9.7. Because the hearing process is an internal University process and not a formal courtroom process in which rules of evidence and courtroom procedures apply, this procedure is intended to reduce the adversarial nature of the hearing and will be conducted accordingly. The appellant and the appellee may bring an advisor. Advisors may attend the hearing and sit with their respective advisee during the hearing, communicate quietly orally and/or in writing with their respective advisee during the hearing and may respond to a direct question from the Panel. However, an advisor will not be permitted to speak on behalf of the advisee, make an oral presentation, including an opening or closing argument, or to question witnesses, the EOS representative, or the Panel during the hearing.

13.9.8. Alternative testimony options will be available if determined by the Title IX Coordinator or the Panel to be necessary, such as placing a privacy screen in the hearing room, or allowing an alleged victim to testify from another room via closed circuit. Although such options are intended to help make the alleged victim more comfortable, they are not intended to work to the disadvantage of the Respondent.

13.10. **Step Ten: Panel Decision**

After the hearing has concluded, the Panel will deliberate in private. The Panel will uphold or reject EOS’ finding based on the preponderance of the evidence. The Panel’s decision will be by majority vote. The Panel will communicate its decision in writing to the Title IX Coordinator within three business days of the hearing. The Title IX Coordinator will then provide a copy of the decision to the appellant, the appellee, and EOS.

13.11. **Step Eleven: Final Appeal to Appropriate Administrator**

If the Panel upholds EOS’ finding, the appellant may appeal the Panel’s decision to the appropriate administrator. Conversely, if the Panel rejects EOS’ finding, the appellee and/or EOS may appeal the Panel’s decision to the appropriate administrator. Any appeal must be filed in writing within 10 business days of the
Panel’s decision. The administrator will render a decision within 10 business days from the date that the appeal is filed.

13. REPORT RESPONSE PROCEDURES

13.1. A report of a violation of this Policy does not automatically begin the formal complaint procedures, listed in Section 16.

13.2. The University will determine the appropriate response to each report based on the information available at the time of the report and, whenever possible, with the input of the alleged victim.

13.3. When the University receives a report from anyone regarding an alleged violation of this Policy, it will take reasonable measures to do the following:

a. Contact the alleged victim to notify them of their rights and options under this Policy;

b. Implement any appropriate interim measures;

c. Complete a preliminary investigation, as appropriate.

14. SPECIAL PROVISIONS

FORMAL COMPLAINT PROCEDURES

EOS, located at the University of Houston System/University of Houston, works in conjunction with each component’s Title IX Coordinator to administer all aspects of this Policy. Investigations can be completed by the component’s Title IX Coordinator or appointee or by EOS.

A formal complaint may be filed by the alleged victim or by the University.

The timeframes set forth in this Policy may be extended when there is good cause to do so. The Complainant (or the non-participating alleged victim in cases of the University as complainant) and the Respondent will be notified in writing of the delay and the reason for the delay.

14.1. Step One: Filing a Complaint

14.1.1. If the alleged victim wishes to pursue a formal complaint, they will be asked to complete a Formal Complaint Form with their Title IX Coordinator, who will forward the Complaint to EOS. Any act that falls within the definition of Sexual Misconduct constitutes a violation of this Policy.

14.1.2. If the alleged victim does not wish to pursue a formal complaint:
a. The University may determine that it will serve as a complainant if the alleged victim declines to file a formal complaint.

b. The decision to file a complaint with the University as complainant is not taken lightly and will be determined based on various factors including, but not limited to, the type of actions alleged in the report, prior reports received, and/or potential on-going risk to the alleged victim and/or the community.

**University as Complainant**. The University reserves the right to initiate a complaint, to serve as a Complainant, or to initiate proceedings under this Policy without a formal complaint by the victim of Sexual Misconduct.

14.1.3. The University does not limit the timeframe for filing a complaint of Sexual Misconduct. Complaints can be submitted at any time following an incident, although the University’s ability to take any action may be limited because of the passage of time. **Off campus conduct**. If an individual believes he or she has been subject to Sexual Misconduct off University premises at a non-University affiliated activity, the individual may file a complaint under this Policy. When a faculty, staff, or student is alleged to have engaged in Sexual Misconduct off University premises, the University reserves the right to investigate and adjudicate under this Policy.

14.1.4. Within five (5) business days after receiving a formal complaint, EOS will provide a copy of the complaint to the Respondent. **Immunity for Victims**. The University encourages the reporting of Sexual Misconduct. Sometimes victims and/or witnesses are hesitant to report because they fear that they themselves may be charged with policy violations, such as underage drinking at the time of the incident. It is in the best interest of the University to report incidents of Sexual Misconduct. To encourage reporting, the University follows a policy of offering victims and witnesses of Sexual Misconduct amnesty from being charged with alcohol or drug-related University policy violations if they had been using drugs or alcohol at or near the time of the Sexual Misconduct incident.

14.1.5. If during the course of an investigation additional actions that may constitute a violation of this Policy are identified, the University will determine on a case-by-case basis whether to investigate those allegations as part of the original complaint or provide an additional Formal Complaint Form to the Respondent. Facts used to make this determination include the type of action identified and whether the actions occurred during the same incident or during a separate incident. **Notification of Outcomes**. The Title IX Coordinator and/or EOS will simultaneously notify the Complainant and the Respondent (or appellant and appellee) in writing of the outcome of any disciplinary proceeding, the procedures to appeal the results of the disciplinary proceeding, any change to the results that occurs prior to the time that such results become final and when such
results become final. The disclosure of the outcome of the disciplinary proceeding shall include only the name of the accused, the violation alleged, and whether any institutional rules or code sections were violated; essential findings supporting such result, and any sanction imposed including description of disciplinary action, date of imposition of such action, and the duration of such action.

14.1.6. Once a complaint is filed, if the Complainant decides that they want to withdraw the complaint, the University’s investigation may still proceed.

14.2. Step Two: Consideration of Interim Measures

14.2.1. Although interim measures may have already been considered and implemented, EOS will again consider interim measures at this step to protect involved parties while the incident is investigated and adjudicated through this Policy.

14.2.2. EOS and other appropriate University administrators will work together to identify alternative arrangements that will preserve the rights of both the Complainant and the Respondent, as well as provide a safe overall educational or working environment until (and perhaps after) the complaint is investigated and adjudicated.

14.3. Step Three: Response to a Complaint

14.3.1. The Respondent’s response to the complaint is due to EOS within five (5) business days from the Respondent’s receipt of the Complaint.

14.3.2. The response should address and respond to the specific allegations made in the Complaint and can include any other rebuttal information.

14.3.3. A response may be provided in writing or through an in-person interview with the investigator(s).

14.3.4. While a Respondent is not required to provide any response to the complaint or answer questions related to the investigation, failure to recognize the receipt of the Complaint may be considered a violation of relevant University policies and could result in an additional complaint.

14.3.5. A Respondent is not required to provide a statement or submit any rebuttal material; however, this will not stop the formal complaint process. Findings will be made based on the information gathered during an investigation.

14.4. Step Four: EOS Investigation
14.4.1. An investigation will begin upon receipt of a complaint or other notice of alleged Sexual Misconduct.

14.4.2. An investigation may begin prior to receiving a response from the Respondent.

14.4.3. The investigator(s) will attempt to interview the Complainant, the Respondent and any witnesses, as appropriate.

14.4.4. The investigator(s) will also gather and review any information it deems pertinent, as well as any information submitted by the Complainant, the Respondent and/or any witnesses.

14.5. Step Five: EOS Finding

14.5.1. A finding by EOS will be issued as soon as practicable. EOS will make every effort to issue its finding within 60 business days from its receipt of the complaint. In investigations exceeding 60 days, a justification for the delay will be presented to and reviewed by the Title IX Coordinator or his/her supervisor. The complainant, respondent, and supervisor should be provided updates on the progress of the investigation and issuance of the report.

14.5.2. The finding will be determined using a preponderance of the evidence standard; that is, whether it is more likely than not that the Respondent violated this Policy.

14.5.3. If it is determined that this Policy was violated, appropriate university action will be recommended in an effort to eliminate Sexual Misconduct from happening, prevent its recurrence and address its effects.

14.5.4. Even if it is determined that this Policy was not violated, a recommendation may be made that the Respondent undertake educational initiatives and/or trainings.

14.5.5. The Complainant and the Respondent will be simultaneously notified in writing of the outcome of its finding and any appeal rights under this Policy.

14.5.6. The appropriate university administrator(s) will also be notified of any recommended university action. The appropriate administrator will depend on the status of the respondent (i.e., student, faculty or employee).

14.5.7. At any time after a finding has been made that the Respondent has violated the Policy, the University reserves the right to implement an interim sanction against the Respondent while the complaint is being further adjudicated.
14.5.8. Once a finding has been made either party to the complaint may request to meet with the investigator(s) to discuss the investigation and finding and to inspect the investigative file.

14.6. Step Seven: Sanctions and Remedies

14.6.1. If there is a finding of a violation of this Policy, a recommendation will be made that appropriate university action be taken, and any sanction imposed on the Respondent will be determined by and implemented by the appropriate administrator after consultation with the Title IX Coordinator.

a. If there is a finding of a violation of this Policy against a faculty member, any sanctions imposed on the faculty member will be determined by and implemented by the appropriate administrator after consultation with the Title IX Coordinator and consistent with the component institution’s faculty handbook/manual.

b. If there is a finding of a violation of this Policy against a non-faculty university employee, any sanction imposed on the employee will be determined by and implemented by the appropriate administrator after consultation with the Title IX Coordinator and consistent with the component institution’s policies and procedures related to employee discipline.

c. If there is a finding of a violation of this Policy against a student, any sanction imposed on the student will be determined by and imposed by the Dean of Student’s Office or its equivalent after consultation with the Title IX Coordinator and consistent with the component institution’s policies and procedures related to student conduct/discipline.

14.6.2. The sanctions for committing an act of Sexual Misconduct will be commensurate to the offense and may include but is not limited to the following:

- Probation (including disciplinary probation)
- Temporary or permanent ban from campus locations (such as residence hall communities)
- Educational programs such as state-certified batterer’s intervention
- Ban from participating in campus organizations
- Disqualification from employment positions
- Withholding of transcripts, grades, diploma, or degree
- Partial or full criminal trespass
- Suspension from employment and/or enrollment
- Revocation of admission and/or degree
- Termination of employment
- Expulsion

14.6.3. If a party is dissatisfied with a sanction determined by the appropriate administrator under Section 14.6.1, they may appeal the sanction as follows:

a. Any appeal to the sanction against a faculty member must be addressed through the component institution’s faculty handbook/manual;

b. Any appeal to the sanction against an employee must be addressed through the component institution’s policies and procedures related to employee grievances;

c. Any appeal to the sanction against a student must be addressed through the appeal process in the component institution’s student code of conduct or its equivalent.

14.6.4 Remedies. Regardless of the finding, and in addition to sanctions that may be imposed pursuant to the appropriate disciplinary policy, the University will take appropriate action(s), including but not limited to those below to resolve complaints of sexual misconduct, prevent any recurrence and, as appropriate, remedy any effects:

a. Imposing sanctions against the respondent, including attending training;

b. Ensuring the complainant and respondent do not share classes, working environments or extracurricular activities;

c. Making modifications to the on campus living arrangements of the respondent or complainant (if the complainant requests to be moved);

d. Providing comprehensive, holistic victim services including medical, counseling and academic support services, such as tutoring;

e. Determining whether sexual misconduct adversely affected the complainant’s university standing;

f. Conducting, in conjunction with University leaders, a University climate check to assess the effectiveness of efforts to ensure that the University is free from sexual misconduct, and using that information to inform future proactive steps that the University will take;

g. Providing targeted group training;

h. Issuing policy statements or taking other steps to clearly communicate that the University does not tolerate sexual misconduct and will
respond to any incidents and to any individual who reports such incidents.

These remedies are separate from, and in addition to, any interim measures that may have been provided before the end of the University’s investigation. If the complainant did not take advantage of a specific service (e.g., counseling) when offered as an interim measure, the complainant should still be offered, and is still entitled to, appropriate final remedies that may include services the complainant declined as an interim measure.

14.7. Step Eight: New Information

14.7.1. If a party has new information they believe would have significantly impacted the finding, they may submit that information to the Title IX Coordinator.

14.7.2. If the Title IX Coordinator determines that the submitted information should be reviewed, and the information was not available for the party to present during the time of the investigation, the case may be re-opened.


14.8.1. An appeal must be submitted in writing to the Title IX Coordinator within five (5) business days of receiving the finding.

14.8.2. The Complainant and the Respondent both have the right to appeal a finding for any error occurring during the investigation that could have significantly impacted the finding.

14.8.3. An appeal is not a new investigation of the complaint.

14.8.4. The non-appealing person does not have to participate.

14.9. Step Ten: Appeal Process

14.9.1. If an appeal is filed in accordance with Section 14.8, the appeal will automatically be presented to the University’s Sexual Misconduct Hearing Board (“Board”) by the Title IX Coordinator.

14.9.2. Members of the Board are selected from recommendations from the component’s Faculty Senate, Staff Council, and Student Affairs who shall each recommend at least five individuals to the component’s President. The President shall then select a Board of eight with representation from each group recommended. Except for the first Board, members shall serve staggered terms of three years.
14.9.3  Upon the Board’s receipt of the appeal, a poll will be taken of the Board members by the Title IX Coordinator to identify four members to hear the appeal and comprise the Hearing Panel (three members of the Hearing Panel will serve as voting members and one will serve as an alternate, non-voting member). The role of the Hearing Panel is to review any evidence presented in the appeal for any error occurring during the investigation that could have significantly impacted the finding and is not for the purpose of conducting a de novo review of the complaint.

14.9.4. If the appeal concerns sexual assault, the appealing student may waive their right to a hearing before the Hearing Panel and have their appeal heard by an individual hearing officer not affiliated with the University (“Non-affiliated Hearing Officer”). To waive their right to a Hearing Panel, the appealing student must submit written notice to the Title IX Coordinator within five (5) business days of receiving EOS’ finding.

14.9.5. The Hearing Panel/Non-affiliated Hearing Officer will make decisions using a preponderance of the evidence standard.

14.9.6. The role of the Hearing Panel/Non-affiliated Hearing Officer is to accept, or remand EOS’ finding by determining by a preponderance of the evidence if any error occurred during the investigation that could have significantly impacted its finding. While the Hearing Panel/Non-affiliated Hearing Officer will have the opportunity to review any evidence presented on appeal, their role is not to reinvestigate the original complaint or to review allegations that would otherwise constitute a new complaint under this Policy or any other University policy.

14.9.7. Absent extenuating circumstances, the Title IX Coordinator will schedule a hearing to be held within 15 business days from the filing of the appeal.

14.9.8. Once the hearing is scheduled, requests to reschedule the hearing must be submitted in writing to the Title IX Coordinator and will be considered by the Hearing Panel/Non-affiliated Hearing Officer and the Title IX Coordinator.

14.9.9. The Complainant and Respondent will be notified of the composition of the Hearing Panel or the identity of Non-affiliated Hearing Officer for their hearing. Within five (5) business days of this notification, the Complainant and Respondent have the opportunity to object to a panel member or the Non-affiliated Hearing Officer for cause. The objection should be made in writing. The Title IX Coordinator, in consultation with the members of the panel, will consider any objection and replace the panel member or the Non-affiliated Hearing Officer if appropriate.
14.9.10. No later than five (5) business days prior to the hearing, all materials that will be used at the hearing must be submitted to the Title IX Coordinator, who will forward the materials to the Hearing Panel/Non-affiliated Hearing Officer and will simultaneously provide the materials to both parties. The materials must include:
   a. The names of any witnesses and a brief summary concerning the subject matter of the witness’ expected testimony
   b. The name of any advisor to be in attendance at the hearing and whether that person is an attorney

14.9.11. No witness or document/tangible evidence will be permitted at the hearing unless such information was timely submitted.

14.9.12. It is the responsibility of the party wanting to present a witness to secure that witness.

14.10. Step Eleven: Hearing

14.10.1. Prior to the beginning of a hearing, the members of a Hearing Panel will select a Chairperson for the hearing.

14.10.2. The general course of the hearing procedure will be as follows, subject to the discretion of the Panel chairperson/Non-affiliated Hearing Officer:
   a. The Panel chairperson/Non-affiliated Hearing Officer will convene the hearing, introduce the individuals, give a brief description of the process and invite questions about the process and allow the parties the opportunity to present a brief opening statement;
   b. The appellant shall present their evidence (including calling and questioning their own witnesses) to the Panel. If the other party participates, they shall have the same opportunity to present their evidence.
   c. EOS shall present their documentation related to the finding to the Panel/Non-affiliated Hearing Officer;
   d. The Panel chairperson/Non-affiliated Hearing Officer will allow the parties the opportunity to present a brief closing statement before concluding the hearing.

14.10.3. During the hearing, the Panel Chairperson/Non-affiliated Hearing Officer may impose the following guidelines:
   a. The Panel chairperson/Non-affiliated Hearing Officer may impose reasonable time limits on any stage of the hearing.
b. The Panel chairperson/Non-affiliated Hearing Officer may also determine the relevance of, and place restrictions on, any witness or information presented.

14.10.4. The Panel chairperson and/or Panel/Non-affiliated Hearing Officer may question any individual at any time during the hearing.

14.10.5. The parties may question their own witnesses, but they cannot directly question the other party’s witnesses.

14.10.6. The parties may request that the Panel chairperson/Non-affiliated Hearing Officer ask questions of the other witnesses by submitting proposed questions to the Panel chairperson in writing either prior to, or during, the hearing.

14.10.7. The Panel chairperson/Non-affiliated Hearing Officer may determine which questions are relevant, and the Panel chairperson/Non-affiliated Hearing Officer has the discretion to revise a question or to decline to ask the question.

14.10.8. The appellant may withdraw an appeal by submitting a request in writing to the Title IX Coordinator prior to the scheduled start of the hearing. A withdrawn appeal will conclude the matter.

16.10.9. In cases where an appellant refuses to participate in the hearing, the Panel/Non-affiliated Hearing Officer will convene and make a decision based on the evidence and testimony available to the Panel/Non-affiliated Hearing Officer.

14.10.10. This hearing process is an internal University process and not a formal courtroom process in which rules of evidence and courtroom procedures apply.

14.10.11. The appellant may bring an advisor of their choosing who may be an attorney.

14.10.12. Advisors may attend the hearing and sit with their advisee during the hearing, communicate quietly orally and/or in writing with their advisee during the hearing, and may respond to a direct question from the Panel/Non-affiliated Hearing Officer.

14.10.13. An advisor will not be permitted to speak on behalf of the advisee, make an oral presentation, including an opening or closing argument, or to question witnesses, the EOS representative, or the Panel/Non-affiliated Hearing Officer during the hearing.
14.11. Step Twelve: Panel Decision

14.11.1. After the hearing has concluded, the three voting members of the Panel will deliberate in private.

14.11.2. The Panel’s decision will be by majority vote.

16.11.3. The Panel/Non-affiliated Hearing Officer can make the following decisions:

a. Affirm the original finding
b. Remand the case back to EOS to correct an error

d. Any interim sanctions imposed
e. Any changes to interim sanctions
f. The final outcome of the complaint
g. Any imposed sanctions including a rationale
h. When the outcome is final
i. Changes to sanctions related to the party once the outcome is finalized

15. Step Thirteen: Notification of Outcomes

15.1. The Title IX Coordinator and/or EOS will simultaneously notify the Complainant and the Respondent in writing of the outcome of the following stages of the process:

a. The initial finding including a rationale
b. The procedures to appeal a finding
c. The outcome of any appeal, including any changes to the finding
d. Any interim sanctions imposed
e. Any changes to interim sanctions
f. The final outcome of the complaint
g. Any imposed sanctions including a rationale
h. When the outcome is final
i. Changes to sanctions related to the party once the outcome is finalized

15.2. These notifications may be combined if they occur at the same time.

15.3. In the case of a complaint alleging dating or domestic violence, non-consensual sexual contact, sexual assault, or stalking, both parties will be notified of all imposed sanctions.

15.4. In the case of a complaint alleging sexual harassment, the Complainant will be notified of any sanctions that directly relate to the Complainant.
15.5. A Complainant will always be notified of any individual remedies offered or provided to the Complainant and any additional steps the University has taken to eliminate the hostile environment, if one was found to exist, and to prevent recurrence.


16.1. Immunity

To encourage reporting, the University may offer alleged victims and witnesses of Sexual Misconduct amnesty from being charged with non-violent University policy violations, such as unauthorized use of alcoholic beverages, related to the incident. The University may impose educational responses rather than sanctions, in such cases. Decisions regarding amnesty are made by the Title IX Coordinator in conjunction with the appropriate sanctioning body.

16.2. Allegations Involving University-Affiliated Organizations

16.2.1. If a report is made alleging that a University-affiliated organization has violated this Policy, EOS will make a referral to the appropriate administrative department and/or adjudicative body over that organization to ensure a timely, equitable process to determine if an Organization violated relevant University policies.

16.2.2. EOS will work in partnership with the appropriate adjudicative body should there be concurrent investigations involving individuals and organizations, including, but not limited to, sharing information with appropriate University administrators who have a legitimate need to know.

16.2.3. If a report is made involving an organization, EOS will seek to identify any individuals who may be involved. EOS will, in collaboration with the alleged victim whenever possible, determine whether a formal complaint will be filed against any identified individuals, as per this Policy.

16.3. Non-Participating Alleged Victims

16.3.1. Alleged victims who decline to serve as a complainant as per Section 16.1.2. will maintain certain rights as per this Policy.

16.3.2. When the University serves as a complainant, it will work with the alleged victim to the extent they would like to participate.

16.3.3. Non-complainant alleged victims do not have appeal rights as per this Policy.
16.3.4. Non-complainant alleged victims receive the same notifications as the Complainant and Respondent, unless they request otherwise, as outlined in Section 17 of this Policy.

16.3.5. Non-complainant alleged victims always maintain the right to reasonable interim measures as outlined in Sections 14 and 16.2 of this Policy.

16.4. Additional Interventions

16.4.1. When a report is received alleging a violation of this Policy, the University will take appropriate steps to assess whether additional actions, beyond a formal investigation and possible disciplinary sanctions, are appropriate.

16.4.2. These actions may be implemented regardless of whether a formal complaint is filed and regardless of whether a finding of a violation is made.

16.4.3. Actions may respond to the specific needs of impacted persons and/or may address the needs of the University community.

16.4.4. Actions may include extending interim measures provided to impacted persons such as those listed in Sections 14 and 16.2 or new actions taken to respond to immediate and long-term concerns regarding personal safety, academic success, and emotional well-being.

16.4.5. Actions may address the needs of the University community may include but is not limited to training, both targeted training and campus-wide programs, campus safety assessments, campus climate surveys, and evaluation of policies and procedures.

16.5. Reports Outside of University Jurisdiction

If the University is notified that a member of the University community has reported an incident of Sexual Misconduct, but the action occurred outside of the University’s jurisdiction, the University will still take reasonable steps to ensure the individual’s safety while on campus and to offer the individual information about resources both on campus and in the community.

16.6. Training

16.6.1. Investigator(s) will receive training at least annually on the issues related to Sexual Misconduct and how to conduct the processes outlined in this Policy while being both trauma-informed and impartial.
16.6.2. Members of the Hearing Board will receive training at least annually on the issues related to Sexual Misconduct. These individuals will also receive training on the role of EOS to enforce this Policy, best practices for hearings and hearing panelists, and how their role is to ensure and promote safety, due process and accountability.

16.6.3. The University will provide training for all incoming students and new employees that increase their knowledge about this Policy, their rights and resources, as well as strategies to prevent violence, promote safety, and reduce perpetration.

16.6.4. The University will provide on-going prevention and awareness campaigns for students and employees that will increase their knowledge about this Policy, their rights and resources, as well as strategies to prevent violence, promote safety, and reduce perpetration.

195. REVIEW AND RESPONSIBILITY

Responsible Party: Vice Chancellor for Legal Affairs and General Counsel

Review: Every three years on or before August 31

16. APPROVAL

Approved: Dona Cornell
Vice Chancellor for Legal Affairs and General Counsel

Renu Khator
Chancellor

Date: August 25, 2015
# REVISION LOG

<table>
<thead>
<tr>
<th>Revision Number</th>
<th>Approval Date</th>
<th>Description of Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interim</td>
<td>11/29/2012</td>
<td>Initial version (submitted as Interim)</td>
</tr>
<tr>
<td>Interim 2</td>
<td>08/07/2013</td>
<td>Added information to Section 1.2 on educational programs. Added Campus SaVE Act statement to Section 1.5. Revised Section 2.4 definition for “Student.” Added additional parameters of Sexual Misconduct to Section 3. Revised Section 4 to be consistent with the Dear Colleague Letter. The web site definition for consent was added to Section 5.1, and the web site definition for sexual assault was added to Section 6.1. Sections 6.5 through 6.7 were added with information from the Campus SaVE Act. Added Section 8, Risk Reduction Strategies, including documentation on bystander intervention from the Campus SaVe Act. Information on confidentiality and services available to victims was added to Section 9 from the Campus SaVE Act. Added “Order of Protection” phrase to Section 10 from the Campus SaVE Act. Documentation on EOS investigator training was added to Section 12.3. Added Section 12.6.4. Added information on Board training to Section 13.7. A brief opening statement for hearings was added to Section 13.9.1.a. Added documentation on reporting offenses off campus to Section 14.3. Added information to Section 14.5 on notification of outcomes from the Violence Against Women Reauthorization Act of 2013 and the Campus SaVE Act.</td>
</tr>
<tr>
<td>1</td>
<td>08/25/2015</td>
<td>Current revisions after Interim 2 approved by the Board of Regents (BOR) during meeting on August 20, 2015, based on input from team composed of various system component members. Requirement for document approval prior to September 1, 2015 based on state law changes</td>
</tr>
<tr>
<td>2</td>
<td>TBD</td>
<td>Revisions from BOR approval on August 20, 2015 include all current information regarding sexual misconduct policy guidelines from Texas Penal Code Title 5, Offenses Against the Person, specifically Section 21 on Sexual Offenses and Section 22 on Assaultive Offenses</td>
</tr>
</tbody>
</table>


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