Office of
Institutional Equity and
Compliance

Faculty & Staff Guide to Title IX
Title IX, Education Amendments of 1972

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”
Title IX Protects Everyone at UTD

- Protects employees, students, visitors, and applicants
- Protects men as well as women
Examples of Conduct Prohibited by Title IX:

• Sexual assault and other forms of sexual violence
• Sex discrimination in education programs and activities
  – Including discrimination on the basis of sexual orientation, gender identity, or pregnancy
• Sexual harassment (“Quid Pro Quo” or “Hostile Environment”)
• Domestic violence and dating violence
• Stalking

_Such conduct denies or limits a student’s or employee’s ability to participate in university programs and activities._
Role of Title IX Coordinator

• The Title IX Coordinator:
  – Is the senior university administrator who oversees the University’s compliance with Title IX, including the administrative investigation of reports of sexual misconduct.
  – Monitors outcomes of investigations, identifies and addresses any patterns of misconduct, and assesses effects on the campus climate.
  – May delegate certain responsibilities to the Deputy Title IX Coordinator under his supervision.

• UTD’s Title IX Coordinator is **James Dockery**, Assistant VP for Institutional Equity and Compliance. Brandy Davis, Director of Title IX Initiatives, is Deputy Title IX Coordinator.
Are You a “Responsible Employee”? 

“A Responsible Employee is a University employee who has the duty to report incidents of sexual misconduct (including sexual harassment and sexual violence) to the Title IX Coordinator or other appropriate designee, or an employee who an individual could reasonably believe to have this duty.

Responsible employees include all administrators, faculty, supervisory staff, resident life directors and advisors, and graduate teaching assistants, except any employee with confidentiality obligations.” Employees with confidentiality obligations include licensed counselors and other physical and mental health care professionals.

See UTD’s Prohibited Discrimination and Sexual Harassment Sexual Misconduct Policy - UTDBP3102 and OCR’s “Dear Colleague Letter” dated April 4, 2011 http://www2ed.gov/about/offices/list/ocr/letters
You must submit a report when:

• A student confides in you that they are being sexually assaulted or harassed.
• You witness behavior that appears to be inappropriate.
• You become aware of an allegation of sexual misconduct through any other means.

When in doubt, be proactive and report.

Report to the Title IX Coordinator, James Dockery at titleixcoordinator@utdallas.edu (972) 883-2218
Confidentiality

• “The University has great respect for the privacy of the parties in a complaint. Under federal law, however, Responsible Employees who receive a report of sexual misconduct must share that information with the Title IX Coordinator and/or a Deputy Coordinator. Those individuals may need to act to maintain campus safety and must determine whether to investigate further under Title IX, regardless of the complainant’s request for confidentiality.”
Though not specifically required in the Sexual Misconduct Policy, the Department of Education has advised that Responsible Employees should make every effort to ensure that the complainant understands:

• The employee’s obligation to report the names of the complainant and respondent, as well as relevant facts regarding the alleged incident (including the date, time, and location), to the Title IX Coordinator or Deputy Title IX Coordinator;

• The complainant’s option to request that the school maintain his or her confidentiality; and

• The complainant’s ability to share the information confidentially with confidential resources such as a counselor or healthcare professional.
• Includes any criminal offense under the Texas Penal Code of a sexual nature, including rape, sexual assault, sexual battery, sexual coercion, or other acts of sexual violence.

• Examples may include: intentional contact with the breasts, buttocks, groin or genitals or touching with any of these parts; making another touch you or themselves with or on any of these parts; any intentional bodily contact in a sexual manner; or engaging in sexual activity with a person whom you should reasonably know to be incapacitated.
Dating Violence

• “Dating Violence” is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

• The existence of such a relationship shall be determined based on consideration of: the length of the relationship, the type of the relationship, and the frequency of the interaction between the persons involved in the relationship.

• Dating violence includes sexual or physical abuse or threats of such abuse. Dating violence does not include acts covered by the definition of domestic violence.
“Domestic violence” includes felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person who is cohabitating with, or has cohabitated with the victim as a spouse or intimate partner; by someone with whom the person has a child; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Texas; or by a person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of Texas.

Such crimes of violence include any act that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself. See Tex. Family Code Section 71.004.
Stalking

- **Stalking** is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to feel fear for his or her safety or the safety of others; or suffer substantial emotional distress.

- For the purposes of this definition:
  - Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
  - Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
  - Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
A hostile environment exists when sex-based harassment is sufficiently severe or pervasive to deny or limit the individual’s ability to participate in or benefit from the University’s programs or activities or an employee’s terms and conditions of employment.

A hostile environment can be created by anyone involved in a University’s program or activity (e.g., administrators, faculty members, employees, students, and University visitors).
“Quid Pro Quo” sexual harassment exists when unwelcome conduct of a sexual nature including but not limited to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when submission to such conduct is made either explicitly or implicitly a term or condition of a person's student status, employment, or participation in University activities.
UTD policy defines “consent” as a voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity.

Consent may not be inferred from silence, passivity, or lack of active resistance alone.

A current or previous dating or sexual relationship (or the existence of such a relationship with anyone else) may not, in itself, be taken to imply consent.
• Consent cannot be inferred by an individual’s manner of dress, the giving or acceptance of gifts, the extension or acceptance of an invitation to go to a private room or location, or going on a date.

• Consent to one type of sexual act may not, in itself, be taken to imply consent to another type of sexual act.

• Consent may be withdrawn at any time.
Bystander intervention means recognizing a potentially harmful situation and choosing to respond in a way that could positively influence the outcome.

“Comet Voice” is the Bystander Intervention Initiative of The University of Texas at Dallas. See http://www.utdallas.edu/cometvoice/

“All members of our University community share in a collective responsibility to make our campus peers feel welcome, safe and comfortable.”
• Any administrator, faculty member, student or employee who knowingly and intentionally retaliates in any way against an individual who has brought a complaint under this Policy, participated in an investigation or disciplinary process of such a complaint, or opposed any unlawful practice, is subject to disciplinary action up to and including dismissal or separation from the University.
Any person who knowingly and intentionally interferes with an ongoing investigation conducted under this Policy is subject to disciplinary action up to and including dismissal or separation from the University.

Interference with an ongoing investigation may include, but is not limited to:

– Attempting to coerce, compel, or prevent an individual from providing testimony or relevant information;

– Removing, destroying, or altering documentation relevant to the investigation; or

– Providing false or misleading information to the investigator, or encouraging others to do so.
Important Contacts for Employees in Case of Sexual Violence:

*James Dockery, JD*
Title IX Coordinator
titleixcoordinator@utdallas.edu
www.utdallas.edu/titleix
(972) 883-2292 or (972) 883-2218;

- **In case of emergency, call 911**
- **You may reach UT Dallas Police on their non-emergency line at 972-883-2222**
- **Dallas Area Rape Crisis Center 24 hour hotline**: 972-641-RAPE(7273) Emergency advice & counseling - available 24 hours
- **For Sexual assault advice and counseling**: UT Dallas Women’s Center, 972-883-6555; SSB 4.300
- **For Confidential Counseling**: UT Dallas Employee Assistance Program: 214-648-5330 eap@utsouthwestern.edu
How to Report Incidents of Sexual Misconduct

• **Use the Incident Report Form** at [www.utdallas.edu/titleix](http://www.utdallas.edu/titleix)

• **Email** the Title IX Coordinator and Deputy Title IX Coordinator at: [titleixcoordinator@utdallas.edu](mailto:titleixcoordinator@utdallas.edu)

• **Contact:**
  
  James Dockery, JD  
  Title IX Coordinator  
  james.dockery@utdallas.edu  
  (972) 883-2292 or (972) 883-2218

  Brandy Davis, JD  
  Deputy Title IX Coordinator  
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