

# University of St. Thomas Policies

## SEXUAL MISCONDUCT AND SEXUAL ASSAULT

Policy Number: G.02.06

### SCOPE

*All Students, Faculty, and Staff*

### INTRODUCTION

Sexual misconduct of any kind or any form of violence is inconsistent with the University's values and incompatible with the safe, healthy environment that the University of St. Thomas community expects. All members of this community share responsibility for creating and maintaining an environment which promotes the safety and dignity of each individual. The most egregious form of sexual harassment and misconduct is sexual assault, which is an affront to justice that will not be tolerated at the University of St. Thomas. Federal laws view sexual misconduct, sexual assault, and related violence as forms of sexual harassment and discrimination prohibited under Title VII of the Civil Rights Act, Title IX of Education Amendments of 1972, and the Violence Against Women Reauthorization Act. Sexual misconduct, sexual assault, and related violence also violates state law as well as University policy. Employees, students, or guests found responsible for sexual misconduct, sexual assault, or related violence will ordinarily face outcomes up to and including dismissal from the University and may include criminal prosecution.

The University believes that no person should bear the effects of sexual misconduct, sexual assault, or related violence alone. When sexual misconduct, sexual assault or some form of related violence occurs, the University's paramount concern is for the safety, health and well-being of those impacted. To support and assist employees and students, the University provides a wide range of services and resources. Please see the section below on Resources for Medical, Counseling and Pastoral Care.

### SEXUAL MISCONDUCT OFFENSES

Sexual misconduct offenses that are prohibited are:

- Non-consensual sexual contact, which is any sexual touching with any object, by any person upon another, without consent. Sexual touching is contact of a sexual nature, however slight.
- Non-consensual sexual intercourse, which is any sexual intercourse by any person upon another without consent. It includes oral, anal and vaginal penetration, to any degree, with any object. It is referred to as "sexual assault" in this policy.

**Other forms of sexual misconduct** include, but are not limited to:

- Sexual harassment
- Sexual exploitation
- Sexual intimidation and indecent exposure
- Sexual exhibitionism
- Sex-based cyber-harassment
- Prostitution or the solicitation of a prostitute
- Peeping or other voyeurism
- Going beyond the boundaries of consent, e.g., by allowing others to view consensual sex or the non-consensual video, photography or audiotaping of sexual activity.
- Distribution of pornographic material

## University of St. Thomas Policies

### Sexual Harassment

Sexual harassment is gender-based verbal or physical conduct (male/female, female/male, or same-sex) that has the purpose or effect of either unreasonably interfering with an individual's work or academic performance or creates an intimidating, hostile, or offensive working or educational environment.

### **Three Types of Sexual Harassment**

**Hostile Environment** includes any situation in which there is harassing conduct that is sufficiently severe, pervasive/persistent and patently offensive so that it alters the conditions of education or employment, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint. The determination of whether an environment is "hostile" must be based on all of the circumstances. These may include:

- The frequency of the conduct
- The nature and severity of the conduct
- Whether the conduct was physically threatening
- Whether the conduct was humiliating
- The effect of the conduct on the alleged victim's mental or emotional state
- Whether the conduct was directed at more than one person
- Whether the conduct arose in the context of other discriminatory conduct
- Whether the conduct unreasonably interfered with the alleged victim's educational or work performance

**Quid Pro Quo** sexual harassment exists when unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature occurs and then submission to or rejection of such conduct results in adverse educational or employment action.

**Retaliation** involves harassment or intimidation of a person that includes but is not limited to verbal or physical threats or actual violence against the person or his/her property, adverse or educational or employment consequences, ridicule, taunting, bullying, or ostracism.

Not all workplace or educational conduct that may be described as "harassment" affects the terms, conditions or privileges of employment or education. For example, a mere utterance of an ethnic, gender-based or racial epithet that creates offensive feelings in an employee or student would not normally affect the terms and conditions of their employment or education.

Contact the Human Resources Department regarding allegations of sexual harassment involving an employee, Student Affairs regarding allegations of sexual harassment involving a student, or the Title IX Coordinator.

### Sexual Exploitation

Sexual exploitation is when someone takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit or to benefit anyone other than the one being exploited. Examples include non-consensual electronically recording, photographing or transmitting intimate or sexual utterances, sounds or images without the knowledge and consent of all parties involved and voyeurism (spying on others who are in intimate or sexual situations).

### Sexual Intimidation

Sexual intimidation involves threatening another with a non-consensual sex act such as engaging in indecent exposure. Violence against another person can take many forms. Violence, in the context of this policy, includes domestic violence, dating violence and stalking.

### Domestic Violence

Domestic violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner.

## **University of St. Thomas Policies**

### **Dating Violence**

Dating violence is a violent act committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

### **Stalking**

Stalking is a pattern of repeated and unwanted attention, harassment, contact or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear.

### **CONSENT**

Consent means informed, freely given agreement, communicated by clearly understandable words or actions, to participate in each form of sexual activity. Consent cannot be inferred from silence, passivity, or lack of active resistance. A current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. By definition, there is no consent when there is a threat of force or violence or any other form of coercion or intimidation, physical or psychological. A person who is the object of sexual aggression is not required to physically or otherwise resist the aggressor; the lack of informed, freely given consent to sexual contact constitutes sexual misconduct.

Intoxication or being under the influence of illegal drugs is not an excuse for failure to obtain consent.

An incapacitated person is incapable of giving consent. A person is incapacitated if that person is in a physical or mental state such that he or she lacks the ability to make a knowing and deliberate choice to engage in the sexual interaction. For the purposes of this policy, a person who is asleep or unconscious is incapacitated, without exception. A person may also become incapacitated due to other factors, which may include the use of alcohol and/or drugs to such a degree that the person no longer has the ability to make a knowing or deliberate choice to engage in the sexual interaction.

Persons who are considered sober and reasonable would be capable of giving consent for sexual interaction. When there is a question of whether consent was obtained, this is the model to apply in considering whether the respondent should have known that the complainant had the capacity to give consent.

Under this policy “No” always means “No” and “Yes” may not always mean “Yes.”

### **PRIVACY AND CONFIDENTIALITY**

#### **Confidential Resources**

Employees and students may access confidential, professional mental health counseling assistance at the University’s office of Counseling and Disability Services. Assistance through Counseling and Disability Services will remain confidential except within the following limiting circumstances:

- Risk of probable imminent physical or emotional harm to self or physical harm to another;
- Having cause to believe that a child, elderly individual or an individual with a disability has been or may be abused, neglected or exploited physically, emotionally or sexually;
- If there is a report by a patient/client or former patient/client of sexual exploitation by a mental health service provider;
- If a court-ordered subpoena demands release of information.

Confidential support is also offered by off-campus community health providers and/or off-campus rape crisis resources.

Within Campus Ministry, priests, deacons, and religious sisters and brothers will also honor an employee’s or student’s request for confidentiality. These individuals will honor confidentiality unless there is an imminent danger to the employee, student or to others. However, an employee’s or student’s disclosure during the sacrament of confession will not be revealed by the priest for any reason, which is a sacred obligation protected by law.

## University of St. Thomas Policies

### **Parameters of Confidentiality and Mandated Title IX Investigations**

In all instances and to the extent possible, the University will protect the privacy of all parties to a report of sexual misconduct or sexual assault. That said, under federal law, University officials (with the exception of those listed under Confidential Resources, above) who receive a report of sexual assault, whether from the employee or student involved or a third party, must share that information with the appropriate University authorities for investigation and follow-up. The University is obligated under the law to investigate the complaint, to take action to eliminate sexual misconduct, sexual harassment, and sexual assault, prevent its recurrence and address its effects. An administrative investigation under Title IX must be initiated if the University has enough information to reasonably determine key facts, e.g., time, date, location and names of parties involved in an alleged incident. This administrative investigation will be conducted by the Title IX Coordinator or his/her designee, and will include a review of obtained statements, interviews with both parties, interviews with witnesses as appropriate, and review of relevant documentary evidence. The University is obligated to conduct this investigation regardless of the complainant's requests.

### **REPORTING SEXUAL MISCONDUCT AND SEXUAL ASSAULT**

The University strongly encourages the prompt reporting of prohibited conduct covered under this policy. Delays in reporting can greatly limit the University's ability to stop the alleged conduct, collect evidence and/or take effective action against individuals or organizations accused of violating this policy. A report of alleged violations of this policy may be made by

- a person who believes he/she experienced prohibited conduct (a complainant); and/or
- a person who has information that prohibited conduct may have been committed (a reporter).

To report an incident of sexual misconduct or sexual assault, please call the University of St. Thomas Police Department at (713) 525-3888 or call 911. The University Police Department is available 24 hours a day, 7 days a week and is located in the Moran Center, 3807 Graustark Street. During business hours, you may also report incidents of sexual misconduct to:

- Randy Graham, Title IX Coordinator / Associate Vice President for Human Resources  
Human Resources House  
3818 Graustark Street, Room 104  
713-525-3813  
titleixcoord@stthom.edu
- Lindsey McPherson, Dean of Students  
Crooker Center, Student Affairs Suite  
3909 Graustark Street, Suite 215  
713-525-3570 / 713-525-6972

If a complainant chooses not to participate in the University's investigation of a report, the University may, at its discretion, pursue the report without the complainant's participation.

### **Additional University Steps in Responding to a Complaint of Sexual Misconduct or Sexual Assault**

#### 1. Assignment of a Case Coordinator

Whenever the University receives a report of sexual misconduct or sexual assault, the complainant will be referred to a designated individual who will serve as a resource person to the complainant to identify, explain and navigate the complainant's reporting options and the available support services. This can include referrals to counseling, educational support, pastoral care, and medical treatment, and information about University and legal processes. The designated individual can also provide assistance in rearranging class schedules, extracurricular activities and housing and on-campus dining arrangements; to the extent that a student's requests are reasonable and can be accommodated, every effort will be made to do so. Where appropriate, the goal of any adjustment will be to minimize the burden on the complainant's educational program. Similarly, a respondent will also be assigned a designated individual, to provide him or her with support, information and assistance.

## **University of St. Thomas Policies**

### **2. No Contact Orders Issued to the Complainant and the Respondent**

Upon receipt of a report of alleged sexual harassment, misconduct, or sexual assault in which the respondent is a current University of St. Thomas employee or student, the Title IX Coordinator shall issue “no contact” orders to the complainant and respondent.

### **INTIMIDATION OR THREATS TO INHIBIT REPORTING**

The University strongly encourages employees and students to report any incident of sexual harassment, misconduct or sexual assault. The University of St. Thomas takes such reports very seriously. Any actual or threatened retaliation or any act of intimidation to prevent or otherwise obstruct the reporting of sexual harassment, misconduct or sexual assault or the participation in proceedings relating to sexual harassment, misconduct or sexual assault by a respondent or third party is itself prohibited and will result in immediate action by the Title IX Coordinator or his/her designee. A complainant or witness who is threatened in any way should immediately report these concerns to the Dean of Students or the Title IX Coordinator.

### **TIMELY WARNING TO CAMPUS**

In an effort to provide timely notice to the University of St. Thomas community, and in the event of a serious crime against people that occurs on campus, where it is determined that the incident may pose a serious, ongoing threat to members of the University of St. Thomas community, a mass email may be sent to all students and employees on campus and is posted on the University of St. Thomas website. Crime alerts may also be posted by the University in the residence halls and various other buildings on campus. Updates to the University of St. Thomas community about any particular case resulting in a crime alert may be distributed via email, text through the University’s emergency management system, and/or may be posted on the University of St. Thomas website.

### **REPORTING OPTIONS**

An employee or student has the option to pursue a criminal complaint with the appropriate law enforcement agency, to pursue a complaint through the University Title IX Coordinator, or to pursue both processes consecutively or concurrently. Regardless of the option chosen, the University will initiate an administrative investigation under Title IX.

#### **Option 1: Criminal Complaint**

The University encourages employees and students to report all incidents of sexual harassment, misconduct or sexual assault to the police. If the incident occurred on University of St. Thomas property, University of St. Thomas Police Department is the appropriate agency with which to file a report. Off-campus incidents will likely fall in the jurisdiction of the Houston Police Department, Constable’s Office, or Harris County Sheriff’s Department. The University’s Police Department can assist in contacting the appropriate law enforcement agency.

Incidents of sexual harassment, misconduct or assault involving employees or students that are reported to the University of St. Thomas Police Department will also be referred to the Title IX Coordinator and/or Dean of Students for follow-up and administrative investigation.

The administrative investigation conducted by the Title IX Coordinator or his/her designee is distinct from the criminal investigation and flows from the University’s obligation under Title IX or the Violence Against Women Reauthorization Act to ensure that it is providing a safe environment for all employees and students. If a complainant wishes to pursue a criminal complaint exclusively, the complainant may choose to temporarily defer the administrative investigation by making a formal written request to the Title IX Coordinator or Dean of Students, which may delay the administrative investigation and the University’s ability to respond. The University may continue its administrative investigation where it has reason to believe that the alleged harasser may be an imminent threat to the safety of the complainant and/or other employees or students. At any time, the complainant may choose to rescind the deferral by making a formal written request to the Title IX Coordinator or Dean of Students, electing to resume the administrative investigation. The University will maintain documentation of the date of

## University of St. Thomas Policies

deferral. Information obtained through the criminal investigation may be used for consideration in the University's investigation.

If an employee or student pursues a criminal complaint, a member of the University Police Department will request that the Harris County District Attorney's Office keep the University informed and immediately advise of its decision whether to prosecute the complaint. The University will maintain documentation of the date of the request to the District Attorney's Office. In cases where the District Attorney's Office declines prosecution, a member of the University Police will provide written notice to the complainant and Title IX Coordinator of the decision.

### **Option 2: University Conduct Process**

Sexual harassment or misconduct involving employees and students, including sexual assaults, whether or not they have been reported to a police agency, should also be reported to the University for investigation and resolution through University processes.

If an employee or student reports an incident of sexual harassment, misconduct or sexual assault to the University, the Title IX Coordinator or Dean of Students or his/her designee will conduct a fair, prompt, and impartial administrative investigation and resolution of all reports of prohibited conduct by an investigator who is properly trained to investigate and resolve such allegations. An administrative investigation will include a review of obtained statements, interviews with both parties, interviews with witnesses as appropriate, and a review of relevant documentary evidence. Once the investigation is complete, the Title IX Coordinator or his/her designee, in conjunction with a review by the Dean of Students will make a determination based on the merits of the investigation. The investigation of a complaint will be concluded as soon as possible after 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.

### **Conduct Process and Sanctions for Students**

- Upon completion of the investigation, if it is determined the allegations have merit, a Notice of Complaint letter will be sent to the alleged student. This letter will include the alleged Code of Conduct violation and a meeting request to discuss the alleged conduct. At the time of the meeting, the alleged student will have the opportunity to respond to the allegation in writing, at which point the Title IX Coordinator and/or Dean of Students can dismiss the allegations or proceed with the disciplinary process. If he/she proceeds with the disciplinary process, the next step is to determine if the offence is a major or minor violation of the Code of Student Conduct. A major violation of the Code is defined as any violation that may result in suspension or expulsion from the University. If the alleged violation is determined to be a potential major violation of the code, the student will be given a choice between an administrative hearing or a hearing with a disciplinary hearing board. The choice must be made in writing at the time of election and presented to the Dean of Students. If the student elects an administrative hearing, he must affirm that he is aware of and understands that the full range of sanctions, including suspension or expulsion from the University, may be imposed by the Dean of Students.
- Administrative Hearing – During an administrative hearing, the Dean of Students presents the administrative disposition to the student in writing, which includes the violation charged, whether the student is responsible or not responsible for the violations charged, the sanctions imposed, and the right to appeal. All parties involved in the case will have the opportunity to appeal the finding sexual misconduct cases.
- Disciplinary Hearing Board – If the student elects to have a Disciplinary Hearing Board, the Dean of Students will select an ad-hoc disciplinary hearing board. This board is comprised of five faculty and/or staff and/or students members, not to exceed two student members. Student members are selected from the Student Judiciary. The Committee members will select a chairperson from among their number whose duties will be to see to the proper conduct of the hearing; rule on the admissibility of evidence, motions and objections, prepare a letter listing the outcome of the hearing, including any applicable sanctions, and the procedures for appeal, and certify the hearing record, if notice of appeal is given. Both findings and sanctions determined by the Disciplinary Hearing Board shall be regarded as recommendations to the Dean of Students.
- Advisors – Both the complainant and the accused have the right to have an advisor present with them during both the administrative hearing process and disciplinary hearing board process.

## University of St. Thomas Policies

- Sanctions – For all cases involving sexual misconduct, the full range of sanctions stated in the Student Handbook can be given, including removal from campus housing, removal from extracurricular activities to include collegiate athletics, suspension from the university, and expulsion from the university.

### Conduct Process and Sanctions for Employees

The following steps will be followed if the individuals involved are both employees.

- Meet with the charging employee and obtain a written statement to ensure all details are documented.
- Investigate the allegations – meet with the employee that the charge has been filed against and obtain a written statement from them detailing what occurred.
- Interview other employees/managers, depending on the allegations, to obtain supporting information.
- Have follow up meetings with both parties, if necessary.
- A determination will be made after reviewing all the facts gathered, conversations with the parties involved, consulting with legal counsel, consulting, if necessary, with the department manager, and evaluating the merits of the allegations. The Associate Vice President for Human Resources is responsible for affirming the final determination.
- Upon completing the investigation, the following actions will be taken depending on the outcome.
  - Allegations have merit – depending on the seriousness and egregious nature of the actions that occurred, the employee will either be placed on leave while the investigation is conducted, be given a written reprimand with termination if another incident occurs or be terminated. If the employee is not terminated, they will be instructed to avoid interacting with the charging party. Meet with each individual to communicate and outcome.
  - Allegations do not have merit - a meeting will be held with each party to convey the outcome of the investigation. The charging party will be asked for any additional information they think would be important. If none is given, the case will be closed.

### Option 3: Simultaneous Processes

An employee or student has the option to pursue a criminal complaint with the appropriate law enforcement agency, to pursue an investigation by the University, or to pursue both processes consecutively or concurrently. In all cases, the Title IX Coordinator must be notified of the incident and/or complaint.

### **WRITTEN NOTICES**

Employees and students who report alleged sexual harassment, misconduct or sexual assault will be provided with written notice of the above referenced reporting options. The University, through the Title IX Coordinator or his/her designee, must also obtain written acknowledgment from the employee or student of her/his decision regarding which options, if any, the employee or student wishes to pursue.

The complainant, and the respondent, will be provided updates on the progress of the investigation and issuance of the finding. Both complainant and respondent will be simultaneously informed in writing of the outcome of any University disciplinary hearing arising from an allegation of prohibited conduct and of the University's procedures for appealing the results of the disciplinary hearing.

### **STANDARD OF EVIDENCE**

The purpose of an investigation, which includes interviewing the parties and witnesses, is to gather an assess evidence. The standard of evidence used in investigation and adjudicating complaints made under this policy is the "preponderance of the evidence" standard. This standard is met if the allegation is deemed more likely to have occurred than not. All investigators shall have appropriate and ongoing training regarding issues related to domestic violence, dating violence, sexual assault, sexual misconduct and stalking, as well as, on how to conduct an investigation that protects the safety of complainants and promotes accountability.

## **University of St. Thomas Policies**

### **OTHER POTENTIAL POLICY VIOLATIONS**

At times, employees or students are hesitant to report the occurrence of a sexual assault to University officials because they are concerned that they themselves, or witnesses to the misconduct, may be found responsible with other policy violations, e.g., parietais or alcohol violations. These behaviors are not condoned by the University, but the importance of dealing with alleged sexual harassment, misconduct or sexual assault outweighs the University's interest in addressing lesser violations. Accordingly, in these cases, the University may not subject an employee or student to further review for other issues that may surface as part of the investigation of a complaint of sexual harassment, misconduct or sexual assault.

### **SANCTIONS**

The University reserves the right to take whatever measures it deems necessary in response to an allegation of sexual harassment, misconduct or assault in order to protect employees' and students' rights and personal safety. Such measures include, but are not limited to, modification of work arrangements, living arrangements, interim suspension from campus pending a hearing, and report to local law enforcement. Not all forms of sexual misconduct will be deemed to be equally serious offenses, although all allegations are taken seriously, and the University reserves the right to impose differing sanctions ranging from oral warnings to, in the case of employees, termination, or in the case of students, expulsion, depending on the severity of the offense. The University will consider the concerns and rights of both the complainant and the person accused of sexual harassment, misconduct, or assault.

### **CONFIDENTIALITY AND ANONYMITY**

Individuals wishing to remain anonymous can file a complaint (by telephone or in writing) with the University Title IX Coordinator. However, electing to remain anonymous may greatly limit the University's ability to investigate an alleged incident, collect evidence and/or take effective action against individuals or organizations accused of violating this policy.

The University has an obligation to maintain an environment free of sex discrimination, thus many University employees have mandatory reporting and response obligations and may not be able to honor a complainant's request for confidentiality. In the event confidentiality cannot be maintained, the University will share information only as necessary and only with people who need to know to fulfill the purposes of this policy and applicable law, such as investigators, witnesses, administrators, and the respondent. The University will comply with the Family Educational Rights and Privacy Act (FERPA), with Texas Education Code Section 51.971 and other confidentiality laws as they apply to Title IX investigations.

Complainants who want to discuss a complaint in strict confidence may use the confidential support resources described in this policy, should speak with a campus mental health counselor, Employee Assistance Program (EAP) counselors, priest or religious sister through Campus Ministry, and/or off-campus rape crisis resources who can maintain confidentiality.

#### Counseling Center

713-525-2169 or 713-525-6953

After regular business hours – 713-525-3888

#### University Employee Assistance Program

1-800-227-1060

#### Campus Ministry

713-525-3589



## University of St. Thomas Policies

### Houston Area Women's Center

713-528-RAPE (7273)

[www.hawc.org](http://www.hawc.org)

### **RESOURCES FOR MEDICAL, COUNSELING AND PASTORAL CARE**

It is especially important for employees and students who have been sexually assaulted to seek immediate and appropriate medical treatment. Individuals who have been sexually assaulted can secure immediate help by going to a local hospital emergency room or contacting an off-campus rape crisis hotline. Texas law allows an individual to go directly to a medical facility for a sexual assault exam without police involvement.

While the University's staff is unable to perform procedures related to the collection of evidence for the purposes of pursuing criminal prosecution, they can provide assistance and support when a student requests or requires transportation to the hospital. Major hospitals in close proximity to the University have trained sexual assault teams available 24 hours a day, seven days a week. Emergency Room staff may ask if the employee or student wishes to speak to the police or other law enforcement personnel; this decision is up to the employee or student.

It is important to preserve forensic and other physical evidence that may assist in proving the alleged criminal offense occurred and such evidence may be helpful in obtaining a protection order against the respondent. Therefore, a medical exam should be performed immediately after the event, if possible. If a medical exam is not or cannot be performed immediately after the event, individuals may obtain a Sexual Assault Forensic Exam (SAFE) within five (5) days of the sexual assault if law enforcement is involved and within four (4) days if they are not. With the individual's consent, the physical evidence collected during this medical exam can be used as a part of a criminal investigation; however, and individuals may undergo a SAFE regardless of whether he/she has contacted, or intends to contact, the police. For additional information on SAFE exams, see <http://hopelaws.org/>. An individual may also seek an exam from his or her own physician. The cost of the forensic portion of the exam is covered by the law enforcement agency 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 treatments not part of the SAFE.

An individual who experiences any form of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, that would be useful to University adjudicators/investigators or police.

Reporting an assault to law enforcement does not mean the case will automatically go to criminal trial or through University disciplinary processes. If the police are called, a uniformed officer will be sent to the scene to take a detailed statement. A report may be filed with the police regardless of whether or not the accused was a UST student.

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

If the alleged incident occurred on campus, a report may be filed with UPD by calling 713-525-3888 or in person at UPD headquarters at 3807 Graustark Street, Houston, Texas 77006 (contained within the Moran Parking Garage).

If the alleged incident occurred in off-campus, a report may be filed with the respective police department for the jurisdiction such as the Houston Police Department, regardless of time elapsed since the assault occurred. If a report is made to a police department, a uniformed officer will be dispatched to the location to make a written report. Houston Police Department's contact information is listed below:

- Emergency: 911
- Victim Services: 713-308-0080
- Family Violence: 713-308-1100
- Non-emergency: 713-884-3131

An individual who has experienced a sexual assault is strongly encouraged to seek medical and psychological care

## University of St. Thomas Policies

regardless of whether he/she intends to request a SAFE or report the assault to the police. He/she may be prescribed medications to prevent sexually transmitted infections and/or pregnancy regardless of whether the police were contacted or a SAFE was performed. Medical care can be provided at a local emergency room or by a private physician. Psychological support can be provided by the University Counseling and Disability Services office or by an off campus care provider of the individual's choosing.

An individual who experiences any form of sexual assault may pursue any civil or criminal remedies provided by state law. An individual does not need to file a criminal police report to either use on or off-campus resources or to file a complaint with the University. However, the University Title IX Coordinator or designee will assist any individual with notifying law enforcement if they so desire.

A protective order is a civil court order issued to prevent continuing acts of family violence, sexual assault, human trafficking or stalking. The Attorney General of Texas has extensive information on protective orders and can be downloaded from their website, <https://texasattorneygeneral.gov/cvs/victims-rights-resources#protectiveorders>

The University of St. Thomas complies with the State of Texas laws in recognizing orders of protection.

Any person who obtains an order of protection from the State of Texas or any other state should provide a copy to UPD. Students should also provide a copy of an order of protection to the Dean of Students Office. UPD can provide the protected individual with strategies for campus police and the victim to reduce risk of harm while on campus or coming and going from campus. In some situations, UPD may be able to assist in obtaining an Emergency Protective Order, however, the victim is required to apply directly for these services through the county or district court where the victim resides.

The University may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. If the University receives a report that such an institutional no contact order has been violated, the University will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact order.

In a crisis situation, Counseling and Disability Services' professional mental health counselors can be reached after hours by contacting the University Police Department at (713) 525-3888 to request that a counselor contact him or her directly. The University is staffed by trained professionals who can provide specialized support and assistance to employees and students who have been assaulted. These services are available at any time, whether it is days, months, or years after the incident.

Confidentiality is offered by two University departments. Through the office of Counseling and Disability Services, current students may seek counseling and/or information and referral to off-campus resources; current employees may seek a counseling consultation and/or information and referral to off-campus resources. Counseling and Disability Services can be reached at (713) 525-2169 or (713) 525-6953. After regular business hours, call (713) 525-3888.

Within Campus Ministry, priests, deacons, and religious sisters and brothers are able to provide pastoral counseling support. These individuals will honor an employee's or student's request for confidentiality unless there is an imminent danger to the employee, student or to others. However, an employee's or student's disclosure during the sacrament of confession will not be revealed by the priest for any reason, which is a sacred obligation protected by law. Campus Ministry can be reached at (713) 525-3589 or at [campusministry@stthom.edu](mailto:campusministry@stthom.edu).

In addition to utilizing the confidential services of Campus Ministry and Counseling and Disability Services, employees or students may directly contact the Title IX Coordinator, the Provost and Vice President for Academic Affairs, or the Vice President for Student Affairs.

### **Additional Houston Area Resources**

Houston Police Department  
<http://www.houstonpolice.org>

Phone: 911

- Provides emergency response and takes reports of sexual assault
- Offers victim services counselors

## University of St. Thomas Policies

Memorial Hermann Hospital  
<http://www.memorialhermann.org>  
Phone: 713-222-2273

- Operates emergency room, located at 6411 Fannin Street, Houston, Texas 77030

St. Joseph Medical Center  
<http://www.sjmctx.com>  
Phone: 713-757-1000

- Operates emergency room, located at 1401 St. Joseph Parkway, Houston, Texas 77002

Rape, Abuse and Incest National Network  
<http://www.rainn.org>

Department of Justice  
<http://www.ovw.usdoj.gov/sexassault.htm>

Department of Education, Office of Civil Rights  
<http://www2.ed.gov/about/offices/list/ocr/index.html>

### **EDUCATION PROGRAMS AND ONGOING PREVENTION AND AWARENESS CAMPAIGNS**

The University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking.

Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees.

All incoming students and new employees participate in the Sexual Misconduct and Bystander Intervention education program. These primary prevention and ongoing awareness programs include:

- A statement that the University prohibits domestic violence, dating violence, sexual assault and stalking
- Definitions of “domestic violence,” “dating violence,” “sexual assault,” and “stalking”
- Definition of “consent” in reference to sexual activity
- Safe and positive options for bystander intervention that a person may take to prevent harm or intervene when there is a risk of one of these offenses
- Information regarding risk reduction strategies to recognize warning signs of abusive behavior and how to avoid potential attacks
- Possible sanctions or protective measures the University may impose following a final determination of an SJS disciplinary procedure regarding domestic violence, dating violence, stalking and sexual assault
- Procedures individuals should follow if one of these offenses has occurred, where to report, resources available, and what happens after the report is made.

### **BYSTANDER INTERVENTION**

One of the most effective methods of preventing sexual assault is through bystander intervention. 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 may be observable signs that occur prior to sexual misconduct that would lead a witness to suspect an employee or student could be in an unsafe situation. Bystander intervention encourages people to watch for those behaviors and situations that appear to be inappropriate, coercive and/or harassing.

#### **Ways to Intervene**

## **University of St. Thomas Policies**

There are steps one can take if he/she observes or suspects an employee or student is in an unsafe situation. Having the courage to intervene may prevent an assault from occurring. Possible steps for a bystander to take are listed below to include:

- Making up an excuse to get the person out of a potentially dangerous situation;
- Letting an individual know that his/her actions may lead to serious consequences;
- Remaining with a person who may be in trouble, despite another individual's efforts to isolate or entice that person;
- Employing a group dynamic to alert an individual that his/her behavior is inappropriate;
- Taking steps to curb someone's use of alcohol before problems occur;
- Calling the authorities when the situation warrants.

### **TITLE IX COORDINATOR**

The designated Title IX Coordinator for the University is the Associate Vice President for Human Resources, located in the Human Resources Office at 3818 Graustark, Houston, TX 77006. The Title IX Coordinator can be reached at (713) 525-3813 or [titleixcoord@stthom.edu](mailto:titleixcoord@stthom.edu).

### **FILING OF FALSE COMPLAINTS**

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

### **QUESTIONS**

Questions regarding this policy should be directed to the University Title IX Coordinator, the Office of the Dean of Students, or the University Police Department.

**APPROVED: Dr. Robert Ivany**

**Date of Original Formation: 9/1/2010**

**Revision Date: 1/16/2017**

**Effective Date: 1/16/2017**