WHAT IS SEXUAL MISCONDUCT?

Sexual misconduct, including sexual harassment, sexual violence, sexual assault, stalking, domestic violence and/or dating violence, and other forms of sex discrimination or sexual misconduct are violations of the University's Prohibited Discrimination and Sexual Misconduct Policy. This policy applies to all University administrators, faculty, staff, students, and third parties within the University's control, including visitors and applicants for employment.

It is the policy of The University of Texas at Dallas to provide an educational and working environment that provides equal opportunity to all members of the University community. In accordance with federal and state law, the University prohibits unlawful discrimination against someone because of a person's race, color, religion, sex (including pregnancy), national origin, age, disability, genetic information, or veteran status. The University’s commitment to equal opportunity extends its nondiscrimination protections to include sexual orientation, gender expression, and gender identity.

For more information, and to review the Prohibited Discrimination and Sexual Harassment/Sexual Misconduct Policy, visit: www.utdallas.edu/titleix
PROHIBITED CONDUCT

SEXUAL HARASSMENT: Unwelcome conduct of a sexual nature, which may be verbal or physical

• Includes 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 instruction, employment, or participation in other University activities
• Includes conduct that is sufficiently severe or pervasive that it interferes with an individual’s education, employment, or participation in University activities, or creates an objectively hostile environment

SEXUAL ASSAULT: Nonconsensual sexual contact that meets the definition of rape, fondling, incest, or statutory rape

• Includes sexual contact with an individual who lacks the capacity to give consent (for example, a person may be incapacitated due to the use of drugs or alcohol)

STALKING: A course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress, including repeatedly following, monitoring, threatening or communicating with the victim, whether in person or by telephone, mail, electronic communication or social media

DATING VIOLENCE: Violence committed by a person who is or has been in a social relationship of a romance or intimate nature with the victim includes, but is not limited to, sexual or physical abuse or the threat of such abuse

DOMESTIC VIOLENCE: A crime of violence against a current or former spouse or intimate partner by a person with whom the victim is cohabitating with or has cohabitated with as a spouse or intimate partner

OTHER MISCONDUCT: May include any non-consensual sexual activity or unwelcome behavior of a sexual nature, or other sex-based discrimination

CONSENT

CONSENT: A voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity.

• Consent to one act does not imply consent to another. Past consent does not imply future consent.
• Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time.
• Any expression of an unwillingness to engage in any instance of sexual activity establishes a presumptive lack of consent.
• Consent is not effective if it results from: (a) the use of physical force, (b) a threat of physical force, (c) intimidation, (d) coercion, (e) incapacitation or (f) any other factor that would eliminate an individual’s ability to exercise his or her own free will to choose whether or not to have sexual activity.
• A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be a voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity.

INCAPACITATION

Incapacitation is a state of being that prevents an individual from having the capacity to give consent. For example, incapacitation could result from the use of drugs or alcohol, a person being asleep or unconscious, or because of an intellectual or other disability. Incapacitated individuals are unable to make rational, reasonable decisions. Engaging in sexual activity with an incapacitated person is sexual assault, even if the person voluntarily consumed alcohol or drugs.
CONFIDENTIALITY

If students wish that details of an incident be kept confidential, they may speak with campus counselors, health service providers, or off-campus resources such as rape crisis centers.

Employees designated as “Responsible Employees” by University policy are required to provide all information regarding possible sexual misconduct to the Title IX Coordinator or Deputy Title IX Coordinator. “Responsible Employees” include all administrators, faculty, supervisory staff, resident life directors and advisors, and graduate teaching assistants, except any employees with confidentiality obligations (such as counselors or health care providers).

When a report of possible sexual misconduct is received, the Title IX Coordinator 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. The decision to move forward with an investigation will be discussed with the complainant.

In the course of the investigation, the University may share information only as necessary with people who need to know to fulfill the purposes of University policy and applicable law, such as investigators, witnesses, and the respondent. The University will take all reasonable steps to ensure there is no retaliation against a complainant and protect the privacy of all parties to the greatest extent possible.

IF YOU’RE ASSAULTED

1. Go to a safe location as soon as you are able.
2. Call 911 if you feel are in danger, need emergency medical attention, or wish to make a criminal report immediately.
3. Seek immediate medical attention if you are injured, or believe you may have been exposed to an STI/STD or potential pregnancy.
4. Reach out for support. Contact a friend, family member, the Student Counseling Center or Galerstein Women’s Center, or a community sexual assault resource center (see “Key Contacts”).
5. If you want to make a report to the University, contact the Title IX Coordinator at TitleIXCoordinator@utdallas.edu or call 972-882-2292 or 972-883-5202.
6. If you want to make a report to the UTD police, call 972-883-2222 or visit the UTD Police Department office.

PRESERVING EVIDENCE

A forensic exam can performed by a Sexual Assault Nurse Examiner (SANE) within 4 days of the incident, with or without police involvement. It is recommended that the exam be performed as soon as possible and that you avoid changing clothes or showering prior to the exam. Even if you have already showered and changed clothes, you may still obtain an exam and evidence can still be collected.

The physical evidence collected during the exam can be used in a criminal investigation; however, you may undergo the exam even without contacting, or intending to contact, the police. Evidence from the exam will be preserved for a minimum of two years while you decide whether to file a report.

If you choose to report to the police, law enforcement will pay all expenses related to the gathering of forensic evidence (regardless of whether you cooperate in pressing charges). You may also be eligible for reimbursement for other medical and counseling costs through the Attorney General’s Crime Victim Compensation
YOUR RIGHTS

1. You have the right to have allegations of sexual misconduct investigated and addressed by the University in accordance with University policy and applicable laws.

2. You have the right to file a report with law enforcement and to receive assistance from campus personnel in doing so. You may decline to make a report to law enforcement.

3. You have the right to immediate and interim measures and ongoing assistance from the University to assure your safety and well-being, to maintain an environment free from harassment, discrimination or retaliation, and to protect the safety and well-being of community members.

4. You have the right to receive information regarding campus counseling and health services as well as off-campus resources.

5. All parties involved in an investigation or disciplinary process have the right to receive the information needed to effectively participate in all proceedings.

6. During the investigation process, all parties have the right to assistance from an advisor, who may be an attorney; however, the advisor may not actively participate in a meeting or interview.

7. You have the right to seek a protective order and you may seek the help of UTD police in requesting and enforcing the order.

8. All parties have the right to a thorough and unbiased investigation process, as well as a fair hearing and appeal, if applicable.

YOUR RESPONSIBILITY

All members of our University community share in a collective responsibility to make our campus peers feel welcome, safe and comfortable. The goal of Comet Voice, the bystander intervention initiative of UT Dallas, is to empower students with the confidence and skills to stand up and step in when needed.

Bystander intervention means recognizing a potentially harmful situation and choosing to respond in a way that could positively influence the outcome.

Visit utdallas.edu/cometvoice

Recognize the potential harm. Choose to respond. Take action.
### CONFIDENTIAL COUNSELING AND COMMUNITY RESOURCES:

<table>
<thead>
<tr>
<th>Resource</th>
<th>Phone</th>
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<tbody>
<tr>
<td>Student Counseling Center</td>
<td>972-883-2575</td>
</tr>
<tr>
<td>Student Health Center</td>
<td>972-883-2747</td>
</tr>
<tr>
<td>Galerstein Women's Center</td>
<td>972-883-6555</td>
</tr>
<tr>
<td>Dallas Rape Crisis Center</td>
<td>972-641-7273</td>
</tr>
<tr>
<td>The Turning Point</td>
<td>1-800-886-7273</td>
</tr>
<tr>
<td>Genesis Women's Shelter</td>
<td>214-946-4358</td>
</tr>
<tr>
<td>Resource Center</td>
<td>1-866-657-2437</td>
</tr>
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### KEY CONTACTS

#### FOR MORE INFORMATION OR TO MAKE A REPORT:

<table>
<thead>
<tr>
<th>Contact</th>
<th>Phone/Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>James Dockery</td>
<td>972-883-2218 <a href="mailto:james.dockery@utdallas.edu">james.dockery@utdallas.edu</a></td>
</tr>
<tr>
<td>Brandy Davis</td>
<td>972-883-5202 <a href="mailto:brandy.davis@utdallas.edu">brandy.davis@utdallas.edu</a></td>
</tr>
<tr>
<td>UTD Police</td>
<td>972-883-2222 Silent Witness Form</td>
</tr>
<tr>
<td></td>
<td>(for anonymous reporting):</td>
</tr>
<tr>
<td></td>
<td><a href="http://www.utdallas.edu/police/silentwitness">www.utdallas.edu/police/silentwitness</a></td>
</tr>
</tbody>
</table>

| Incident report forms are available on utdallas.edu/titleix |
| Reports may be emailed to titleixcoordinator@utdallas.edu |

#### FOR INFORMATION REGARDING TITLE IX OR TO FILE A CIVIL RIGHTS COMPLAINT:

<table>
<thead>
<tr>
<th>Office of Civil Rights</th>
<th>Phone/Fax/Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dallas Office</td>
<td>214-661-9600 (202) 453-6021 <a href="mailto:ocr@ed.gov">ocr@ed.gov</a></td>
</tr>
<tr>
<td>U.S. Dept. of Education</td>
<td><a href="http://www.ed.gov/ocr">www.ed.gov/ocr</a></td>
</tr>
<tr>
<td>1999 Bryan St, Suite 1620 Dallas, TX 75201-6810</td>
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