APPROVED AND CORRECTED MINUTES

These minutes are disseminated to provide timely information to the Academic Senate. They have been approved by the body in question, and, therefore, they are the official minutes.

ACADEMIC SENATE MEETING
September 16, 2015

Present: Holson Wildenthal, Inga Musselman, Robert Ackerman, Frank Anderson, Karen Baynham, Elizabeth Fell, Kurt Beron, Dinesh Bhatia, Patrick Brandt, Matthew Brown, R. Chandrasekaran, Nadine Connell, David Cordell, Gregory Dess, Gregg Dieckmann, Vladimir Dragovic, Monica Evans, Eric Farrar, Bernard Gangmair, Nicholas Gans, Jennifer Holmes, Dorthee Honhon, M. Ali Hooshyar, Mustapha Ishak-Boushaki, Carie Lambert, Murray Leaf, Michele Lockhart, Syam Menon, BPS Murthi, Ravi Prakash, Ramachandran Natarajan, Viswanath Ramakrishna, Michael Rebello, Tim Redman, Christopher Ryan, Betsy Schlobohm, Richard Scotch, Sabrina Starnaman, Michael Tiefeldorf, Murat Torlak

Absent: Naofal Al-Dhair, Judd Bradbury, Gail Breen, John Burr, Mieczyslaw Dabkowski, Lev Gelb, D.T. Huynh, Simeon Ntafos, Jared Pickens, Tres Thompson, Tonja Wissinger, Alejandro Zentner

Visitors: Andrew Blanchard, Todd Fechter, Serenity King, Abby Kratz, Alex Piquero, Nicole Piquero, Tim Shaw, Jim Stallings, Marion Underwood

1. Meeting of the General Faculty
   Speaker Redman called the meeting to order at 3:00 PM. There were no comments for the General Faculty Meeting. Vice-Speaker Murray Leaf moved to adjourn the General Faculty Meeting. Vice Speaker Richard Scotch seconded. The meeting was adjourned at 3:01 PM.

2. Call to Order, Announcements and Questions
   Speaker Redman called the meeting to order at 3:02 PM. Interim President Wildenthal informed the Senate that the current Chancellor is working to address a potential tuition increase. There is a variety of opinions on the topic. A tuition increase equal to the increase in the cost of living is not adequate, however it is better than no increase at all. The hope is to have an increase greater than 3% but the upper reach is unknown at this time. Interim President Wildenthal suggested that a fee for building fund be created to allow for campus growth. He opened the floor to questions. There were none.

3. Approval of the Agenda
   Murray Leaf moved to amend the agenda to add an update on the Presidential search to the agenda. Richard Scotch seconded. Greg Dess made the motion to approve the amended agenda. Karen Baynham seconded. The motion carried.

4. Approval of the August 19, 2015 Minutes
   Richard Scotch moved to approve the minutes with minor grammatical edits as circulated. Matt Brown seconded. The motion carried.
5. **Speaker's Report - Tim Redman**
   1. There is an ongoing discussion with an ATEC appointment to the CQ committee. There is a concern regarding the possibility of irregular attendance.
   2. Everything was on the agenda.

6. **Guns on Campus - Alex Piquero**
   Senate Bill 11 allows concealed hand guns to be brought into campus buildings starting August 1, 2016. Texas is the ninth state to allow concealed guns on campus. The campus is tasked with a long list of items to accomplish by that time. Alex Piquero is the university liaison to the UT System on the topic. He is also the chair of the Campus Work Group. The work group has so far gotten a campus carry website live to allow for communication of information to those concerned. The current tasks for the work group are to recommend potential exclusion zones, locations for lockers for the guns, and proper signage.

   Every Friday Dr. Piquero has a two hour conference call with the other university liaisons across the UT System. The first call was September 11, 2015. The members of the UT Dallas working group are: Alex Piquero (Chair), Hobson Wildenthal, Inga Musselman, Andrew Blanchard, Ellen Sailey, Marion Underwood, Timothy Redman, Naomi Emmett, Gene Pitch, Matt Grief, Calvin Jamison, Amanda Rockow, Susan Rogers, Tim Shaw, Larry Zacharias, Caitlynn Fortner, Milton Bernal.

   As of the meeting, the work group has met twice. A time line is being built to accomplish the long list of tasks. A Town Hall meeting will take place on September 22, 2015 from 2-3 pm in the Edith O'Donnell Arts and Technology Building lecture hall. This is an opportunity for staff, faculty and students to give input regarding the University’s recommendations for the implementation of Senate Bill 11. An email address has been set up to allow questions and concerns to be sent to the task force directly, campuscarry@utdallas.edu.

   Faculty members expressed their concerns on the topic. Dr. Piquero responded to their concerns and will take them to the work groups for further discussion.

7. **FAC Report - Murray Leaf**
   UT System Faculty Advisory Council meeting September 3, 4 2015.
   Ashbel Smith Hall, Austin Texas.
   Murray J Leaf

   Thursday, Sept 3.

   Introductions and Review of August BOR Meeting Approval of minutes of meeting of April 2015 and Strategic Planning

   The meeting began with new members introducing themselves. The new chair, Ann Killary, described the meeting of Faculty Advisory Council members with Board of Regents. Regents allowed nearly a full hour for the Faculty Advisory Council. For the first for the first time the incoming chair was accompanied by several other members of the executive board. Dr. Killary was very pleased with their reception.
The Faculty Advisory Council was concerned about the new Regents Rule on intellectual property (IP). Dr. Killary said that she and other members of the executive committee had discussed this with Dr. Daniel and others. It wasn't clear if these others included members of the Board. The FAC had been promised multiple times by System officials under Chancellor Cigarroa and Chancellor McRaven that no new rule would be adopted without FAC involvement. There was no such involvement. Killary said that they discussed withdrawing the resolution from the agenda so the FAC could discuss it, but decided or agreed not to. Killary reported that Patricia Hurn had argued that it would be better to go ahead with the Rule as now approved and try to adjust the UT system policy that would implement it to address faculty concerns. The rule might be "tweaked" later as a result of the discussions. She also noted Dr. Hurn would be on the agenda the following afternoon when this could be discussed.

Dr. Killary also said that the members of the executive committee had reminded Dr. Hurn of previous FAC resolutions, responding the Regents Task Force on intellectual property. The resolutions asked the System to affirm the legal principle that the creation belonged to the creator. She said that Dr. Hurn said that they had considered the resolutions but rejected them.

I proposed sending Dr. Daniel and the Chancellor the alternative Regents Rule that I had drafted and the FAC had discussed. This would leave no ambiguity about the kind of rule that the FAC was recommending. No one objected to the content of the alternative Rule, but apparently I was the only one willing to send it. Two members spoke against sending it on grounds that it was "idealistic" and that we should be "pragmatic." Most of the FAC appeared to agree.

The first guest was Dr. David Troutman, Director for Strategic Initiatives. Discussion focused on how to implement an initiative of Chancellor McRaven to find measures of student success other than or in addition to graduation rates. This had been discussed with members of the FAC Executive Board before the meeting. Their response was to offer to do an analysis of student records to relate possible measures of success to various student demographic characteristics. Dr. Troutman's office will do the analysis if members of the FAC can't specify what it should look at. The FAC as a whole seems quite enthusiastic about this.

The next guest was Dr. Steve Leslie, the new EVC Academic Affairs replacing Pedro Reyes. This was his first meeting with the group. Discussion was general and friendly. Dr. Leslie stressed that he and the chancellor valued shared governance.

The next conversation was with Dr. Raymond Greenberg, EVC Health Affairs, via video link. Dr. Greenberg also stressed the importance of shared governance. I think it was in this discussion that representatives from MD Anderson described the effect on the Chancellor's visit there in which he seems to have told the president in very plain language to cooperate seriously with their faculty governance organization. The consequence was that they set up a "shared governance" council consisting of eleven members, four of whom were from their faculty governance body. There was some discussion of making this a general pattern for all universities. I and others argued against it on the grounds that it would fit constructively all of the diverse governance systems that presently exist. Instead, the FAC agreed to ask the Governance Committee to design a survey of the members to ascertain what they now have.

Members summarized their Campus Reports. The order of speaking put health campuses first. The most common theme was, again, the need for shared governance.
The rest of the day was devoted to committee meetings. I attended governance. David Cordell co-chaired Academic Affairs and Faculty Quality. These meetings resumed the next morning.

Friday, Sept 4

Results from the Committee meetings were presented and discussed. The Governance committee proposed a simple survey of shared governance. The FAC accepted their recommendation.

The FAC discussed the Regents Rule on IP. Several members from health campuses argued that it would not encourage commercialization; it would discourage it. Members generally agreed that it was “appalling.” But there was no agreement on a response except to wait for what Dr. Hurn would say later in the day. My draft alternative rule was again deemed not “pragmatic.”

The FAC approved a resolution to ask the Regents to provide a type of bridge funding for faculty on the health campuses, in view of the reduction in funding from the NIH.

The FAC also approved asking campuses to respond to a question from Dan Sharphorn, director of the Office of General Council concerning a proposed modification of the Criminal Background Check Policy. The Regents would like it to capture information on whether a prospective employee had been involved in sexual assault or harassment. The present policy does not do this unless the person was convicted of such conduct in a criminal proceeding. OGC is considering three possibilities. They are as follows. 1. Should we have a criminal background check form that specifically asks whether an applicant has been subject to any action for sexual misconduct? This would not be part of the usual criminal background check information, because it does not only refer to criminal charges. It can also mean disciplinary action within the employing organization. 2. Alternatively, should we ask prospective employees whether they have been subject to such action? If they report that they were not, and if they subsequently engage in such action and we find out that they did have equivalent problems at a previous institution, under our present rules that would be grounds for immediate dismissal. Lying on an application form is grounds for dismissal. Or 3. should we ignore the problem/do nothing. The Governance committee had considered the question and thought that the best option was clearly 2, but since Mr. Sharphorn had asked that the question be referred to the campuses, the FAC decided that they would do so without making their own recommendation.

The next guest was Tony Cuolo, AVC for Leadership Dev. & Veterans Affairs - Strategic Assessment. Mr. Cuolo is a retired Lt. General, army, and among other things has headed the Army War College. He stressed the Chancellor’s concern with introducing more training for “leadership” and that this leadership was for service—“to Texas, the nation, and humanity.” The FAC voiced encouragement. He also said he was visiting faculty on all campuses. Members advised him to be sure to explicitly ask to meet members of the Faculty Senates. Evidently, he thought he was doing so at one campus but was not.

The Final discussion was with Dr. Patricia Hurn, VC, Technology Transfer and Health Affairs. The topic was the new Regent’s Rule on intellectual property. Dr. Killary introduced Dr. Hurn by saying that we should let her speak without interrupting her with questions. She spoke. She stands by all of it. She regards it as a useful simplification that boils down the six previously confusing rules to one clear one. She began by referring to the preamble and saying that what it says was “fact.” It was not
clear exactly what she was referring to but the main point of the preamble that was not there and previous documents is that “discovery commercialization” is a “core mission” of the University.

In discussion, several members reiterated that the rule would not accomplish its intended purpose. It would not encourage commercialization but would rather discourage it. Other members objected to the stated sharing of royalties, and lack of flexibility and possible arrangements. No one, however, challenged the larger claims that the Regents own all intellectual property created by faculty in the course and scope of their employment,” that all inventions must be disclosed to the Regents, and that they claim the right to prohibit a faculty member from further work or from publishing what they have done. She took notes. With respect to questions regarding teaching materials, she pointed to section 7, which says that “the Board of Regents will not assert an ownership interest in the copyright of scholarly or educational materials, artworks, musical compositions and literary works related to the author’s academic or professional field, regardless of the medium of expression.” She immediately went on to add, however, that the committee considered saying more about claiming rights ownership of copyrights but decided it was too complex complicated and put it off for later. It was clearly possible in her view, that they would claim ownership of copyrighted material at some time in the future.

Late in this discussion, I asked if the Rule actually was actually aimed only at multimillion dollar contracts for pharmaceuticals, especially where there might be multiple inventors. I don’t remember my exact words. The reason for the question is that this seems is the present thrust at MD Anderson. Their OTT apparently has a policy that it will not support a patent application for anything expected to yield less than $1 million. Dr. Hearn said it was. I asked if that meant the System was not interested in claiming ownership of inventions of no immediate commercial value, which the faculty might seek to patent in order maintain intellectual control of their research. She said yes; it was not interested. This seems to show a glimmering of a way forward.

Dr. Hurn listed four committees or discussions that she invited the FAC to send members to participate in. These included a committee to draft a UT system policy to implement the regents’ rule.

The FAC did not discuss the Coordinating Board’s strategic plan titled 60 X 30 TX. I suspect, however, that the FACs concern with it was one of the reasons they responded so warmly to Mr. Cucolo’s statement that the Chancellor considered that that the primary purpose of higher education is to prepare people to serve others, not to provide “job skills.”

After the full meeting adjourned the Executive Committee met. They appointed members of the committees that Dr. Ahern described. David Cordell attended the meeting.

8. Presidential Search Committee Report – Murray Leaf
The Committee met on 09/15/2015 for 4 hours. It was a good discussion. All members signed strong confidentiality clause forms, therefore there may be little the members can say on the topic. Murray Leaf will conduct an open meeting on September 30th to inform those interested of what information the committee can share.

9. Student Government Liaison Report – Caitlynn Fortner
The new “Hammocking” policy will be brought before senate in the next couple months. The Student Government President and Vice President met in Austin for the Student Advisory Committee. At that time the committees were chaired. SG President Caitlynn Fortner was elected the chair of the
10. CEP Proposals- Clint Peinhardt

At this time Speaker Redman handed the meeting over to Vice Speaker Scotch.

The Committee representative presented the following committee report.

A. Bachelor of Arts in Mathematics
The rational for the new degree was to encourage math majors to have more flexibility. This will increase the numbers who graduate with math and can teach at the high school level. Currently there is a lower percentage versus the other STEM programs. There is a need for properly trained mathematic teachers, and is continuing to grow. The degree is targeted for students who do not wish to go into a graduate program but are pursuing double majors.

Currently the UTeach program would like to attract more math majors at the high school level. The Math department has found that students are not completing a degree and are instead transferring to Interdisciplinary Studies. Through this path graduates are using a loophole that allows them to teach at the high school level even though they are not properly certified to teach at the high school level. This new BA in Math refines the situation. CEP recommended it for approval. The motion carried.

B. Marburg Dual Degree Program
UTD has an existing Master of Science in International Political Economy which they are proposing creating a dual degree with the Philipp University of Marburg, Germany. One year will be done at UTD the other at Marburg. 51% of the degree will be done at UTD. The number of students would be balanced per year. It is estimated to be five per year from each school. A master’s thesis is required for the University of Marburg (alternative name). CEP recommended approval. The motion carried unanimously.

11. Sexual Harassment and Sexual Misconduct Policy- James Dockery
James Dockery gave a brief overview of the policy. It is based off of a UT System template. The amendments to the policy were made to make it specific to our university. There was no discussion. Murray Leaf moved to affirm. Matt Brown seconded. The motion carried unanimously.

12. UTS 180 Amendments- Tim Shaw
The proposed amendments limit the scope of who must disclose information. Any research conflicts will go through the research conflict of interested policy. All other conflicts will through the local policy. There was no discussion. Murray made a motion of support. Greg Dess seconded. The motion carried.

13. Academic Program Review Committee Charge- Serenity King
The amendments to the charge allow the charge to come in line with system requirements. The issue was that program reviews are no longer by academic unit but by degree/administrative program.
Also, self-studies will no longer be internal documents, they will now be public documents and will be sent if requested. A copy of the amended charge can be found in the appendix. Greg Dess moved to approve. Jennifer Holmes seconded. The motion carried.

14. Adjournment
There being no further business, Interim President Wildenthal adjourn the meeting at 4:09 PM.

APPROVED: Tim Redman
Speaker of the Faculty

DATE: 4. XI. 15

APPROVED: Richard Scotch
Vice-Speaker of the Faculty

DATE: Nov. 4, 2015
Prohibited Discrimination and Sexual Harassment/
Sexual Misconduct Policy

Sec. 1 General Policy Statement.

1.1 The University of Texas at Dallas (the University) is committed to maintaining a learning and working environment that is free from discrimination and harassment based on sex in accordance with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in educational programs or activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act (SaVE Act). Sexual misconduct is a form of sex discrimination and will not be tolerated. As stated in the definition, sexual misconduct includes sexual harassment, sexual violence, sexual assault, stalking, domestic violence and/or dating violence. Individuals who engage in sexual misconduct and other inappropriate sexual conduct will be subject to disciplinary action. The university prohibits retaliation.

1.2 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.

1.3 The University will take prompt disciplinary action against any individuals or organizations within its control who violate this Policy. The University encourages any student, faculty, staff or visitor to promptly report violations of this Policy to an individual identified in Section 3.2.

Sec. 2 Applicability.

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 applies to conduct regardless of where it occurs, including off University property, if it potentially affects the complainant’s education or employment with the University. It also applies regardless of the gender, sexual orientation, gender expression, gender identity. In addition, it applies whether the complaint was made by or against a third party, and whether the complaint was made verbally or in writing.
Sec. 3 Filing a Complaint and Reporting Violations.

3.1 All Members of the University Community, Third Party and Anonymous Complaints. All administrators, faculty, staff, students, and third parties are strongly encouraged to immediately report any incidents of Discrimination, sexual misconduct (including sexual harassment and sexual violence) and other inappropriate sexual conduct to the Title X Coordinator or Deputy Coordinators.

(a) **Anonymity.** Individuals wishing to remain anonymous can file a complaint in any manner, including by telephone or written communication with the Title IX Coordinator or a Deputy Coordinator; however, electing to remain anonymous may greatly limit the University’s ability to stop the harassment, collect evidence, or take effective action against individuals or organizations accused of violating the Policy.

(b) **Confidentiality.** 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. Complainants who want to discuss a complaint in strict confidence may use the resources outlined in Section 3.5.

(c) **Timeliness of Complaint.** Complaints should be reported as soon as possible after the complainant becomes aware of the inappropriate conduct. Delays in reporting can greatly limit the University’s ability to stop the harassment, collect evidence, and/or take effective action against individuals or organizations accused of violating the Policy.

3.2 Responsible Employees. Incidents of sexual misconduct (including sexual harassment and sexual violence) and other inappropriate sexual conduct may also be reported to Responsible Employees. A Responsible Employee is 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 directors and advisors, and graduate teaching assistants, except any employee with confidentiality obligations as defined in Section 3.5.\(^1\) Responsible Employees can find contact information for the Title IX Coordinator and Deputy Coordinators at the following website: [www.utdallas.edu/titleIX](http://www.utdallas.edu/titleIX)

\(^1\) For example, a student may make a complaint to an employee in the Dean of Students’ Office, a faculty member or university police. Each of these individuals is considered a Responsible Employee and accordingly each is obligated to report the complaint to the Title IX Coordinator or other appropriate designee.
3.3. Reporting to Law Enforcement. Complaints of sexual misconduct may also be made to The University of Texas at Dallas Police Department at (972) 883-2222 or to the City of Richardson Police Department (972) 744-4800 (non-emergency) or 911 (emergency) or to other local law enforcement authorities. The Title IX Deputy Coordinators can help individuals contact these law enforcement agencies. Employees and students with protective or restraining orders relevant to a complaint are encouraged to provide a copy to the University Police Department.

If a complaint of sexual misconduct is reported to the University Police Department, it shall advise the complainant of his or her right to file a complaint under this Policy. To the extent allowed by law and University policy, the University Police Department shall also notify the Title IX Coordinator of the complaint, and provide the Title IX Coordinator or the individual investigating the complaint access to any related University law enforcement records, so long as doing so does not compromise any criminal investigation.

3.4 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 including sexual violence:

**Office for Civil Rights**
U.S. Department of Education
400 Maryland Ave S.W.
Washington, DC 20202-1475
Phone: 202.245.8300
TDD: 877.521.2172
Fax: 202.245.8301
Email: [OCR.DC@ed.gov](mailto:OCR.DC@ed.gov)

Employees may also contact the U.S. Equal Employment Opportunity Commission to complain of discrimination, 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) 669-4030, FAX: (214) 253-2720

3.5 Confidential Support and Resources. Physical and mental health care professionals and pastoral counselors (including those who act in that role under the supervision of these individuals), are prohibited by confidentiality laws from reporting any information about an
incident to anyone, in any way that identifies the victim, without the victim’s permission. Thus, students may discuss an incident with a counselor in the Student Counseling Center, the Women’s Center, a health care provider in the Student Health Center, the clergyperson of the student’s choice, or an off-campus resource (i.e. rape crisis center, doctor, psychologist, etc.) without concern that the incident will be reported to the Title IX Coordinator. Employees may also seek assistance from the Employee Assistance Program, their own personal health care provider, the clergyperson of the employee's choice, or an off-campus rape crisis resource without concern that the incident will be reported to the Title IX Coordinator. The University and community resources that provide such services are at APPENDIX A.

3.6 Immunity. In an effort to encourage reporting of sexual misconduct, the University may grant immunity from student disciplinary action to a person who voluntarily initiates a report of sexual misconduct or assists a complainant, if that person acts in good faith in reporting a complaint or participating in an investigation. This immunity does not extend to the person’s own violations of this Policy.

3.7 Title IX Coordinator and Deputy Coordinators. The Title IX Coordinator and Deputy Coordinators are: James C. Dockery, AVP Institutional Equity and Compliance and Title X Coordinator; Dean of Students, Deputy Title IX Coordinator. As appropriate, the university may expand the list of Deputy Coordinators.

**Sec. 4. Parties’ Rights Regarding Confidentiality.**

4.1 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.

4.2 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 this 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. The University will comply with the Family Educational Rights and Privacy Act (FERPA), with Texas Education Code Sec. 51.971 and other confidentiality laws as they apply to Title IX investigations. To the extent possible, the University will also protect the privacy of all parties to a report of sexual misconduct.
Sec. 5. Victims Resources.

5.1 Immediate Assistance.

In addition to the resources listed below, a detailed list of resources can be found at [APPENDIX A](#).

(a) Healthcare. 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 any nearest hospitals with emergency rooms (Under Senate Bill 1191 - from September 1, 2013, all Texas hospitals with emergency rooms are required to have staff trained in at least basic collection of forensic evidence from sexual assault victims). To date, Methodist Hospital Dallas uses SANE nurses to perform SAFE examination.

(b) For more information about the SAFE, see [http://hopelaws.org/](http://hopelaws.org/) or [https://www.texasattorneygeneral.gov/victims/sapcs.shtml#survivors](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.

(c) Police Assistance. The University encourages individuals who have experienced sexual misconduct to make a report to the police. It is important to note that a police department’s geographic jurisdiction depends on where the sexual misconduct occurred. If the incident occurred on the University campus, a report may be filed with the UT Dallas Police Department by calling at 972-883-2222 or in person at UT Dallas Police headquarters, 800 W. Campbell Road, PD11, Richardson, TX 75080, even if time has passed since the assault occurred.

(d) The University of Texas at Dallas Police Department can also assist with filing any protective orders. Reporting an assault to law enforcement does not mean that the case will automatically go to criminal trial or to a University disciplinary hearing. If the University police are called, a uniformed officer will be sent to the scene to take a detailed statement. A ride to the hospital may be provided by a police department.
officer. A report may be filed with the University police even if the assailant was not a University student or employee. If the incident occurred in the City of Richardson or Dallas but off campus, a report may be filed with the local Police Department, even if time has passed since the assault occurred. If a report is made to the police, a uniformed officer will usually be dispatched to the location to take a written report.

(e) Counseling and Other Services. 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.

(f) Medical care can be provided at University Health Services (for students only), at a local emergency room, or by a private physician. Psychological support can be provided by the University Counseling and Psychological Services (students), Employee Assistance (employees), a referral through the Employee Assistance Program, or a care provider of the individual’s choosing.

5.2 Interim Measures and Ongoing Assistance.

In addition to the services provided by on- and off-campus providers, the University will take immediate and interim measures to assure the safety and well-being of the complainant, to maintain an environment free from harassment, discrimination or retaliation, and to protect the safety and well-being of community members.

For example, if the accused is an employee, interim action may include reassignment and suspension. If the accused is a student, interim action may include suspension, no contact orders, changing living arrangements, modifying the course schedule, or modifying other aspects of the educational environment. Interim action may also include allowing the complainant to move to a new residence hall, change work schedules, alter academic schedules, and withdraw from or retake a class without penalty. Moreover, the University may be able to provide additional accommodations for a complainant while an investigation is pending.

Sec. 6 Intake Procedures and Protocol.

6.1 Key Officials in an Investigation.

(a) Title IX Coordinator: The Title IX Coordinator is the senior University administrator who oversees the University’s compliance with Title IX. The Title IX Coordinator is responsible for leading 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 Deputy Title IX Coordinators. Any member of the University community may contact the Title IX Coordinator with questions.

(b) **Investigators:** The Title IX Coordinator will ensure that complaints are properly investigated under this Policy. The Title IX Coordinator will also ensure that investigators are properly trained at least annually to conduct investigations that occur under this Policy. The Title IX Coordinator shall supervise and advise the Title IX investigators when conducting investigations.

6.2 Assessment of Complaint.

The Title IX Coordinator or designee will conduct a preliminary assessment of the complaint and determine whether a formal resolution or an informal resolution should occur. Informal resolution may be appropriate:

(a) With a complaint solely of sexual harassment, not including sexual violence as defined in this Policy; and

(b) When both parties are categorically similar (i.e. employee/employee or student/student).

6.3 Notification of University Offices Offering Assistance. After receiving a complaint, the Title IX Coordinator or Deputy Coordinator shall forward the complainant to the Director of Title IX Compliance to conduct the investigation or assign to another qualified investigator.

6.4 Informal Resolution of Certain Sexual Harassment Complaints. (OPTIONAL)
A complainant may use this option instead of or before filing a formal complaint, but is not required to do so. Also, this option is not permitted for sexual violence cases. Anyone who believes that he or she has been subject to sexual misconduct may immediately file a formal complaint as described in Section 3 of this Policy. An individual wishing to use the informal resolution process should contact the Title IX Coordinator.

(a) Informal Assistance. In certain sexual harassment complaints, an individual may not wish to file a formal complaint. If informal assistance is deemed appropriate by the Title IX Coordinator or designee, then the individual will be provided assistance in informally resolving the alleged sexual harassment. Assistance may include providing the complainant with strategies for communicating with the offending party that his or her behavior is unwelcomed and should cease, directing a University official to inform the offending party to stop the unwelcomed conduct, or initiating mediation. However, the University may take more formal action, including disciplinary action, to ensure an environment free of sexual harassment or sexual misconduct.
(b) Timeframe. Informal resolutions should be completed no later than 10 business days after the Title IX Coordinator receives the request for informal resolution.

(c) Confidentiality and Documentation. The University will document and record informal resolutions. The Title IX Coordinator will retain the documentation. If the individual's wish to remain anonymous limits the University's ability to establish facts and eliminate the potential harassment, the University will attempt to find the right balance between the individual's desire for privacy and confidentiality and its responsibility to provide an environment free of sexual harassment.

6.5 Formal Complaint and Investigation.

**Formal Complaint.**

To begin the investigation process, the complainant should submit a signed, written statement setting out the details of the conduct that is the subject of the complaint, including the complainant's name, signature, and contact information; the name of the person directly responsible for the alleged violation; a detailed description of the conduct or event that is the basis of the alleged violation; the date(s) and location(s) of the occurrence(s); the names of any witnesses to the occurrence(s); the resolution sought; and any documents or information that is relevant to the complaint. A complaint form is attached at [APPENDIX B](#). The University may initiate an investigation regardless of the manner in which a complaint is received or whether a complaint is received at all.

However, the complainant is strongly encouraged to file a written complaint by using the attached complaint form at [APPENDIX B](#). If the complaint is not in writing, the investigator should prepare a statement of what he or she understands the complaint to be and ask the complainant to verify that statement. The University office receiving the complaint should refer the complaint to the Title IX Coordinator.

**Investigation.**

(a) An investigator will be assigned to investigate the complaint...

(b) As part of the investigation process, the complainant and the respondent will be provided notice of the complaint and allowed a reasonable time to respond in writing.

(c) The complainant and the respondent may present any document or information that is believed to be relevant to the complaint.

(d) Persons thought to have information relevant to the complaint will be interviewed, and those interviews will be appropriately documented. Both the respondent and the complainant may recommend witnesses for interview and suggest questions that should be asked. Neither the complainant nor the respondent will normally attend these
interviews or the gathering of evidence; however, if either one is permitted to attend, the other shall have the same right.

(e) The investigation of a complaint will be concluded as soon as possible after receipt of the written 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.

(f) After the investigation is complete, a written report will be issued to the Title IX Coordinator and the appropriate administrator. The appropriate administrator will depend on the status of the respondent (i.e., student, faculty or employee). The report shall include factual findings and a preliminary conclusion of whether a policy violation occurred (based on a “preponderance of the evidence” standard).

(g) After the written report is completed, the complainant and respondent will be allowed to inspect the report or, at the university’s discretion, provided letters summarizing the findings in the report in keeping with FERPA and Texas Education Code, Section 51.971. If a letter is provided, it will contain enough detail to allow the complainant and respondent to comment on the adequacy of the investigation. Each will have 7 business days from the date of receipt (as indicated on the return receipt) to submit written comments regarding the investigation to the Title IX Coordinator.

(h) Within 7 business days after the deadline for receipt of comments from the complainant and respondent, the Title IX Coordinator or his or her designee will: (1) request further investigation into the complaint; (2) dismiss the complaint if it is determined that no violation of policy or inappropriate conduct occurred; or (3) find that the Policy was violated. A decision that the Policy was violated shall be based on the record.

(i) If the Title IX Coordinator or his or her designee determines that the Policy was violated, he or she will refer the matter for disciplinary action under the applicable disciplinary policies and procedures, which depend on the status of the respondent (i.e., student, faculty or employee).

(j) The complainant and the respondent shall be informed concurrently in writing of the decision in accordance with section 6.5.G of this Policy.

(k) The appropriate administrator will impose disciplinary action or sanction(s) in accordance with the applicable policies and procedures dependent on the status of the respondent (i.e., student, faculty or employee).

6.6 Standard of Proof. All investigations under this Policy will use the preponderance of the evidence standard to determine violations of this Policy.

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2 Appropriate report redactions will be made to comply with Texas Education Code, Section 51.971.
6.7 Timelines. Barring any unforeseen and reasonable delays, the University will endeavor to resolve complaints under this Policy no later than 60 calendar days after the initial report was received by the Responsible Employee. If the investigation and resolution exceeds 60 calendar days, the University will notify all parties in writing of the reason for the delay and the expected time frame adjustment. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

At the request of law enforcement, the University may defer its fact-gathering until after the initial stages of a criminal investigation. The University will nevertheless communicate with the complainant regarding his/her Title IX rights, procedural options, the status of the investigation, and the implementation of interim measures to ensure his/her safety and well-being. The University will also communicate with the respondent regarding his/her Title IX rights, procedural options and information regarding the status of the investigation. The University will promptly resume its fact-gathering as soon as law enforcement has completed its initial investigation, or if the fact-gathering is not completed in a reasonable time.

The filing of a complaint under this Policy does not excuse the complainant from meeting time limits imposed by outside agencies. Likewise, the applicable civil or criminal statute of limitations will not affect the University’s investigation of the complaint.

6.8 Remedies. 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, suspension, termination or expulsion;
(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) Providing the complainant extra time to complete or re-take a class or withdraw from a class without an academic or financial penalty;
(f) Determining whether sexual misconduct adversely affected the complainant’s university standing;
(g) Designating an individual specifically trained in providing trauma-informed comprehensive services to victims of sexual violence to be on call to assist victims whenever needed;

(h) 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;

(i) Providing targeted training for a group of students if, for example, the sexual misconduct created a hostile environment in a residence hall, fraternity or sorority, or on an athletic team. Bystander intervention and sexual misconduct prevention programs may be appropriate;

(j) 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. A refusal at the interim stage does not mean the refused service or set of services should not be offered as a remedy.

6.9 Sanctions and Discipline. Disciplinary action against faculty and employees will be handled under the University's policies for discipline and dismissal of faculty and employees. Disciplinary actions may include, but are not limited to, written reprimands, the imposition of conditions, reassignment, suspension, and dismissal. Further information regarding disciplinary actions are contained within the Student Code of Conduct.

If a student is found responsible based upon the preponderance of the evidence (more likely than not) for a violation as defined herein, the University may impose disciplinary sanctions including, but not limited to:

(a) **Expulsion.** Permanent separation of the student from the University. The student is restricted from enrolling at any other UT System institution without prior consent from the chief student affairs officer at that institution.

(b) **Suspension.** Suspension from the University is for a specified amount of time and prohibits, during the period of suspension, the student from entering campus, except in response to an official request. The student must comply with all conditions imposed prior to reenrollment. Further, the student is restricted from enrolling at any other UT
System institution during the term of the suspension without prior consent from the chief student affairs officer at that institution.

(c) **Deferred expulsion/suspension.** Expulsion/Suspension will be postponed, but will be automatic if the student commits any additional rule violations while on deferred suspension.

(d) **Disciplinary probation.** Disciplinary probation identifies a specified period of time during which the student is required to comply with terms and conditions that include not engaging in further conduct in violation of this policy. Any conduct in violation of these regulations while in a probationary status may result in the imposition of a sanction of suspension or expulsion.

(e) **Educational sanction.** An educational sanction may include the requirement to complete or attend educational activities, programs, or presentations, or any other learning experience deemed appropriate.

(f) **Developmental probation.** Requires a student to satisfy conditions related to the violation, such as counseling, educational seminars, or periodic meetings with a designated University official. This may be effective in providing educational opportunities for the student to participate in discussions that will explore alternative behaviors.

In accordance with federal law, when disciplinary action is commenced because of a violation of this Policy, the above policies will provide both parties equal opportunities in all aspects of the process including notices and advisor representation. Further, the standard of proof in determining the outcome will be the “preponderance of the evidence,” as defined in this policy.

**Sec. 7. Provisions Applicable to the Investigation.**

7.1 **Assistance.** During the investigation process, a complainant or respondent may be assisted by an advisor, who may be an attorney; however, the advisor may not actively participate in a meeting or interview.

7.2 **Time Limitations.** Time limitations in these procedures may be modified by the Title IX Coordinator or appropriate administrator on a written showing of good cause by the complainant, respondent, or the University.

7.3 **Concurrent Criminal or Civil Proceedings.** The University will not wait for the outcome of a concurrent criminal or civil justice proceeding to take action. The University has an
independent duty to investigate complaints of sexual misconduct. (Except as provided in Sec. 6.7).

7.4 **Documentation.** The University shall document complaints and their resolution and retain copies of all materials in accordance with state and federal records laws and University policy.

**Sec 8. Dissemination of Policy and Educational Programs.**

8.1 This Policy will be made available to all University administrators, faculty, staff, and students online at [www.utcallas.edu/oiec](http://www.utcallas.edu/oiec) and in University publications. Periodic notices will be sent to University administrators, faculty, staff and students about the University's Sexual Harassment/Sexual Misconduct Policy. The notice will include information about sexual misconduct, including the complaint procedure, and about University disciplinary policies and available resources, such as support services, health, and mental health services. The notice will specify the right to file a complaint under this Policy and with law enforcement and will refer individuals to designated offices or officials for additional information.

8.2 Ongoing Sexual Misconduct Training. The University's commitment to raising awareness of the dangers of sexual misconduct includes offering ongoing education through annual training and lectures by faculty, staff, mental health professionals, and/or trained University personnel. The University will periodically educate and train employees and supervisors regarding the Policy and conduct that could constitute a violation of the Policy. Preventive education and training programs will be provided to University administrators, faculty, staff, and students and will include information about risk reduction, including bystander intervention. Training on sexual harassment and sexual violence policy and procedures will be provided to law enforcement personnel, including training on their obligation to advise University administrators, faculty, staff, and students of their rights to file a complaint under this Policy and their right to file a criminal complaint.

8.3 Training of Coordinators, Investigators, Hearing and Appellate Authorities. All Title IX Coordinators, Deputy Coordinators, Investigators, and those with authority over sexual misconduct hearings and appeals shall receive training each academic year about offenses, investigatory procedures, due process, and University policies related to sexual misconduct.

**Sec. 9. Additional Conduct Violations.**

9.1 **Retaliation.** 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.

9.2 False Complaints. Any person who knowingly and intentionally files a false complaint under this Policy is subject to disciplinary action up to and including dismissal or separation from the University. A finding of non-responsibility does not indicate a report was false.

9.3 Interference with an Investigation. 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:

(a) Attempting to coerce, compel, or prevent an individual from providing testimony or relevant information;
(b) Removing, destroying, or altering documentation relevant to the investigation; or
(c) Providing false or misleading information to the investigator, or encouraging others to do so.

9.4 No Effect on Pending Personnel or Academic Actions Unrelated to the Complaint. The filing of a complaint under this Policy will not stop or delay any action unrelated to the complaint, including: (1) any evaluation or disciplinary action relating to a complainant who is not performing up to acceptable standards or who has violated University rules or policies; (2) any evaluation or grading of students participating in a class, or the ability of a student to add/drop a class change academic programs, or receive financial reimbursement for a class; or (3) any job-related functions of a University employee. Nothing in this section shall limit the University’s ability to take interim action.

Sec. 10 Documentation.

The University shall confidentially maintain information related to complaints under this Policy, as required by law. The Title IX Coordinator will document each complaint or request for assistance under this Policy, whether made by a victim, a third party, or anonymously, and will review and retain copies of all reports generated as a result of investigations. These records will be kept confidential to the extent permitted by law. Any person who knowingly and intentionally makes an unauthorized disclosure of confidential information contained in a complaint or otherwise related to the investigation of a complaint under this Policy is subject to disciplinary action.

Sec. 11 Annual Reporting and Notice.
The University's Title IX General Policy Statement will be made available to all students, faculty, and employees online, in required publications and in specified departments. On an annual basis, and upon any updates to this Policy, the University will send notice of its compliance with Title IX as required by law. The annual notice shall designate the Title IX Coordinator and Deputy Coordinators, explain which offenses are prohibited and where to report violations of this Policy, provide information regarding victim resources, and provide a link to this Policy and other related University websites.

Definitions and Examples

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.

The definition of consent for the crime of sexual assault in Texas can be found in Section 22.011(b) of the Texas Penal Code.

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3 The definitions provided in the main body of the text are the definitions adopted by the University. When applicable, we have included the state law definition. In any criminal action brought by law enforcement, the state law definition will apply.

4 Texas Penal Code, Section 22.011(b) states that a sexual assault is without consent if: (1) the actor compels the other person to submit or participate by the use of physical force or violence; (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat; (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist; (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it; (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring; (6) the actor has intentionally impaired the other person’s power to appraise or
Dating Violence\(^5\) – 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 by the victim with consideration of the following factors:

(a) The length of the relationship;
(b) The type of relationship; and
(c) The frequency of interaction between the persons involved in the relationship

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. It does not include acts covered under the definition of domestic violence.

Domestic (Family) Violence\(^6\) – includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with

\(^5\) Dating Violence is defined by the Texas Family Code, Section 71.0021 as:

(a) an act, other than a defensive measure to protect oneself, by an actor that:
(1) is committed against a victim;
(A) with whom the actor has or has had a dating relationship; or
(B) because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and
(2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.
(b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:
(1) the length of the relationship;
(2) the nature of the relationship; and
(3) the frequency and type of interaction between the persons involved in the relationship
(c) A casual acquaintance or ordinary fraternization in a business or social context does not constitute a "dating relationship" under Subsection (b).

\(^6\) Family Violence is defined by the Texas Family Code Section 71.004 as:

(1) an act by a member of a family or household against another member of the family or household 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;
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.

**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).

In determining whether sex-based harassment has created a hostile environment, the University considers the conduct in question from both a subjective and objective perspective. It will be necessary, but not adequate, that the conduct was unwelcome to the individual who was harassed. To conclude that conduct created or contributed to a hostile environment, the University must also find that a reasonable person in the individual's position would have perceived the conduct as undesirable or offensive.

To ultimately determine whether a hostile environment exists for an individual or individuals, the University considers a variety of factors related to the severity, persistence, or pervasiveness of the sex-based harassment, including:

- the type, frequency, and duration of the conduct
- the identity and relationships of the persons involved
- the number of individuals involved
- the location of the conduct and the context in which it occurred
- the degree to which the conduct affected an individual's education or employment

The more severe the sex-based harassment, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single instance of sexual assault may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the sex-based harassment is not particularly severe.

**First Amendment Considerations:** this Policy does not impair the exercise of rights protected under the First Amendment. The University's sexual misconduct policy prohibits only sex-based

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(2) abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G), by a member of a family or household toward a child of the family or household; or

(3) dating violence, as that term is defined by Section 71.0021

Texas Penal Code Section 22.01 provides the criminal penalties associated with Domestic (Family) Violence.
harassment that creates a hostile environment. In this and other ways, the University applies and enforces this Policy in a manner that respects the First Amendment rights of students, faculty, and others.

**Incapacitation** – 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.

**Intimidation** – Unlawfully placing another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Other Inappropriate Sexual Conduct** – Includes unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature directed towards another individual that does not rise to the level of sexual harassment but is unprofessional, inappropriate for the workplace or classroom and is not protected speech. It also includes consensual sexual conduct that is unprofessional and inappropriate for the workplace or classroom.

**Preponderance of the Evidence** – The greater weight of the credible evidence. Preponderance of the evidence is the standard for determining allegations of sexual misconduct under this Policy. This standard is satisfied if the action is deemed more likely to have occurred than not.

**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 directors and advisors, and graduate teaching assistants, except any employee with confidentiality obligations as defined in Section 3.2. Incidents of sexual misconduct (including sexual harassment and sexual violence) and other inappropriate sexual conduct may also be reported to Responsible Employees.

**Retaliation** – Any adverse action threatened or taken against someone because the individual has filed, supported, provided information in connection with a complaint of sexual misconduct or engaged in other legally protected activities. Retaliation includes, but is not limited to, intimidation, threats or harassment against any complainant, witness or third party.
Sexual Assault — An offense that meets the definition of rape, fondling, incest, or statutory rape:

(a) Rape: the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

(b) Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

(c) Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

(d) Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Sexual Exploitation — Occurs when an individual takes non-consensual or abusive sexual advantage of another for his or her own benefit, or to benefit anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to, engaging in voyeurism; forwarding of pornographic or other sexually inappropriate material by email, text, or other channels to non-consenting students/groups; and any activity that goes beyond the boundaries of consent, such as recording of sexual activity, letting others watch consensual sex, or knowingly transmitting a sexually transmitted disease (STD) to another.

Sexual Harassment— 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; such conduct 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; or such conduct is intentionally directed towards a specific individual and has the effect of unreasonably interfering with that individual’s education, employment, or participation in

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7 Sexual Assault is defined by Texas Penal Code, Section 22.011 as intentionally or knowingly:
   a) Causing the penetration of the anus or sexual organ of another person by any means, without that person’s consent; or
   b) Causing the penetration of the mouth of another person by the sexual organ of the actor, without that person’s consent; or
   c) Causing the sexual organ of another person, without that person’s consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor.
University activities, or creating an intimidating, hostile, or offensive environment. Sexual harassment is a form of sex discrimination that includes:

(a) Sexual violence, sexual assault, stalking, domestic violence and dating violence as defined herein.
(b) Physical conduct, depending on the totality of the circumstances present, including frequency and severity, including but not limited to:
   - unwelcome intentional touching; or
   - deliberate physical interference with or restriction of movement
(c) Verbal conduct not necessary to an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea, including oral, written, or symbolic expression, including but not limited to:
   - explicit or implicit propositions to engage in sexual activity;
   - gratuitous comments, jokes, questions, anecdotes or remarks of a sexual nature about clothing or bodies;
   - gratuitous remarks about sexual activities or speculation about sexual experiences;
   - persistent, unwanted sexual or romantic attention;
   - subtle or overt pressure for sexual favors;
   - exposure to sexually suggestive visual displays such as photographs, graffiti, posters, calendars or other materials; or
   - deliberate, repeated humiliation or intimidation based upon sex

Sexual Misconduct – A broad term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature. The term includes, but is not limited to, sexual assault, sexual exploitation, sexual intimidation, sexual harassment, domestic violence, dating violence, and stalking. Sexual misconduct can be committed by men or women, strangers or acquaintances, and can occur between or among people of the same or opposite sex.

Sexual Violence – Physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. The term includes, but is not limited to, rape, sexual assault, sexual battery, sexual coercion, sexual abuse, indecency with a child, and/or aggravated sexual assault.
Stalking — Engaging in 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. For the purposes of this definition:

(a) *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.

(b) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.

(c) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

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5 Stalking as defined by Texas Penal Code, Section 42.072 is when an individual on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:

a) is considered harassment, or that the actor knows or reasonably should know the other person will regard as threatening:
   i. bodily injury or death for the other person;
   ii. bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
   iii. that an offense will be committed against the other person's property;

b) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and

c) would cause a reasonable person to:
   i. fear bodily injury or death for himself or herself;
   ii. fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
   iii. fear that an offense will be committed against the person's property; or
   iv. feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended
APPENDIX A.

Relevant Federal and State Statutes, and Standards
- Clery Act, 20 U.S.C 1092(f) and its implementing regulations 34 C.F.R. Part 668
- FERPA Regulations, 34 C.F.R. Part 99

Other Relevant Policies, Procedures, and Forms
- Regents’ Rules and Regulations, Rule 30105, Sexual Harassment, Sexual Misconduct, and Consensual Relationships
- UT System Administration System wide Policy (UTS 184), Consensual Relationships
- University’s Sex Discrimination Policy
- Regents’ Rules and Regulations, Rule 31008, Termination of a Faculty Member
- Standard of Conduct Guide
- Student Code of Conduct
- Non-Discrimination Policy
- Discipline Dismissal and Grievances

System Administration Office(s) Responsible for Policy
- Office of General Counsel

Dates Approved or Amended
- April 6, 2015
- February 21, 2012

Contact Information
- Questions or comments about this Policy should be directed to: Title IX Coordinator 972-883-2292 (AVP Institutional Equity and Compliance and Title IX Coordinator), to report an incident of sexual misconduct, harassment or sexual violence.

Victim Resources
1. Immediate Assistance:
   - UT Dallas Police - http://utdallas.edu/police
   - Dean of Students - 972-883-6391, To report an incident of sexual misconduct, harassment or sexual violence
o Student Counseling Center, During normal business hours: 972-883-2575, After hours 972-UTD-TALK (972-883-8255), to make a confidential report of sexual misconduct Individual and group counseling
o Student Health Center 972-883-2747, to report an incident of sexual misconduct, Educational and prevention information, Testing for sexually transmitted diseases after an assault
o Women’s Center -972-883-6555
o Student Wellness Center 972-883-4275, Education and prevention information
o Residential Life- 972-883-5361, To report an incident of sexual misconduct, Peer Adviser training on issues related to sexual assault, On-site educational programs, Individual and groups support follow-up

2. Other resources are available:
   o Dallas Area Rape Crisis Center – http://www.dallasrapecrisis.org/what-we-do/get-info/effects-of-sexual-assault/
   o IGNITE Texas- www.ignitetx.org

3. Dallas Area Resources:
   o Dallas Area Rape Crisis - 972-641-7273, 24 hour hotline
   o The Turning Point - 800-886-RAPE, 24 hour hotline in Collin County
   o Brighter Tomorrows- 972-262-8383, Survivors of domestic and sexual violence
   o Chetna- 866-410-5565, Domestic violence (Asian community)
   o Texas Department of Family and Protective Services - 800-252-5400, Elderly, child, and disabled adult abuse
   o Genesis Counseling Associates- 214-350-2223

4. Domestic violence:
   o Genesis Women’s Shelter & Support, 214-946-HELP, Domestic violence
   o Hope’s Door - 972-422-7233, Domestic violence
   o The Hotline - 800-799-7233, 24 hour hotline
   o New Beginning Center - 972-276-0057, Victims of domestic violence
   o Victim Intervention Center at Parkland - 214-590-0430
   o 24 hour hotline, Victim Intervention Center at Parkland - 214-590-2926

5. Counseling, Psychiatry, find shelter:
   o Safe Haven- 877-701-7233
   o The Family Place - 214-941-1991
OFFICE OF INSTITUTIONAL EQUITY & COMPLIANCE INCIDENT REPORT FORM

The Office of Institutional Equity and Compliance handles student, employee, and visitor reports of discrimination and harassment based on age, color, disability, genetic information, national origin, race, religion, sex (including pregnancy) veteran status, sexual orientation, gender identity and gender expression. This includes reports of sexual misconduct, including sexual harassment and sexual violence. Our office also handles reports of relationship violence and stalking.

Once you submit this form, you may be contacted by someone from the Office of Institutional Equity and Compliance (OIEC) if additional information is needed. Regardless of the nature of your report, the University will ensure that your report is forwarded to the office with responsibility for investigating and addressing, as appropriate, based on the information you have provided.

**IF THERE IS IMMEDIATE RISK TO LIFE, SAFETY, OR PROPERTY, PLEASE CALL 911
or you may call CAMPUS POLICE AT (972)883-2222**

**CONTACT INFORMATION**

Your Name: ______________________________

Faculty [ ] Staff [ ] Student [ ] Other (Please Explain): ______________________________

Employee or Student ID# (if applicable): ______________________________

Preferred Method of Contact: [ ] Phone [ ] Email

Preferred Phone#: ______________________________

Preferred Email: ______________________________

Home Address: ______________________________

Campus Address: ______________________________

Department Name (Employees only): ______________________________

**PERSONS INVOLVED**

Please use this section to list the names of the parties involved as well as any witnesses, etc. Enter as much information as possible. If you have included your name above, it is not necessary to add it to this section.

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<th>Name of Person or Organization</th>
<th>Role</th>
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**REPORT DETAILS**

Nature of this Report (check all that apply):

- [ ] Discrimination
- [ ] Harassment
- [ ] Relationship Violence
- [ ] Retaliation
- [ ] Sexual Misconduct
- [ ] Other: ______________________________
- [ ] Stalking

v. 2.7.15
Do you feel this happened because of (check all that apply):

- Age
- Race
- Disability
- Gender Identity
- Other
- National Origin
- Religion
- Sexual Orientation
- Gender Expression
- Color
- Sex (including pregnancy)
- Veteran Status
- Genetic Information
- Not Applicable

Comment: __________________________

INCIDENT DETAILS

Date of incident: __________________________

Time of Incident: __________________________

Specific Location of Incident: __________________________

Have you notified anyone else or any other campus or non-campus unit about this incident? If yes, who did you notify:

Please provide as much detail as you are comfortable with concerning the incident. This narrative will be reviewed by the appropriate staff member at the Office of Institutional Equity and Compliance:

STATEMENTS OF NON-RETALIATION AND CONFIDENTIALITY

The University’s Policy on Retaliation prohibits retaliation against an individual who in good faith files a report and/or participates in any investigation related to an allegation of prohibited harassment or discrimination. I understand that this Incident Report form, any correspondence, and all discussions pertaining to this complaint process are confidential to the extent permitted by law. By typing my initials below, I agree to abide by these guidelines.

Initial Here: __________________________ Date: __________________________

For further information, you may contact the UT Dallas Title IX Coordinator at TitleIXCoordinator@utdallas.edu or 972-883-2218.
Academic Program Review - UTDPP1013

Policy Charge

Academic Program Review PRC

Policy Statement

Academic units and programs-Degree programs, as defined by the Classification of Instructional Program Code, are reviewed regularly to evaluate their quality and their effectiveness in supporting the university's mission. As described by this policy, the Program Review Committee, a standing committee composed of members of The University of Texas at Dallas faculty and academic administration, oversees the review process. The Committee functions in cooperation with the Executive Vice President and Provost (Provost), under whose auspices Academic Program Reviews are conducted.

Program Review Committee (PRC)

This university committee maintains general oversight of the review process to assure its efficacy and uniformity. During each program review, one member of the Program Review Committee, designated the Program Review Committee Monitor, participates directly in the process. The entire Program Review Committee evaluates the operation of the review process on a continuing basis and makes an annual report to the Provost and Academic Senate. In this report, it recommends any modifications of policies or procedures regarding reviews it considers advisable. In addition, it consults with and advises the Provost on other aspects of reviews as requested.

The membership of the Program Review Committee is comprised of six faculty members and four deans who are appointed by the President to one-year renewable terms. Members from the faculty are recommended by the Academic Senate after consultation with the Committee on Committees; deans are recommended by the Provost. Faculty should be drawn from the schools in which reviews will be conducted during the year of their service, or from the library if the library is to be reviewed.

The Responsible University Official is the Executive Vice President and Provost.

The term "Academic Program" or "unit" as used in this document may refer to either a degree-granting program, department, School, or to any academically coherent, distinctively functioning subdivision thereof.
Frequency of Review and Criteria for Selection

In accord with Texas Administrative Code, Title 19, Part 1, Chapter 5, Subchapter C, Section 5.52, degree programs/Academic Programs ("units") shall be reviewed in intervals not to exceed seven years. Reviews may occur more frequently if the Provost, in consultation with the appropriate dean, finds that the circumstances of a particular program warrant an earlier date. However, a program may not need to be reviewed under the procedures of this policy if mandated external accreditation reviews occur regularly and substantially meet the criteria outlined under The Review Procedure below. According to Texas Administrative Code, Title 19, Part 1 Chapter 5, Subchapter C, Section 5.52 (c)(11) and (d)(11), institutions may submit reviews performed for programmatic licensure or accreditation in satisfaction of the states review and reporting requirements.

Master's programs classified with the same 6-digit Classification of Instructional Programs (CIP) as doctoral programs are reviewed simultaneously with their related doctoral programs. UT Dallas reviews bachelors programs in the same discipline as masters and doctoral programs simultaneously with those programs.

Selection of programs/units to be reviewed in a given year will be made by the Provost after consultation with the Program Review Committee and the appropriate dean(s). The review schedule will be submitted to the Texas Higher Education Coordinating Board (THECB) staff. The factors (not in priority order) to be considered when creating the review schedule include:

1. Planned program changes
2. Elapsed time since last major review of budget, staff and degree academic programs;
3. University or program accreditation cycles;
4. Significant changes in student demand; and
5. Overlap or shared responsibilities with other programs being reviewed.

The Review Team

The Program Review Committee oversees the evaluation conducted by a Review Team that is appointed and charged by the Provost. The Provost consults with the degree programs undergoing review and/or the Program Review Committee, as appropriate, regarding selection of Review Team members. The Review Team's composition may vary from program to program, but will incorporate both internal and external members. Typically, it will include:

1. At least two members from the UT Dallas faculty and academic administration who are not affiliated with the program to be reviewed, appointed by the Provost after soliciting recommendations from the Program Review Committee.
2. One member of the Program Review Committee, appointed by the Provost after consultation with the Program Review Committee, to act as the Program Review
Committee Monitor. In addition to responsibilities as a regular member of the Review Team, the Program Review Committee Monitor will have the duty of conferring with and reporting to the Program Review Committee and, on the basis of knowledge acquired as a member of the Program Review Committee, of helping each Review Team ensure consistency of its individual review within the overall review process. This individual will not be affiliated with the program under review.

3. For doctoral programs, at least two external reviewers with subject-matter expertise who are employed by institutions outside of Texas will be appointed by the Provost after consultation with the unit under review and brought to campus for an on-site review. The reviewers must affirm that they have no conflict of interest and must be part of programs that are nationally recognized for excellence in the discipline.

4. For masters programs, at least one external reviewer with subject-matter expertise who is employed by an institution outside of Texas will be appointed by the Provost after consultation with the unit under review and will be provided the self-study materials. UT Dallas can invite the reviewer(s) to campus or request that they conduct a remote desk review. Each reviewer must affirm that he or she has no conflict of interest and must be part of a program that is nationally recognized for excellence in the discipline.

The Provost may add additional members as appropriate. One member of the Review Team, usually a member not affiliated with UT Dallas, will be designated Chair of the Review Team by the Provost at the time the Team is constituted. The Review Team will evaluate the degree program as requested by a written charge prepared by the Provost after consultation with the Program Review Committee.

The Review Procedure

Reviews will be conducted as follows:

The degree program undergoing review will consult with the Provost regarding suitable dates for the Review Team's campus visit, and the detailed schedule of events during the visit. It will prepare a comprehensive self-study document (an internal-planning document, not intended for general distribution) in accordance with guidelines and instructions issued by the Provost. These guidelines include criteria outlined in Texas Administrative Code, Title 19, Part 1, Chapter 5, Subchapter C, Section 5.52, Review of Existing Degree Programs. The Review Team also will collaborate with the Provost in ensuring that the Review Team's on-campus needs are met. The Provost will designate a Review Coordinator (the Dean, Head, Director, or suitable substitute) from the degree program under review to ensure that the duties assigned to the program in connection with the Review Team are carried out.

The Provost will provide the Review Team a written detailed charge, along with the unit's self-study document. The Office of the Provost will issue the visit schedule, oversee the visit arrangements for the Review Team (transportation, housing, meals, reimbursement, etc.) and serve as liaison between the Review Team and the program being reviewed.
Before the campus visit, the Review Team will familiarize itself with the degree program's self-study, and with the Provost's charge. During the visit, it will consult with members of the degree program's faculty, students, and staff and inspect facilities. It may request additional information beyond that provided in the self-study. Adequate time will be allowed in the latter part of the visit for the Review Team to deliberate in private and reach its conclusions.

At the beginning of the visit, the Review Team will have an introductory meeting and orientation interview hosted by the Provost's Office. Before leaving the campus, the Review Team will hold two exit interviews. In the first, held with the Program Review Committee and the degree program's faculty and administration, the Review Team will provide its preliminary assessment of the goals, plans, staffing, resources, existing and potential strengths, etc., of the degree program, and those areas needing improvement. In the second, held with the Provost, the President, and other appropriate central senior administrators, the Review Team will summarize its immediate impressions and provide a forecast of its eventual written report. Then, within one month of the campus visit, the Chair of the Review Team will provide a complete written report on the Review Team's conclusions to the Provost.

Along with addressing any unique aspects of its charge, the Review Team's report will assess the degree program's overall performance and its specific strengths and weaknesses and make recommendations for any changes the Review Team thinks are advisable. The evaluation should refer to the program's self-study and note items of agreement and disagreement between the Review Team's assessments and those of the self-study. The Review Team will share its final report with the faculty and administration of the degree program. The program's chief administrative officer, in cooperation with faculty and staff, will provide a written response to the report to the Provost's Office within one month of receiving the report, giving specific actions planned in the light of the Review Team's recommendations. Where the program disagrees with findings and/or recommendations of the Review Team, it will state its reasons for such disagreements. The program's faculty will have access to this document as well as to the Review Team's report. The Provost will discuss the Review Team's report and program's response with the program's administration and faculty. Finally, the Provost will prepare recommendations to the President. The university administration will submit a report of the outcomes of each review, including: the Executive Summary from the self-study, the evolution of the Review Team's report and of actions the institution has taken or will take to improve the program, the THECB no later than 180 days after the Review Team has submitted its findings to the institution.

In the years between reviews of the degree program, this record of the Program Review will be pertinent to decisions on budget, staffing, curricular and degree changes, and allocation of special resources.

Policy History

- Editorial Amendments: February 2, 1998
- Editorial Amendments: September 1, 2000
- Revised: July 11, 2005
- Editorial Amendments: August 3, 2006
• Editorial Amendments: March 26, 2007
• Revised: June 1, 2012
• Revised: October 25, 2013

Policy Links

• Permalink for this policy: http://policy.utdallas.edu/utdpp1013
• Link to PDF version: http://policy.utdallas.edu/pdf/utdpp1013
• Link to printable version: http://policy.utdallas.edu/print/utdpp1013