TO: Academic Senate Members

FROM: Office of Academic Governance
Chris McGowan, Academic Governance Secretary

RE: Academic Senate Meeting

The Academic Senate will meet on Wednesday, March 23, 2015 at 2:00 p.m. in the TI Auditorium, ECS South 2.102.

Please bring the agenda packet with you to this meeting. If you cannot attend, please notify me at x4791.

xc: Hobson Wildenthal
    Inga Musselman
    Andrew Blanchard
    Serenity King

John Wiorkowski
    Calvin Jamison
    Larry Redlinger
    Gene Fitch

Abby Kratz
    Chief Larry Zacharias
    Deans

Naomi Emmett, SC President
Caitlynn Fortner, SG President

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2015-2016 ACADEMIC SENATE

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*Speaker
**Secretary
***Vice-Speaker
AGENDA
ACADEMIC SENATE MEETING
March 23, 2016

1. CALL TO ORDER, ANNOUNCEMENTS & QUESTIONS  Dr. Wildenthal
2. APPROVAL OF THE AGENDA  Dr. Redman
3. APPROVAL OF MINUTES  February 17, 2016 Meeting  Dr. Redman
4. SPEAKER’S REPORT  Dr. Redman
5. Presentation: Request from Athletics  Kurt Beron
6. Presentation: Consensual Relationship Policy Training  Colleen Dutton
7. Presentation: Information Security Update  Nate Howe
8. UT Dallas’ Reaffirmation Project  Serenity King
9. TXCFS/ FAC Report  Dr. Leaf
10. Student Government Report  Caitlynn Fortner
11. CEP Recommendations
   A. UG courses late additions
   B. Grad courses late additions
   C. Changes to Graduate Degree Plans
   D. Amendments to UTDPP 1052- Policy on Procedure for Completing
   E. Clarification of Catalogue Language on TOEFL Requirements to
   F. Data Science Graduate Certificate
   G. Minor in Public Policy & Minor in Science, Technology, and Policy
   Dr. Peinhardt
12. Recommendation of Committee on Committees  Murray Leaf
14. Consideration of Senate on the Interpretation of Title 9  Murray Leaf
15. ADJOURNMENT  Dr. Wildenthal
Item 3: Previous Meeting Minutes
UNAPPROVED AND UNCORRECTED MINUTES

These minutes are disseminated to provide timely information to the Academic Senate. They have not been approved by the body in question, and, therefore, they are not the official minutes.

ACADEMIC SENATE MEETING
February 17, 2016


Absent: Gail Breen, Gregory Dess, Monica Evans, Carie Lambert, BPS Murthi, Ramachandran Natarajan, Ravi Prakash, Murat Torlak.

Visitors: Andrew Blanchard, Grant Branan, Naomi Emmett, Calvin Jamison, Serenity King, Abby Kratz, Jennifer McDowell, Alex Piquero, Nichole Piquero, Marion Underwood

1. Call to Order, Announcements and Questions
Interim President Wildenthal called the meeting to order at 2:00 PM. On February 29, 2016 the regents will convene to formally appoint Richard Benson as University of Texas at Dallas’s next President. The regents are still considering proposals for tuition and fee increases from each of the system schools. Dr. Benson and Dr. Wildenthal have been in email contact. Dr. Benson will be on campus on February 29- March 2nd, and will attend the March Council meeting. The President opened the floor to questions. There were none.

2. Approval of the Agenda
Murray Leaf moved to add the amendments to the Safety and Security Council charge as item 12. Richard Scotch moved to approve the amended agenda. Joe Izen seconded. The motion carried.

3. Approval of the January 20, 2016 Minutes
It was noted that Nicole Piquero’s name was spelled incorrectly. It will be corrected. Richard Scotch moved to approve the amended minutes. Matt Brown seconded. The motion carried.

4. Resolution on Campus Carry.
Matt Brown presented a proposal for a Senate resolution that would state that the Senate
1. strongly urges the President to follow the Handbook of Operating Procedures Process (UTDPP1056) by submitting a draft policy to the Faculty Senate and the HOP Committee for approval before forwarding a final version to the Regents;
2. strongly urges the President, in his determination of Campus Carry policy, to categorize classrooms as exclusion zones;
3. encourages the President to resist on principle attempts to permit concealed handguns in the classroom in the name of good pedagogy and faculty governance over pedagogical matters; and
4. pledges to lend their voices in support of the President in the face of any challenge from the Board of Regents, or any legal challenges to the policy.

Greg Dess suggested a division of the resolution. Point 1 would be addressed in one vote and Point 2-4 will be a second vote.

Matt Brown moved, “The Academic Senate of the University of Texas at Dallas strongly urges the President to follow the Handbook of Operating Procedures Process (UTDPP1056) by submitting a draft policy to the Faculty Senate and the HOP Committee for approval before forwarding a final version to the Regents.” Chris Ryan seconded. The floor was opened to discussion. Clarification was requested on the current status of the Workgroup’s recommendations. Alex Piquero noted that Dr. Wildenthal has the University’s Campus Carry Advisory Workgroups recommendations, and that the recommendations are not going through the HOP procedures process. Murray Leaf expressed his concern over having the campus carry recommendations as an official policy of the University. Matt Brown referenced the process described in the January Senate minutes. This process did not include faculty approval of the recommendations. Matt Brown requested that the recommendations go through the HOP procedure process because it is important for the faculty to actually see the ‘policy’, speak on the issue, and vote on the ‘policy’.

Joe Izen asked if there was a requirement that all policies coming from the president’s office go through the HOP process procedure. Matt Brown responded that, yes, all major campus policies and procedures must go through the HOP process. This is not just a campus requirement, but is actually from the Regents. Joe Izen confirmed that President Wildenthal’s orders from the Regents were that, regardless of sources of input, the president is responsible for creating the policy. President Wildenthal responded that the normal policies are sent to the office of general council but that is not the case. The UT System presidents must put forth a ‘plan’ how their university will comply with the state law. Each plan is submitted to system, and ultimately to the Regents for approval. Whether it is a “policy” or a “statement” is not clear. However, the presidents were given instructions on what they must send to their superiors. It did not appear to President Wildenthal that it required going through the complex and lengthy HOP process.

Murray Leaf noted his agreement with President Wildenthal. The ‘plan’ is a response to a legislative procedure, and if the faculty “had their druthers” they would not want campus carry. He felt the faculty should not endorse it, even if obliquely by putting it through the HOP procedure. Dr. Leaf noted that the president does not have latitude to allow the plan to go through the HOP procedure. It is a legislative requirement that classrooms are intended to be included.

Matt Brown responded that the plan will require substantive procedures to be put into place on campus. Although the president has to make the plan, it needs to be run through Senate, and HOP should be part of the process. The university has no choice to respond but it is up to the university to decide if it should be done through the normal procedure or extraordinary undemocratic procedures.
Alex Piquero noted that other schools have taken advisory input from their faculty, but none of them have gone through a faculty senate. The university has had an advisory board, and town halls. Those venues have allowed the Faculty to air any issues they may have. The advisory board did include four faculty members, and it was Speaker Redman’s opinion that the faculty were well represented. Speaker Redman expressed his concern that any action that would exclude classroom could be construed by the legislature as constructive dismissal. Such a response may not be good for the university. Vice Speaker Leaf reminded the senate that the regents have stated that any action that would essentially exclude classrooms would be vetoed.

The first point that Matt Brown felt needed to be addressed was that “Should the Faculty Governance have a voice in the campus carry plan?” He commended the hard work of Alex Piquero and the campus carry advisory board, but he noted that the group did not make their report public or known to the senate. Therefore there is no way that the faculty can know that their consultation was integrated into the considerations. Per the January minutes, Matt Brown noted that President Wildenthal would not consult the Faculty Senate. The Faculty have aired their grievances but one is not sure if those grievances were taken into account on the decisions made.

Speaker Redman called for a vote on the motion “The Academic Senate of the University of Texas at Dallas strongly urges the President to follow the Handbook of Operating Procedures Process (UTDPP1056) by submitting a draft policy to the Faculty Senate and the HOP Committee for approval before forwarding a final version to the Regents.” There were 8 Aye votes, 12 No votes, and 22 Abstain. The motion failed.

Matt Brown moved, “The Academic Senate of the University of Texas at Dallas strongly urges the President, in his determination of Campus Carry policy, to categorize classrooms as exclusion zones; The Academic Senate of the University of Texas at Dallas encourages the President to resist on principle attempts to permit concealed handguns in the classroom in the name of good pedagogy and faculty governance over pedagogical matters; and The Academic Senate of the University of Texas at Dallas pledges to lend their voices in support of the President in the face of any challenge from the Board of Regents, or any legal challenges to the policy.” Joe Izen seconded. The floor was opened for discussion.

Murray Leaf again objected to telling the president not to take the legislature or the faculty senate seriously. Matt Brown responded that the president should be looking for a reason to oppose this kind of policy and to resist what the legislature is doing. A resolution like this would give rationale for the president to say on our campus our faculty strongly encourage classrooms to be exclusion zones. The legislature put exclusions in the bill, which was crucial to its passing. Classrooms as exclusion zones were not in the bill itself. This resolution gives the president the power to resist guns in the classroom.

Joe Izen expressed his belief that someday there will be a disaster on some UT campus. There will be investigations about how the campus carry happened. As a member of faculty he wanted it noted for future generation that the faculty of UTD knew there was a problem, advised there was a problem and the faculty was ignored. Why was the faculty not listened to? Why was the collective faculty not consulted on a matter they felt was a fundamental safety and pedagogical matter? Viswanath Ramakrishna noted that this could be accomplished by an article in the Mercury, or the like. There must be something public noted of the faculty’s opinion.

Nadine Connell noted that the Faculty Senate passed a resolution originally on March 20, 2013, and then approved again on February 18, 2015. “The University of Texas at Dallas Faculty Senate believes that
the carrying of firearms on campus by anyone other than law enforcement officers is detrimental to the safety and security of all on campus.” Murray Leaf reminded the senate that the incoming president was a dean at Virginia Tech when 32 people were killed, and is extraordinarily close to these issues. He should be allowed to express his own voice on this issue. After extensive debate, Speaker Redman called for a vote on the proposed motion by Matt Brown. There were 10 Aye votes, 27 No votes, and 0 abstain. The motion failed.

5. **Speaker’s Report – Tim Redman**
   1. Speaker Redman expressed his thanks to R. Chandrasekaran, Jennifer Holmes, and Murray Leaf for their service on the Presidential selection committee.
   2. Speaker Redman noted that one of the goals of the senate was to address contract issues of non-tenure system faculty. The 3+3+3 committee was chaired by Richard Scotch and presented a good report. Richard Scotch, Jennifer Holmes, and Ravi Prakash were the tenure-system faculty representatives, and then David Cordell, Liz Salter, and Betsy Schlobohm were the non-tenure system faculty representatives. Dennis Kratz, Bruce Novak, and Hasan Pirkul were the Dean representatives. Abby Kratz and Tim Shaw assisted as well. Speaker Redman expressed his appreciation to all of them.
   3. An additional point that Speaker Redman felt the senate should address would be the salary compression and inversion issue which is currently with the budget advisory committee. They will also discuss the establishment of a UT Dallas credit union, which would require an enormous amount of work. Lastly, Speaker Redman is pushing to add changing stations in both men’s and women’s bathrooms in every major building in university. The expense would not be that great, but it would be something good for the university.
   4. Everything was on the agenda.

6. **Senate Elections - David Cordell**
   The nominating phase will begin on Monday, February 29 and will end on Friday, March 11. The election phase will be held Monday, March 21 – Friday, April 1. The Senate consists of a maximum of 51 members, drawn from and elected by the voting faculty. The voting faculty includes all tenure system faculty who serve at least half time and all senior lecturers and clinical faculty who serve full time.

7. **Discussion: Moving the Time and Date of the Faculty Senate**
   The chancellor’s bi weekly meetings with the UT System presidents has shifted a week, which allows President Wildenthal to attend and Chair Council and Senate. Secretary Cordell reported on the survey that had been distributed. Murray Leaf will develop a plan B for the Senate.

8. **UT Dallas’ Reaffirmation Project – Serenity King**
   The 2018 SACSCOC Reaffirmation Leadership Team has re-structured the reaffirmation committees by creating eight committees, a reduction of 5 committees from 2007. The Leadership Team’s proposed nominations were culled from the UT Dallas community of faculty, staff, and students. The 2018 Reaffirmation Committees represent a minimal membership at this point. The membership can be expanded to include additional members as needed. The list of nomination is included in Appendix B. Appointment letters will be going out shortly, and meetings will begin once letters start coming back.

9. **FAC Report- Murray Leaf**
   The Faculty Advisory Council Met on January 21-22, 2016
UT Dallas was represented by Murray Leaf and David Cordell.

1. First order of business was a review of the recent Board of Regents meeting by the chair, Ann Killery.

2. The first visitor was Dr. Patti Hurn, Vice Chancellor for Quantum Leaps and Technology Development. Quantum Leaps is an initiative of the Chancellor to designate selected areas where the UT system as a whole can find synergies to make very substantial advances. Most of the discussion, however, was about the rules to be written to implement the new Regent's Rule 90101, on intellectual property. This asserts in part that the regents own all intellectual property produced by all employees “in the course and scope of employment.” The FAC members object strongly to this Rule and the system administration is aware of this, but I do not know how much of this objection has been conveyed in detail. Dr. Hurn passed out a list of committees to be involved. Most of them have representatives of faculty. Many of these are from the Faculty Advisory Council. I am not among them. The one person from UT Dallas is not from the faculty advisory Council and not on the UT Dallas senate. Dr. Killery praised Dr. Hurn's willingness to involve the faculty. It was only after the meeting, and privately, that she noted that Dr. Hurn did not use the recommendations that had been agreed to when Dr. Hurn met with us at the previous FAC meeting. As projected by Dr. Hurn, the process will be complex and probably not finish this year. It may involve rewriting part of the Regents Rule. Until then, the current policies will remain in effect.

3. The next visitor was Dr. David Troutman, Director of Strategic Initiatives. The topic was the proposed collaborative research by his office and members of the Faculty Advisory Council on the increased use of dual credit courses in high schools and its impact on instruction in the UT campuses. The discussion focused on possible things to look at. The intent is to make it a major example of cooperative policy research.

4. The next visitor was Ed Matteson, the new chief information security officer for the UT System. Matteson commended the UT Dallas model of cooperation, and made clear that he intended to support it. Apparently, campuses across the system are adopting dual identification. Mr. Matteson asked how this was going and representatives of them IS indicated that it was working very well. No one reported problems.

5. The next speaker was Regent Sarah Martinez Tucker. Regent Tucker is very knowledgeable about higher education support in the United States. She had been on the search committee for the UT Dallas President and remarked that she had been well primed there on the importance of shared governance. In the course of the meeting, however, she was made rather sharply aware that not all campuses had the same level of faculty involvement and effectiveness as UT Dallas. I think this gave her a much better appreciation of the importance of FAC as the means by which faculty governance organizations on the several campuses advise and support each other, rather than simply addressing themselves to the Regents.

In the course of the meeting, one of the members asked Regent Tucker what she thought the governor wanted. The question was a bit startling, but the answer was very encouraging. She said she had not been personally interested in the position but had been asked directly by Governor Abbott to take it. His principal reason was that he was aware of the damage that had been done to the
reputation of the university system nationally and internationally by the recent efforts of Gov. Perry, and was intent on repairing it.

6. On the following morning the first visitor was Tony Cuolo, Associate Vice Chancellor and liaison to the FAC. He is a retired lt. general and among other things has been director of the Army War College. Like Chancellor McRaven, Mr. Cuolo’s understanding of the value of education is strongly focused on preparing people for public service, rather than simply for employment. Discussion was wide-ranging. Mr. Cuolo forcefully asserted the need for shared governance, but also recognized that the way it was organized would vary from campus to campus. He said that he would ask what he could do on each campus to strengthen the relationship. A topic raised by FAC members concerned the use of ‘metrics. How would the administration measure progress? There was good agreement on what was superficial, that superficial measures were not desirable, and that assessments should themselves be consultative and part of the shared governance process.

Another topic was the “Rooney rule” embodied in a new system policy on administrative hires above the level of department head. The rule is that minority candidates would have to be included in all final lists, if qualified. FAC members had two major questions. One was why department heads had not been included. The other was whether this would force the inclusion of less qualified candidates. To respond, Mr. Cuolo said he would ask the legal team that drafted the policy to join the discussion. They did. The discussion showed that they were aware of the difficulties of composing pools to fit the rule if the candidates were drawn wholly from within the unit—which was one of the reasons for not including department chairs. They also made clear that their definition of minority was based on the Civil Rights Act, which is quite broad, and not other laws that are more narrowly drawn. The most basic point was that the candidates must be qualified. If no qualified candidates to fit the rule can be found, this can be said.

7. Lunch involved a working discussion with Dr. Steven Leslie, Executive Vice Chancellor for Academic Affairs. Dr. Leslie again picked up the theme of the importance of shared governance. I noted that the FAC appreciated the greater interaction with the regents, but were very disappointed about being left off of the committee to revise regents rule 90101. We had been explicitly promised by Chancellor Cigarroa among others that we would be included. Dr. Leslie said he had not been aware that we had been told we would be included or that we had been left off. He did not know who actually made the appointments. I suggested that in the future any committee involved in drafting modifications to Regents Rules that bore on areas of faculty concern should have members of the FAC on it. He did not disagree. I suggested that appointments to such always be made in consultation with the appropriate Executive Vice Chancellor. He agreed.

8. The final visitor was Dr. John Zerwas, the chair of the House Higher Education Committee. Dr. Zerwas is an anesthesiologist. He began by expressing his view of the value of a broad education in the liberal arts, not just a technical or professional education. He described the attitude of the legislature toward higher education as a much more supportive this session than last, although he noted that the failure of the previous legislature to approve Tuition Revenue Bonds reflected more personal politics than a general legislative attitude. They were passed this year. The budget apart from the TRBs was also substantially increased. In discussion, he was asked if a bill for open carry on campuses was likely to be approved. He said it was not. I asked about what had been Senate Bill 15 in the legislative session before last year, offered by Sen. Seliger. Dr Zerban said that he was not closely familiar with or engaged with the bill in this past session. He knew that Sen. Seliger had brought it up and found little interest. So he had dropped it. I said that this was a very important for
the long haul for faculty all across the state. If it were brought up again, without the distraction of the CLH bill, it might be possible to mobilize wider support for it through the FAC and the Texas Council of Faculty Senates. He indicated that he would consider it.

9. The only item that the FAC voted on was a request addressed to Mr. Cucolo to make a section of the UT system website available for electronic binders that would contain links to the major academic policies on each campus, so each campus could easily see how other campuses had handled various common problems. Mr. Cucolo had agreed to the idea of such a website in his conversation with the FAC, but asked for a formal request.

10. Student Government Report
No representative was present, therefore no report was given.

11. CEP Proposals- Clint Peinhardt

The Committee representative presented the following committee report.

A. Dual Degree between JSOM and Dongguk Business School
Students will spend two years at their school, and two years at UTD. The undergraduate student would get a degree from both UTD and Dongguk. These students must fulfill all the UTD requirements to receive a degree from UTD. CEP had no issue with the recommendation.

B. Late Catalog Additions- Undergraduate
The new PPOL courses that were requested to go with the new Public Policy degree plan were submitted for approval. MUSI 2127, MUSI 3118, MUSI 4118 all were previously approved but the course titles changed. ATEC 3370 and BMEN 3130 had a prerequisite change. MKT 4334 had the course offering update. BIOL 3520 was added to replace BIOL 3V20 and BIOL 3V20 was removed. CHEN 111 was added back to core at the request of the Math department.

C. Late Additions- Graduate
9 new courses were added to the spring 2016 catalog for JSOM. All of the courses are zero credit hours. This is to assist the school when one course starts in one semester and goes into another. ECS is adding MECH 6392 Advanced Mathematics for Mechanical Engineers I, and MECH 6393 Advance Mathematics for Mechanical Engineers II.

D. Degree Plan Approval
In the past marked-up copies of every degree plan in the catalog were submitted for review. It is a very daunting task to review all the information. A simplified report was submitted to the Committee on Undergraduate Education and Graduate Council for review that highlights the changes that were made in the degree plans. If the committees had a specific question on a degree plan, the full marked-up degree plan could be brought before the committee for review. Based upon the report, all the associate deans in the undergraduate programs approved the undergraduate degree plans for 2016. The report has a column for changes and for assessment. This year during the review process the associate deans and the undergraduate and graduate councils were asked to work with their departments to ensure that, if the faculty had mentioned in their assessment plan a change in curriculum or a
change in degree plan, the change was reflected in the current catalog. If not, it will be reflected in the next catalog. On the other hand, should the faculty note that there is no rationale for a change, it is documented as ‘none’? ‘None’ in the assessment column means that an assessment was done but there were no changes needed. Any other additions or changes had been approved by the Senate recently and are now in formal documentation.

E. Authorization to Review Minors and Concentrations

Currently Serenity King does not have authorization to review concentrations and minors before they are submitted to CEP. Clint suggested that the CEP give Serenity King the same authority to review minors, concentrations, and diplomas. This would assure that no minor, concentration, or diploma was sent to committees until all the requested information had been completed.

F. Grade Change Policy

Dr. Peinhardt noted that the view of CEP is that the grade change process needed to be standardized and student-focused. The purpose of addressing the grade change policy is to standardize the policy relative to the university calendar. There is a timing difference between fall semester grade changes and spring semester grade changes. The fall semester grade changes must happen within the first 8 weeks of the spring semester. The spring semester grade changes, in the past, needed to occur in the first 8 weeks of the fall semester, with the summer in between. Two points of note were stated. The first is that the university operates year round, including the summer months. Thus, the summer should not be a barrier to completing a grade change. The second is that if a student needs a spring grade change and must wait until the fall semester for that grade change, it can cause a problem for the student. For example, the student may need to register for a course that lists the incomplete course as a prerequisite. If the grade change is not approved in a timely manner it may delay the student an entire semester because he/she cannot take a course that semester. The consensus from CEP was that no change should be made to the policy. The floor was opened for discussion.

Matt Brown again expressed his displeasure at requiring faculty to work when they are not under contract. Tonya Wissinger noted that it is no different than normal preparations for the next semester. Lisa Bell noted that grade changes don’t happen until the eighth week of fall, they do not have the right pre-requisite course, which can cause problem with financial aid. Ravi Prakash noted that it is the faculty’s responsibility to do what is right by their students. Delaying a grade change could put international student out of status, could affect who could work here, and could cause the student to be unable to stay. Speaker Redman noted that with email it is now possible to do the approvals via electronic means. The motion was approved with one nay vote.

12. Amendment to UTDPP 1018- Charge to the Core Curriculum Committee – Andrew Blanchard

In the past four years the committee has made significant changes to the core curriculum. The suggested changes are due to revisions in the Higher Education Coordinating Board’s requirements since 2004. One of the suggested changes is that the membership of the committee be made up of faculty who participate in teaching core subjects. This will realign the committee. Another change is additional student involvement. Also, appointments as chair shall not exceed two consecutive terms. Richard Scotch moved to approve. Murray Leaf seconded. The motion carried.

13. Amendment to the charge of the Safety and Security Council – Murray Leaf
The amendments came out of Staff Council at their last meeting. The council has not met during the 2016 school year. The appointed chair has not responded to appointment letters, or email. As this is an important university committee, it is critical that it meet. Staff Council suggested that there be co-chairs, one from staff and the other from faculty. Either would be able to call a meeting. The purpose for the council is to coordinate the administrative departments, and committees. Murray Leaf moved to approve the amended charge. Richard Scotch seconded. The motion carried.

14. Adjournment

There being no further business, the meeting adjourned at 3:35 PM.

APPROVED: ___________________________ DATE: ___________

Tim Redman
Speaker of the Faculty
University Safety and Security Council - UTDPP1036

Policy Charge

Safety and Security Council

Policy Statement

The University Safety and Security Council is a University-wide, Standing Committee appointed by the President not reporting to the Academic Senate of The University of Texas at Dallas.

The Council will oversee the University's compliance with the Requirements for Safety and Security in Section VI, Subsection 6.4.3, of the Criteria for Accreditation issued by the Southern Association of Colleges and Schools, viz:

- The institution must provide a healthful, safe and secure environment for all members of the campus community. Administrative responsibility for environmental health and safety programs must be assigned. A comprehensive safety plan must be developed, implemented, and evaluated regularly. The plan should give special attention to the adequate provision and use of safety equipment in laboratories and other hazardous areas; to the modification of buildings, if necessary, for easy egress in the event of fire or other emergency; and to familiarizing all building occupants with emergency evacuation procedures.

The Council will provide a forum and clearing house for the common discussion and mutual coordination of the activities of all the campus departments and committees concerned with the campus environment in matters that affect personal health, safety, or physical security, including but not limited to ongoing safety arrangements and matters of general maintenance and operations that bear on safety and security. It will publish information to enable members of the campus community to direct complaints and recommendations on safety matters to appropriate committees or administrative officers. It will serve as a resource for the University Facilities Committee or whatever ad hoc committees the administration may form to consider plans for new facilities. It will review, evaluate, and make recommendations concerning the University Safety Plan and monitor its implementation.

The Council shall consist of 4 members appointed from the membership of the General Faculty, 6 representatives of the University staff, two representatives from Student Government (one graduate and one undergraduate), and the chairs of the Institutional Biosafety Committee, the Campus Facilities Committee, the Committee on Parking and Security, and the Radiation Safety Committee. The 6 representatives of the University staff will be one representative of the Callier Center physical plant, one Workman's Compensation Insurance representative from the Office of Environmental Health and Safety, one representative from staff concerned with the science laboratories, one representative from Student Life concerned with disability services, the Americans with Disabilities Act compliance officer, and one representative selected by the Staff Council. The University Chief of Police or his/her designated representative, the Dean of Students, the Associate Vice President for Facilities Management, the University Environmental Health and Safety Director, and the Emergency Management Coordinator shall be members ex-officio.
Instead of a Chair and Vice-Chair, the Council shall have two Co-chairs. The One Co-Chair shall be chosen from among the members from the General Faculty. A Vice-Co-Chair shall be chosen from among the representatives of the staff. Either Co-Chair can call and preside over a meeting. The Responsible University Official shall be the Vice President for Administration. The RUO shall assure that the Council has adequate secretarial and office support.

The terms of office of the appointed Council members shall be two years, effective September 1 to August 31, staggered in time to make approximately equal numbers of appointments expire each academic year. Members may be reappointed by the President for additional terms. If a Council member resigns, the President shall appoint another individual to serve the remainder of the unexpired term.

The meeting schedule of the Council should provide for both flexibility and openness. The Council will hold at least one general regular meeting per long and summer semester but may also delegate its powers under this charge to subcommittees or such other working units as it may see fit to form to focus on specific issues. The purpose of the general meeting is to assure coordination and communication among all the concerned committees and departments, review any difficulties that may have arisen since the previous meeting, monitor the implementation of plans in place, and receive complaints and suggestions from the university community.

The dates of the regular meetings should be publicized through the entire university. Additional meetings will be called by the Chair or RUO as may be necessary to address items referred to it by academic or administrative units of the University or by the Council members.

Policy History

- Issued: March 1, 1992
- Revised: August 17, 1992
- Editorial Amendments: October 29, 1998
- Editorial Amendments: September 1, 2000
- Revised: May 16, 2002
- Editorial Amendments: November 22, 2002
- Revised: January 22, 2003
- Editorial Amendments: January 9, 2006
- Editorial Amendments: September 1, 2010
- Editorial Amendments: March 7, 2012
- Amended: February XX, 2016

Policy Links

- Permalink for this policy: http://policy.utdallas.edu/utdpp1036
- Link to PDF version: http://policy.utdallas.edu/pdf/utdpp1036
- Link to printable version: http://policy.utdallas.edu/print/utdpp1036
Item 5: SACSCOC Reaffirmation Update
SACSCOC Reaffirmation Update ([http://sacscoc.utdallas.edu/](http://sacscoc.utdallas.edu/))

1. Dr. Wheelan’s Visit
   - Impressed by growth and focus on student success
   - Help sustain progress through leadership transition and beyond
   - Work with legislators and System/Board of Regents

2. Call for Proposals for Annual Meeting
   - Proposal Deadline: **March 17**
   - Annual Meeting: December 3-6 in Atlanta (Higher Education at the Crossroads: Pathways to Equity and Excellence)
   - Tracks:
     - Balancing Internal and External Accountability
       - Diversity and Equity
       - Good Practices for Accreditation Compliance
       - Effective Assessment Practices
       - Student Success and Completion
     - Hot Topics

3. Lunch and Learn
   - Thursday, March 3, All faculty
   - JSOM 11.210
   - Several requests for additional sessions (monthly)

4. Reaffirmation Committee Meetings begin this month, Steering Committee to meet first

5. Program Head meetings with Serenity, Dr. Musselman, Dr. Wildenthal begin this month
SACSCOC President Dr. Belle Wheelan Campus Visit

Monday February 29

5:30 PM  Dinner at Texas (http://thesonoftexas.com/)
3609 Shire Boulevard Richardson, TX 75082

Attendees:
Acting Provost Inga H. Musselman
Vice President for Administration Calvin Jamison
Assistant Provost and SACSCOC Liaison Serenity Rose King
Associate Vice President for Budget and Finance Kimberly Laird
Vice Speaker of the Faculty Murray Leaf

Tuesday March 1

8:15-9:45  Campus Tour to include NSERL, BSB, JSOM, Student Success Center
9:45-10:30  Meeting with members of the 2018 Reaffirmation Leadership Team and Academic Council, Calatrava Room, McDermott Suite (MC 4.4)
10:30-10:45  Break
10:45-11:30  Meeting with President’s Cabinet and Deans, Calatrava Room
11:30-12:00  Meeting with Jessica Murphy, QEP Director, Calatrava Room
12:00-1:00  Lunch, Calvin Jamison, Vice President for Administration
1:00-1:30  Meeting with Serenity King, SACSCOC Liaison, AD 2.202N
1:30-2:00  Meeting with Serenity King, President ad interim Dr. Wildenthal, and President Designate Dr. Benson, President’s Office
2:00  Departure
Item 10:

CEP

Recommendations-
# Undergraduate Courses

## To be offered in 2016-2017

### Number of Courses

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**Note:** Although they are included in the counts above, course removals are not included in the information in the tables below. These are only additions and edits.

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**request notes**

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**peoplesoft diff:**

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<td>ECSC 4100 Engineering Project in Community Service II (1 semester credit hour) Design course in which multidisciplinary teams solve engineering-based problems benefiting service organizations and the local community. Students will continue working on projects from previous semesters, and lecture topics will focus on leadership and project management skills, communication skills, and more. This course will include lectures and instruction in UTDesign Studio. May be repeated for credit (3 semester credit hours maximum). Prerequisite: ECSC 2100. (1-1) S</td>
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**request notes**

DDC: Requested by Simeon Ntafos on 2016-02-09 at 12:51:56 via eForm and course to be offered in fall 2016. 02/12/16.

**peoplesoft diff:**

ECSC 4100 Engineering Project in Community Service II (1 semester credit hour) Design course in which multidisciplinary teams solve engineering-based problems benefiting service organizations and the local community. Students will continue working on projects from previous semesters, and lecture topics will focus on leadership and project management skills, communication skills, and more. This course will include lectures and instruction in UTDesign Studio. May be repeated for credit (3 semester credit hours maximum). Prerequisite: ECSC 2100. (1-1) S

**repeat reason**

Allow students to continue working on the project they have started and keep gaining skills such as leadership and project management, and applying those skills.

**show fields: ecsc4100.2**

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<td>IMS 3093 Regional Management Area Studies: Asia (0 semester credit hours) This course familiarizes students with the historical, social, economic, and political background of nations in Asia. Students will learn about the business environment of the area and participate in seminars on firms that operate in and have an economic impact in the area. Prerequisite: IMS 3310. (3-0) Y</td>
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**request notes**

Requested by Marilyn Kaplan and 2015-11-06 12:43:30 via Eform and course to be offered in Spring 2016. Course is repeatable one time.

**peoplesoft diff: NOLINK**

IMS 3093 Regional Management Area Studies: Asia (0 semester credit hours) This course familiarizes students with the historical, social, economic, and political background of nations in Asia. Students will learn about the business environment of the area and participate in seminars on firms that operate in and have an economic impact in the area. Prerequisite: IMS 3310. (3-0) Y

**show fields: ims3093.2**

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**request notes**

Requested by Marilyn Kaplan and 2015-11-06 12:45:06 via Eform and course to be offered in Spring 2016. Course is repeatable one time.

**peoplesoft diff: NOLINK**

IMS 3094 Regional Management Area Studies: Africa (0 semester credit hours) This course familiarizes students with the historical, social, economic, and political background of nations in Africa. Students will learn about the business environment of the area and participate in seminars on firms that operate in and have an economic impact in the area. Prerequisite: IMS 3310. (3-0) Y

**repeat reason**

Subtitles differ.

**show fields: ims3094.2**

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<td>IMS 3095 Regional Management Area Studies: North America (0 semester credit hours) This course familiarizes students with the historical, social, economic, and political background of nations in North America. Students will learn about the business environment of the area and participate in seminars on firms that operate in and have an economic impact in the area. Prerequisite: IMS 3310. (3-0) Y</td>
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**request notes**

Requested by Marilyn Kaplan and 2015-11-06 12:49:04 via Eform and course to be offered in Spring 2016. Course is repeatable one time.

**peoplesoft diff: NOLINK**

IMS 3096 Regional Management Area Studies: Eastern Europe (0 semester credit hours) This course familiarizes students with the historical, social, economic, and political background of nations in Eastern Europe. Students will learn about the business environment of the area and participate in seminars on firms that operate in and have an economic impact in the area. Prerequisite: IMS 3310. (9-0) Y

**repeat reason**

Subtitles differ.

**show fields: ims3096.2**

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<td>ITSS 3390 Web Design &amp; Development for Business Applications (3 semester credit hours) This course introduces students to fundamental concepts and techniques of designing and developing a responsive and user-friendly website. The topics include HTML, CSS, JavaScript, domain registration, web hosting management, FTP, WordPress, content management system (CMS) platform, blog, search engine optimization (SEO), and web analytics. Students acquire knowledge through hands-on experience with web design tools, techniques, and methods in a realistic and collaborative class setting while working towards designing the core components of a dynamic and functional website. (3-0) S</td>
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**DDC:** Requested by Shawn Alborz via eForm on 2016-02-05 at 08:47:26 and course to be offered in fall 2016. - 02.05.16

**peoplesoft diff:**
ITSS 3390 Web Design & Development for Business Applications (3 semester credit hours) This course introduces students to fundamental concepts and techniques of designing and developing a responsive and user-friendly website. The topics include HTML, CSS, JavaScript, domain registration, web hosting management, FTP, WordPress, content management system (CMS) platform, blog, search engine optimization (SEO), and web analytics. Students acquire knowledge through hands-on experience with web design tools, techniques, and methods in a realistic and collaborative class setting while working towards designing the core components of a dynamic and functional website. (3-0) S

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<td>2015-open</td>
<td>reinstate * math4390 (r4) math4390.9 group_head series_head</td>
<td>MATH 4390 Senior Research and Advanced Writing (3 semester credit hours) For students conducting independent research and scientific writing. Individual instruction course designed to develop skills for research and clear, precise and accurate scientific writing. Topics will vary from section to section depending upon the interests of the student, but will be selected from a specific area of mathematics. Subject and scope to be determined on an individual basis. Satisfies the School of Natural Sciences and Mathematics' advanced writing requirement. This course will retain core notation for a transition period - see <a href="http://go.utdallas.edu/core-curriculum-transition">http://go.utdallas.edu/core-curriculum-transition</a>. Please consult advisors for more detailed information. Prerequisite: Senior level standing in Mathematics and instructor consent required. (3-0) S</td>
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**request notes**

Email: approved by Dr. Goeckner, 10-27-13. To be deleted from 2015 catalog 12/3/2014. DDC: Per Jamie Speight, course was inactivated in error. Need to reinstate for summer 2016. Will remain active without core designation for Fall 2016. DDC: Transitional core removed. 11.24.15

**peoplesoft diff: 008703 2015-08-09 sxr090100**

MATH 4390 Senior Research and Advanced Writing (3 semester credit hours) For students conducting independent research and scientific writing. Individual instruction course designed to develop skills for research and clear, precise and accurate scientific writing. Topics will vary from section to section depending upon the interests of the student, but will be selected from a specific area of mathematics. Subject and scope to be determined on an individual basis. Satisfies the School of Natural Sciences and Mathematics' advanced writing requirement. This course will retain core notation for a transition period - see http://go.utdallas.edu/core-curriculum-transition. Please consult advisors for more detailed information. Prerequisite: Senior level standing in Mathematics and instructor consent required. (3-0) S

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<td>OPRE 4350 Spreadsheet Modeling and Analytics (3 semester credit hours) This course develops the ability to use quantitative methods and software (particularly spreadsheet) to build effective models with analytical views for decision making in areas such as finance and operations. This helps students to gain knowledge about specific techniques for building models to analyze data effectively. Prerequisites: OPRE 3333 and OPRE 3360. (3-0) S</td>
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**request notes**

SA: The Course OPRE 4350 already exists but was never offered and no student has taken it in the past. Shawn Alborz talked to Jennifer Mcdowell and Dr Marilyn Kaplan about changing the title and description and offer the course in fall 2016 since the market and student demand for spreadsheet modeling and analytics is very high. - 02/29/16.

peoplesoft diff: 013944 2015-08-23 sxr090100

OPRE 4350 Global Outsourcing Services Spreadsheet Modeling and Analytics (3 semester credit hours) This course is an introduction develops the ability to outsourcing of services. Students will learn how organizations initiate, engage, use quantitative methods and manage their global outsourcing of businesses or IT functions software (particularly spreadsheet) to build effective models with analytical views for decision making in areas such as finance and services. The course covers topics related operations. This helps students to the outsourcing lifecycle, selective vs. total outsourcing processes, strategies, gain knowledge about specific techniques for building models to analyze data effectively. Prerequisites: OPRE 3333 and related business implications. Prerequisite: OPRE 3310. 3360. (3-0) R S

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<td>PPOL 4301 Law, Science, and Policy (3 semester credit hours) In this course we will investigate how legal structures influence the production of science and the protection of intellectual property. We will also inquire into the manner in which judges and litigants use science in the courtroom. We will cover topics such as the use of DNA in criminal and family law, how judges evaluate scientific evidence (and the value of scientific peer review), government promotion of science using law and other means-among several others. (Same as PSCI 4301) (3-0) T</td>
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<td>PPOL 4302 Data and Policy (3 semester credit hours) This course examines the implications of data for policy and policy for data. Policy topics will focus on the relationship between data privacy and security at the national and international level. Students will learn about relevant legislation and its practical and theoretical implications. We will explore contemporary types of data, the ways these data are changing as a result of technological innovations, and the impact of these changes on our privacy and security. (Same as PSCI 4302) (3-0) T</td>
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<td>PPOL 4303 The Internet and Public Policy (3 semester credit hours) An introduction to issues in public policy in the context of the Internet; understanding of regulation in cyberspace; censorship, net neutrality, intellectual property, big data privacy, and bullying issues pertinent to the Internet; and understanding of the use of Internet for terrorism. (3-0) T</td>
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**request notes**

DDC: Added per Dr. Jennifer Holmes for the new EPPS minor - Science, Technology, and Policy (STP). 02.17.16.

**peoplesoft diff:**

PPOL 4303 The Internet and Public Policy (3 semester credit hours) An introduction to issues in public policy in the context of the Internet; understanding of regulation in cyberspace; censorship, net neutrality, intellectual property, big data privacy, and bullying issues pertinent to the Internet; and understanding of the use of Internet for terrorism. (3-0) T

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**request notes**

DDC: Added per Dr. Jennifer Holmes for the new EPPS minor - Science, Technology, and Policy (STP) 02.17.16.

**peoplesoft diff:**

PSCI 4301 Law, Science, and Policy (3 semester credit hours) In this course we will investigate how legal structures influence the production of science and the protection of intellectual property. We will also inquire into the manner in which judges and litigants use science in the courtroom. We will cover topics such as the use of DNA in criminal and family law, how judges evaluate scientific evidence (and the value of scientific peer review), government promotion of science using law and other means among several others. (Same as PPOL 4301) (3-0) T

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<td>PSCI 4302 Data and Policy (3 semester credit hours) This course examines the implications of data for policy and policy for data. Policy topics will focus on the relationship between data privacy and security at the national and international level. Students will learn about relevant legislation and its practical and theoretical implications. We will explore contemporary types of data, the ways these data are changing as a result of technological innovations, and the impact of these changes on our privacy and security. (Same as PPOL 4302) (3-0) T</td>
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**request notes**

DDC: Added per Dr. Jennifer Holmes for the new EPPS minor - Science, Technology, and Policy (STP). 02.17.16.

**peoplesoft diff:**

PSCI 4302 Data and Policy (3 semester credit hours) This course examines the implications of data for policy and policy for data. Policy topics will focus on the relationship between data privacy and security at the national and international level. Students will learn about relevant legislation and its practical and theoretical implications. We will explore contemporary types of data, the ways these data are changing as a result of technological innovations, and the impact of these changes on our privacy and security. (Same as PPOL 4302) (3-0) T

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Graduate Courses  
To be offered in 2016-2017  
(Late Submission)

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NOTE: Although they are included in the counts above, course removals are not included in the information in the tables below. These are only additions and edits.

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<td>BMEN 6393 Neural Engineering Methods and Applications (3 semester credit hours) This course will cover Neural Engineering methods used for neural ensemble recording and neural stimulation. Electrodes and devices used in Brain Machine Interfacing (BMI), deep brain stimulation (DBS), spinal cord stimulation (SCS), transcranial direct current stimulation (TDCS), and Peripheral Nerve Interfacing will be covered. Advanced techniques including modulation by optogenomics and the development of new voltage fluorescent probes will be explained. The use of neural prosthesis for the restoration of sensory and motor function will be reviewed. This course will help students to understand a wide range of methodology currently use to interrogate and modulate the nervous system. Recommended prerequisites: (BMEN 3330 or equivalent) and (BMEN 3350 or equivalent). (3-0) Y</td>
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**request notes**

DDC (02/15/16): Requested by Kelly Sloan on 2016-02-09 at 12:51:50 via eForm and course to be offered in fall 2016. DDC (03.01.16): Added "or equivalent" to UGRD prereq on GRAD course per CEP.

**peoplesoft diff:**

BMEN 6393 Neural Engineering Methods and Applications (3 semester credit hours) This course will cover Neural Engineering methods used for neural ensemble recording and neural stimulation. Electrodes and devices used in Brain Machine Interfacing (BMI), deep brain stimulation (DBS), spinal cord stimulation (SCS), transcranial direct current stimulation (TDCS), and Peripheral Nerve Interfacing will be covered. Advanced techniques including modulation by optogenomics and the development of new voltage fluorescent probes will be explained. The use of neural prosthesis for the restoration of sensory and motor function will be reviewed. This course will help students to understand a wide range of methodology currently use to interrogate and modulate the nervous system. Recommended prerequisites: (BMEN 3330 or equivalent) and (BMEN 3350 or equivalent). (3-0) Y

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<td>BMEN 6394 Medical Imaging Techniques and Image Processing (3 semester credit hours) In this course, the fundamental physical principals of modern medical imaging techniques will be covered, including x-ray, ultrasound, MRI, optical, nuclear, multi-modality imaging, and contrast agents. Students will also learn many common image processing methods, such as image reconstruction, filtering, segmentation, registration, and fitting. Recommended prerequisite: EE 3302 or equivalent. (3-0) R</td>
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**request notes**
DDC (02/16/16): Requested by Kelly Sloan on 2016-02-09 at 12:51:50 via eForm and course to be offered in fall 2016. DDC (03.01.16): Added "or equivalent" to UGRD prereq on GRAD course per CEP.

**peoplesoft diff:**
BMEN 6394 Medical Imaging Techniques and Image Processing (3 semester credit hours) In this course, the fundamental physical principals of modern medical imaging techniques will be covered, including x-ray, ultrasound, MRI, optical, nuclear, multi-modality imaging, and contrast agents. Students will also learn many common image processing methods, such as image reconstruction, filtering, segmentation, registration, and fitting. Recommended prerequisite: EE 3302 or equivalent. (3-0) R

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<td>CE 6367 (CS 6367 and SE 6367 and SYSM 6310) Software Testing, Validation and Verification (3 semester credit hours) Fundamental concepts of software testing. Functional testing. GUI based testing tools. Control flow based test adequacy criteria. Data flow based test adequacy criteria. White box based testing tools. Mutation testing and testing tools. Relationship between test adequacy criteria. Finite state machine based testing. Static and dynamic program slicing for testing and debugging. Software reliability. Formal verification of program correctness. Prerequisite: CE 5354 or CS 5354 or SE 5354. (3-0) Y</td>
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**request notes**

DDC: Removed "...or instructor consent required" from prerequisite per Dr. Karrah. 02/18/16.

**peoplesoft diff: 002076 2014-08-24 ddc130130**

CE 6367 (CS 6367 and SE 6367 and SYSM 6310) Software Testing, Validation and Verification (3 semester credit hours) Fundamental concepts of software testing. Functional testing. GUI based testing tools. Control flow based test adequacy criteria. Data flow based test adequacy criteria. White box based testing tools. Mutation testing and testing tools. Relationship between test adequacy criteria. Finite state machine based testing. Static and dynamic program slicing for testing and debugging. Software reliability. Formal verification of program correctness. Prerequisite: CE 5354 or CS 5354 or SE 5354. or instructor consent required. (3-0) Y

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**request notes**

DDC (02-29-16): Added as a non-CS major alternative course for use by Mathematics Department. Requirement for new Graduate Certificate in Data Science.

**peoplesoft diff:**

CS 6307 Introduction to Big Data Management and Analytics for non CS-Majors (3 semester credit hours) Database fundamentals including Query Processing, Parallel/Distributed Data Processing, NoSQL systems (e.g., Key-value stores, Column-oriented data stores, MapReduce), Graph Processing, and Recommendation Systems using Big Data technologies. This course cannot be used to satisfy the requirements for the MS CS or the MS SE degree plans. Prerequisites: (CS 5303 or equivalent) and (CS 5343 or equivalent). (3-0) Y

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| 2016-open | edit *                 | CS 6347 Statistical Methods in AI and Machine Learning (3 semester credit hours) Introduction to the probabilistic and statistical techniques used in modern computer systems. Probabilistic graphical models such as Bayesian and Markov networks. Probabilistic inference techniques including variable elimination, belief propagation and its generalizations, and sampling-based algorithms such as importance sampling and Markov Chain Monte Carlo sampling. Statistical learning techniques for learning the structure and parameters of graphical models. Sequential models such as Hidden Markov models and Dynamic Bayesian networks. Prerequisites: (CS 3341 or equivalent) and (CS 5343 or equivalent). (3-0) Y | phase: approve                       
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**request notes**

DDC (02.16.16): Removed "...or instructor consent required" from prerequisite per Dr. Karrah. DDC (03.01.16): Added "or equivalent" to UGRD prereq on GRAD course per CEP.

**peoplesoft diff: 014543 2014-08-24 rmb101000**

CS 6347 Statistical Methods in AI and Machine Learning (3 semester credit hours) Introduction to the probabilistic and statistical techniques used in modern computer systems. Probabilistic graphical models such as Bayesian and Markov networks. Probabilistic inference techniques including variable elimination, belief propagation and its generalizations, and sampling-based algorithms such as importance sampling and Markov Chain Monte Carlo sampling. Statistical learning techniques for learning the structure and parameters of graphical models. Sequential models such as Hidden Markov models and Dynamic Bayesian networks. Prerequisites: **CS (3341 or equivalent)** and **CS (5343 or equivalent or instructor consent required)**. (3-0) Y

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<td>CS 6350 Big Data Management and Analytics (3 semester credit hours) This course focuses on scalable data management and mining algorithms for analyzing very large amounts of data (i.e., Big Data). Included topics are: Mapreduce, NoSQL systems (e.g., key-value stores, column-oriented data stores, stream processing systems), association rule mining, large scale supervised and unsupervised learning, state of the art research in data streams, and applications including recommendation systems, web and big data security. Prerequisites: CS 6360 and Java programming. <strong>Corequisite: CS 6364 or CS 6375.</strong> (3-0) S</td>
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<td>CS 6385 (TE 6385) Algorithmic Aspects of Telecommunication Networks (3 semester credit hours) This is an advanced course on topics related to the design, analysis, and development of telecommunications systems and networks. The focus is on the efficient algorithmic solutions for key problems in modern telecommunications networks, in centralized and distributed models. Topics include: main concepts in the design of distributed algorithms in synchronous and asynchronous models, analysis techniques for distributed algorithms, centralized and distributed solutions for handling design and optimization problems concerning network topology, architecture, routing, survivability, reliability, congestion, dimensioning and traffic management in modern telecommunication networks. Prerequisites: CS 5343 and CS 5348 and (CS 3341 or ENGR 3341 or equivalent). (3-0) Y</td>
<td>phase: approve status: senate audit: 31 ddc130130 2016-02-18 09:09:33 003655 11.0901.00.06 audit: -5.9 m index: -5.9 m match_fail</td>
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**request notes**

DDC: Added CS 3341 to prerequisite per Dr. Karrah. 02/18/16.

peoplesoft diff: 003655 2014-08-24 mxv062000

CS 6385 (TE 6385) Algorithmic Aspects of Telecommunication Networks (3 semester credit hours) This is an advanced course on topics related to the design, analysis, and development of telecommunications systems and networks. The focus is on the efficient algorithmic solutions for key problems in modern telecommunications networks, in centralized and distributed models. Topics include: main concepts in the design of distributed algorithms in synchronous and asynchronous models, analysis techniques for distributed algorithms, centralized and distributed solutions for handling design and optimization problems concerning network topology, architecture, routing, survivability, reliability, congestion, dimensioning and traffic management in modern telecommunication networks. Prerequisites: CS 5343 and CS 5348 and (CS 3341 or ENGR 3341 or equivalent). (3-0) Y

**show fields: cs6385.7**

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<td>SE 6367 (CE 6367 and CS 6367 and SYSM 6310) Software Testing, Validation and Verification (3 semester credit hours) Fundamental concepts of software testing. Functional testing. GUI based testing tools. Control flow based test adequacy criteria. Data flow based test adequacy criteria. White box based testing tools. Mutation testing and testing tools. Relationship between test adequacy criteria. Finite state machine based testing. Static and dynamic program slicing for testing and debugging. Software reliability. Formal verification of program correctness. Prerequisite: CE 5354 or CS 5354 or SE 5354. (3-0) Y</td>
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**request notes**

DDC: Removed "...or instructor consent required" from prerequisite per Dr. Karrah. 02/18/16.

**peoplesoft diff: 011381 2014-08-24 ddc130130**

SE 6367 (CE 6367 and CS 6367 and SYSM 6310) Software Testing, Validation and Verification (3 semester credit hours) Fundamental concepts of software testing. Functional testing. GUI based testing tools. Control flow based test adequacy criteria. Data flow based test adequacy criteria. White box based testing tools. Mutation testing and testing tools. Relationship between test adequacy criteria. Finite state machine based testing. Static and dynamic program slicing for testing and debugging. Software reliability. Formal verification of program correctness. Prerequisite: CE 5354 or CS 5354 or SE 5354. or instructor consent required. 5354. (3-0) Y

**show fields: se6367.7**

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<td>SYSM 6310 (CE 6367 and CS 6367 and SE 6367) Software Testing, Validation and Verification (3 semester credit hours) Fundamental concepts of software testing. Functional testing. GUI based testing tools. Control flow based test adequacy criteria. Data flow based test adequacy criteria. White box based testing tools. Mutation testing and testing tools. Relationship between test adequacy criteria. Finite state machine based testing. Static and dynamic program slicing for testing and debugging. Software reliability. Formal verification of program correctness. Prerequisite: CE 5354 or CS 5354 or SE 5354. (3-0) Y</td>
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**request notes**

Change CIP Code per Shah & Yurkovich 9.8.15 bgr - DDC: Removed "...or instructor consent required" from prerequisite per Dr. Karrah. 02/18/16.

**peoplesoft diff: 013720 2016-08-21 hxt151530**

SYSM 6310 (CE 6367 and CS 6367 and SE 6367) Software Testing, Validation and Verification (3 semester credit hours) Fundamental concepts of software testing. Functional testing. GUI based testing tools. Control flow based test adequacy criteria. Data flow based test adequacy criteria. White box based testing tools. Mutation testing and testing tools. Relationship between test adequacy criteria. Finite state machine based testing. Static and dynamic program slicing for testing and debugging. Software reliability. Formal verification of program correctness. Prerequisite: CE 5354 or CS 5354 or SE 5354 or instructor consent required. 5354. (3-0) Y

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<td>TE 6385 (CS 6385) Algorithmic Aspects of Telecommunication Networks (3 semester credit hours) This is an advanced course on topics related to the design, analysis, and development of telecommunications systems and networks. The focus is on the efficient algorithmic solutions for key problems in modern telecommunications networks, in centralized and distributed models. Topics include: main concepts in the design of distributed algorithms in synchronous and asynchronous models, analysis techniques for distributed algorithms, centralized and distributed solutions for handling design and optimization problems concerning network topology, architecture, routing, survivability, reliability, congestion, dimensioning and traffic management in modern telecommunication networks. Prerequisites: CS 5343 and CS 5348 and (CS 3341 or ENGR 3341 or equivalent). (3-0) Y</td>
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**request notes**

DDC: Added CS 3341 to prerequisite per Dr. Karrah. 02/18/16.

**peoplesoft diff: 012280 2014-08-24 mxv062000**

TE 6385 (CS 6385) Algorithmic Aspects of Telecommunication Networks (3 semester credit hours) This is an advanced course on topics related to the design, analysis, and development of telecommunications systems and networks. The focus is on the efficient algorithmic solutions for key problems in modern telecommunications networks, in centralized and distributed models. Topics include: main concepts in the design of distributed algorithms in synchronous and asynchronous models, analysis techniques for distributed algorithms, centralized and distributed solutions for handling design and optimization problems concerning network topology, architecture, routing, survivability, reliability, congestion, dimensioning and traffic management in modern telecommunication networks. Prerequisites: CS 5343 and CS 5348 and (CS 3341 or ENGR 3341 or equivalent). (3-0) Y

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<td>Humanities</td>
<td>Changed time limits related to foreign language requirement and added required qualifying exam</td>
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<td>Latin American</td>
<td>None</td>
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<td>ATEC</td>
<td>No substantial changes</td>
<td>Potential review of curriculum and degree plans in future catalogs, MFA's overview included language</td>
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<td>EMAC</td>
<td>Substantial changes to degree plan (new courses, updated curriculum and changes in hours per degree plan component)</td>
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<td>Applied Cog &amp; Neuro</td>
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<td>Comm Disorders</td>
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<td>Human Dev &amp; Child Dis</td>
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Section III, Degree Requirements

3. Admission to Doctoral Candidacy: The research potential and ability of each doctoral student to both understand and integrate previous coursework will be evaluated before a student can be admitted formally to doctoral candidacy. The format of this evaluation, hereafter referred to as a qualifying examination, varies amongst the degree programs, and can be obtained from the student's Graduate Program Office. A student failing the Qualifying Examination is terminated as a doctoral student in that program unless a two-thirds majority of the examining committee vote that a second examination be permitted. All committee members should have all the evidence of the student's academic record and Qualifying Examination performance prior to this vote. The second examination typically would must be taken no sooner than three months two months after the student receives the written results of the first examination, and no later than one year after the first examination. Students failing the second examination will not be allowed to pursue a doctoral degree in that program. Under no circumstances will a third examination be allowed.

Proposed Revisions for Consideration in October

Section IV, Thesis and Dissertation Requirement

5. Dissertation Proposal: Approval: After its approval at the Department, Program, School, or Interdisciplinary Degree Committee level, the proposal will then be forwarded to the Dean of Graduate Studies, together with the Department’s or Program's nominations for Supervising Professor and members of the Supervising Committee and the anticipated time of completion. The proposal should be prepared by the student in consultation with the student’s Supervising Professor, who will approve the document before its submission to the appropriate committee or administrator for that Department or Program. To allow the Supervising Committee the opportunity to guide the development of the project, the Dissertation Proposal must be approved in a semester prior to the one in which the Final Oral Examination will be held.

Section V, Supervision

4. Submission of the Final Draft of the Thesis or Dissertation: Once the candidate has, in the judgment of the Supervising Professor, prepared an examinable thesis/dissertation manuscript, it should be distributed to the other members of the
Supervising Committee, allowing them a minimum of two weeks to review the document. After reading the document, a majority of the Supervising Committee members must agree that the document is ready to be defended before a request for a Final Oral Examination may be submitted and an examination date scheduled. The Final Oral Examination must be scheduled in at least one semester after the semester in which the Dissertation Proposal was approved. Committee members should ensure that the manuscript is complete, has been rigorously proofread (preferably by a professional proofreader), and meets scholarship standards for theses or dissertations. The Supervising Professor then submits a copy of the dissertation and the Request for Final Oral Examination form, signed with no more than one dissenting vote by the Supervising Committee members to the Office of the Dean of Graduate Studies, which shall approve the scheduling of the Final Oral Examination. Members of the committee who do NOT agree that the manuscript is examinable should inform the appropriate committee or administrator for that program immediately, and in writing, so that such objections may be discussed with the Supervising Professor and the candidate. The Final Oral Examination cannot be scheduled until a resolution has been reached with, at most, one dissenting vote.
English Proficiency Requirements for International Applicants

International applicants expecting to hold a non-immigrant visa type, from non-English speaking countries, whose primary language is not English and who graduated from a non-U.S. university where the language of instruction and examination was not English, must demonstrate English proficiency.

English proficiency requirements can be met by:

- Achieving a minimum score of 550 on the Test of English as a Foreign Language (TOEFL) PBT (paper-based test),
- Achieving a minimum score of 80 on the TOEFL IBT (Internet-based test),
- A minimum score of 6.5 on the International English Language Testing System (IELTS) test,
- A minimum score of 67 on the Pearson's Test of English Academic (PTE), or

This requirement should be met at the time the admission application is submitted. Applicants with lower scores will be considered but are advised to improve their test scores and reapply.

Applicants native to a country where the primary language is English and who have earned a baccalaureate degree from an accredited institution of higher education where the language of instruction and examination was in English are excused from this requirement. Scores must not be more than two years old, and an official copy must be sent from the testing agency to:
Proposed Academic Certificate Program
Title: Data Science Tracks
School: Natural Sciences and Mathematics

Contacts:
Dr. Vladimir Dragovic, Head, Mathematical Sciences Department, 972-883-6694, Vladimir.Dragovic@utdallas.edu

Implementation Date:
Fall 2016 (to be announced upon approval)

Introduction/Description:
The Graduate Certificate in Data Science will be a cooperative program between the Department of Mathematical Sciences in the School of Natural Sciences and Mathematics (NSM) and Computer Science Department in Erik Jonsson School of Engineering and Computer Science (ECS).

The purpose of the interdisciplinary certificate is to train students in some key topics from computer science, mathematics and statistics involved in a data science program.

This certificate differs from the curriculum of the MS in Business Analytics program of Naveen Jindal School of Management (JSOM) in that the latter concentrates on business applications of machine learning and data mining tools, whereas our certificate’s focus is on the mathematical and methodological underpinnings of these tools. We have also consulted a representative of JSOM and they agree that our proposal does not have a significant overlap with their Business Analytics program.

Organizational Arrangement:
The Department of Mathematical Sciences will administer the certificate with full support from the Computer Science Department.

Job Market for the Certificate:
In present times, due to the explosion of Big Data, the skills of a data scientist are in high demand. The job of a data scientist consistently appears near the top in the rankings of 200 jobs by CareerCast’s Jobs Rated Almanac (http://www.careercast.com) based upon factors such as work environment, income, hiring outlook and stress. Graduates can seek employment in any field where there is a need to collect, analyze and interpret data, including pharmaceutical, banking and insurance industries, and government.

Admission Policy:
The admission is open to current UT Dallas students who are already enrolled in a graduate program.

Semester Credit Hours and Degree Programs:
The certificate requires completing 12 semester credit hours of study as detailed below and obtaining a grade point average of 3.0 in the certificate courses.

Course Offerings and Site Locations (note new courses with an asterisk):
Course Offerings and Site Locations (note new courses with an asterisk):

1. CS 6375 Machine Learning
2. CS 63xx* Introduction to Big Data Management and Analytics for non-CS-Majors
3. MATH 6312 Combinatorics and Graph Theory
4. STAT 6390* Topics in Statistics (Statistical Machine Learning)

CS 6375 Machine Learning (3 semester credit hours) Algorithms for training perceptions and multi-layer neural nets: back propagation, Boltzmann machines, and self-organizing nets. The ID3 and the Nearest Neighbor algorithms. Formal models for analyzing learnability: exact identification in the limit and probably approximately correct (PAC) identification. Computational limitations of learning machines. Prerequisite: CS 5343. (3-0) Y

* CS 63xx Introduction to Big Data Management and Analytics for non-CS Majors (3 semester credit hours) Database fundamentals including Query Processing, Parallel/Distributed Data Processing, NoSQL systems (e.g., Key-value stores, Column-oriented data stores, MapReduce), Graph Processing and Recommendation Systems using Big Data technologies. Prerequisites: CS 5303 or equivalent. (3-0) Y

MATH 6312 Combinatorics and Graph Theory (3 semester credit hours) This course covers theory and applications of combinatorics and graphs, topics from basic counting principles, principle of inclusion and exclusion, permutation statistics, ordinary and exponential generating functions, composition of integers, integer partitions, Stirling numbers of the first kind, q-analogs of binomial and multinomial coefficients, Euler's formula, Hamilton paths, planar graphs, chromatic and Tutte polynomials and algorithms on networks. Prerequisites: Theoretical Concepts of Calculus and Abstract Algebra I is required or instructor consent required. (3-0) T

* STAT 6390 Topics in Statistics - Level 6 (3 semester credit hours) Topics selected from but not limited to choices such as spatial statics, nonparametric curve estimation, functional data analysis, statistical learning and data mining, actuarial science, sampling theory, statistical quality and process control, sequential analysis, survival analysis, longitudinal data analysis, categorical data analysis, and clinical trials, for example. May be repeated for credit as topics vary. (3-0) R

NOTE: This course offered will focus on the topic of statistical machine learning.

Faculty/Staffing (assign each course to a faculty member):

1. CS 6375 (Machine Learning): Vibhav Gogate, Vicent Ng, Anurag Nagar, Anjum Chida, Nicholas Ruozzi
2. CS 63xx (Introduction to Big Data Management and Analytics for non CS-Majors): Anurag Nagar, Latifur Khan
3. MATH 6312 (Combinatorics and Graph Theory): Mietek Dabkowski, Anh Tran
4. STAT 6390 Topics in Statistics (Statistical Machine Learning): Larry Ammann, Pankaj Choudhary, Frank Konietschke

Additional Information:

The Assessment Committee of the Department of Mathematical Sciences has prepared an assessment plan for the Graduate Certificate in Data Science.
Univeristy Mission: The University of Texas at Dallas provides the State of Texas and the nation with excellent, innovative education and research. The University is committed to graduating well-rounded citizens whose education has prepared them for rewarding lives and productive careers in a constantly changing world; to continually improving educational and research programs in the arts and sciences, engineering, and management; and to assisting the commercialization of intellectual capital generated by students, staff, and faculty.

Program Mission:

PROGRAM LEARNING OUTCOMES: Graduates will be able to:

1. Identify and apply appropriate machine learning methods to analyze data.
2. Perform data processing using Big Data algorithms.
3. Apply fundamental principles of combinatorics to analyze graph structures and networks.

ASSESSMENTS (Frequency and location): Outcomes measured using
1. The final project in STAT 6390 (Statistical Machine Learning)
2. The final project in CS 63xx (Introduction to Big Data Management and Analytics for non-CS Majors)
3. The final project in MATH 6312 (Combinatorics and Graph Theory)

Justification:

LO1 is concerned with machine learning methods. This topic will be taught in STAT 6390. The LO will be measured by the final course project, which would involve applying appropriate statistical learning methods to analyze a dataset and interpret the results.

LO2 is concerned with Big Data algorithms. This topic will be taught in CS 63xx. The LO will be measured by the final course project, which would involve processing a large dataset by applying Big Data algorithms.

LO3 is concerned with combinatorics and graph theory. This topic will be taught in MATH 6312. The students in this course will read research papers involving applications of graph theory and combinatorics in data science (including analysis of graph structures and networks). The LO will be measured by the final project in the course, which will involve reading, summarizing and presenting a research paper in the area of data science.

Learning outcome 1:
Measures (how will you know what graduates are able to do and know upon completion?):

The outcome will be achieved if at least 70% of students receive a score of at least xx%, where the cutoff xx will be chosen by the instructor of the course. A student scoring at or above the cutoff will be expected to have met the learning outcome in the opinion of the instructor.
Learning outcome 2:
Measures:

The outcome will be achieved if at least 70% of students receive a score of at least xx%, where the cutoff xx will be chosen by the instructor of the course. A student scoring at or above the cutoff will be expected to have met the learning outcome in the opinion of the instructor.

Learning outcome 3:
Measures:

The outcome will be achieved if at least 70% of students receive a score of at least xx%, where the cutoff xx will be chosen by the instructor of the course. A student scoring at or above the cutoff will be expected to have met the learning outcome in the opinion of the instructor.

ACTION PLAN: Annual plan for assessing particular outcomes, creating curriculum maps, implementing improvement strategies identified using previous assessment results, promising or best practices, or other action plans to be implemented in this academic year.

This is a new program. The collected data will be reviewed by faculty to identify issues and finding ways to enhance teaching effectiveness and improve the program. This input will be incorporated in the future assessments.

(Please fill out the bottom half of this document when handing it in as a report of assessment activities. First portion of this document is considered an assessment plan).

DISSEMINATION/DISCUSSION OF RESULTS:
The results will be shared with the faculty and discussed at a faculty meeting. Suggestions of the faculty will be implemented in teaching of the program.

RESULTS: What is the evidence that graduates can know and do each learning outcome? Teaching faculty will be asked to provide data for assessment. The results will be summarized and submitted to UTD Assessment office in a tabular form.

MODIFICATIONS AND RECOMMENDATIONS: How are you using the information for decisions being made in the program? After the assessment data is available, appropriate modifications will be applied to enhance the assessment and teaching outcomes. Learning outcomes will be revised to better align them with program objectives.

Plans and reports are due last Monday each October to the Director of Assessment
Please visit http://provost.utdallas.edu/assessment for more information.
Minor in Public Policy: 21 semester credit hours

Required Courses: 12 semester credit hours

- GOVT 2305 American National Government
- GOVT 2306 State and Local Government
- ECON 2302 Principles of Microeconomics
- PSCI 3325 American Public Policy

Upper-Division Courses: 9 semester credit hours

Choose three from the following:

- IPEC 4301 Politics of Industrialized Countries
- IPEC 4305 Topics in Science, Technology and Institutions
- IPEC 4309 Urban Development
- IPEC 4384 Health and Environmental Policy: A Global Perspective
- PA 3380 Organizations and Management in the Public Sector
- PA 4351 Urban Management
- PA 4355 Nonprofit Organizations
- PPOL 4301 Law, Science, and Policy
- PPOL 4302 Data and Policy
- PPOL 4303 The Internet and Public Policy
- PPOL 4396 Topics in Public Policy
- PPOL 4V98 Internship
- PSCI 3310 Public Administration
- PSCI 3322 Constitutional Law
- PSCI 3326 Politics and Business
- PSCI 3362 The American Political Institutions
- PSCI 4304 Energy and Environmental Politics and Policy
- PSCI 4305 Political Research
- PSCI 4307 Predicting Politics
- PSCI 4343 Congress and Public Policy

Other classes as approved by program head
Minor in Science, Technology, and Policy: 18 semester credit hours

**Required Courses: 9 semester credit hours**

- GOVT 2305 American National Government
- PSCI 3325 American Public Policy
- PPOL 4301 Law, Science, and Policy
  or IPEC 4305 Topics in Science, Technology and Institutions

**Elective Courses: 9 semester credit hours**

Choose 3 courses from the following:
- IPEC 4305 Topics in Science, Technology, and Institutions
- IPEC 4384 Health and Environmental Policy: A Global Perspective
- PPOL 4301 Law, Science, and Policy
- PPOL 4302 Data and Policy
- PPOL 4303 The Internet and Public Policy
- PPOL 4396 Topics in Public Policy
- PSCI 4304 Energy and Environmental Politics and Policy
- PSCI 4356 International Political Economy
Item 11:
Committee on Committee Recomendations
Action Committee on Committees

Email votes to recommend Dr. Amy Walker as co-chair of Safety and Security Council from now through 2016-2017.

Dr. Skaggs: Yes
Dr. Stillman: Yes
Dr. Evans: Yes
Dr. Hoffman: Yes
Dr. Raghavachari: Yes
Dr. Brown: Yes
Dr. Cordell: 
Dr. Redman:

Discussion with Wellness Committee:

Will be submitting amendments to their charge.

They want to remove the requirement for student members. It is too difficult for them to fill out a full term, and students are not eligible to participate in the wellness programs funded by the tobacco penalty money. Students also have other programs.

They have been having quorum problems with meetings, mainly because faculty and students do not attend. I said they could set a quorum with by laws, so that should not be a problem. But they still would like members who attend. Faculty problems are:

Francesca Filbey, faculty member, has teaching conflict and cannot attend meetings on Tuesdays. She is willing to communicate by email or phone. Has not actually resigned.

Natalie Ring, faculty member, resigned from committee 24 Jan 2016. She has SFDA and is going out of state.

Linda Keith, faculty member, cannot make meetings on Tuesdays but would like to be involved if there is anything she can do.
Item 13: Information Security and Acceptable Use Policy
Overview

The information assets of The University of Texas at Dallas (UT Dallas) must be administered in conformance with applicable laws and The University of Texas System Board of Regent's Rules and Regulations. Appropriate security controls will be applied based on risk as determined by the potential impact and likelihood of disruptions to the organization's mission, assets, and reputation. This Policy defines UT Dallas organizational expectations for responsible use of UT Dallas Information Systems by building a culture of information security risk awareness and mitigation.

Authority

UT Dallas must comply with information security requirements defined by applicable federal and state regulations, UT System policies, and contractual obligations. This includes Texas Administrative Code 202 (TAC 202), University of Texas System 165 (UTS 165), Texas Medical Records Privacy Act, Texas Public Information Act, Family Educational Rights and Privacy Act (FERPA), Health Insurance Portability and Accountability Act (HIPAA), Payment Card Industry Data Security Standard (PCI DSS), Gramm–Leach–Bliley Act (GLBA), the FBI's Criminal Justice Information Services (CJIS) Security Policy, and Digital Millennium Copyright Act (DMCA).

Definitions (alphabetical order)

Confidential Data: The subset of University Data that is private or confidential by law or otherwise exempt from public disclosure (i.e. Social Security Numbers, personally identifiable Medical and Medical Payment information, Driver's License Numbers and other government-issued identification numbers, Education Records subject to the Family Educational Rights & Privacy Act (FERPA), financial account numbers, and/or other University Data about an individual likely to expose the individual to identity theft).

Controlled Data: The subset of University Data that is not created for or made available for public consumption but that is subject to release under the Texas Public Information Act or other laws (i.e. network diagrams, UT Dallas emails, and/or UTD-ID number).

Decentralized IT: UT Dallas employees who report to the heads of business units, departments, or programs and who manage a subset of UT Dallas Information Systems.

Incidental Use: Occasional personal use of UT Dallas Information Systems. Activities related to official duties on behalf of UT Dallas, such as research and teaching, are not Incidental Use.

Information Security Standards: Documented controls specified for specific technology components which, when implemented, reduce risk of compromise (i.e. change default passwords, disable unnecessary services, apply current compatible patches, include in backup scheme)
ISO: Information Security Office is the UT Dallas department, led by the Chief Information Security Officer, assigned responsibility for promoting confidentiality, integrity, availability, and accountability of information assets.

Mobile computing device: Laptops, tablets, smart phones, or other devices designed to be easily portable that are capable of creating, storing, or processing University Data.

OIT: Office of Information Technology is the UT Dallas department, led by the Chief Information Officer, assigned responsibility for planning and ongoing operation of centrally-provided information systems such as telecommunications networks, computers, software, databases, system integration and hosted solutions.

Public Data: The subset of University Data intended for public consumption (i.e. marketing materials, press releases, public websites, published papers, and/or UT Dallas-issued email address).

University Data: This Policy uses the term University Data to refer to data for which UT Dallas has a responsibility for ensuring appropriate information security or would be liable for data exposure, as defined by applicable law, UT System policy, regulations, or contractual agreements. University Data may include information held on behalf of UT Dallas or created as a result and/or in support of UT Dallas business (i.e. financial records, personnel records, officially maintained student records, and/or records of official UT Dallas committees), including paper records. This definition does not imply, address, or change intellectual property ownership.

User: Any individual granted access to UT Dallas Information Systems, including guests and contractors.

UT System: The University of Texas System

UT Dallas: The University of Texas at Dallas

UT Dallas Information Systems: All computer and telecommunications equipment, software, data, and media, owned or controlled by UT Dallas or maintained on its behalf.

Intellectual Property Ownership

This Policy does not create or supersede any existing ownership rights to intellectual property. Existing intellectual property ownership rights defined by applicable law, UT System policy, regulations, or contractual agreements do not change based on storage location. UT Dallas personnel who may have visibility of content in the course of performing job responsibilities do not obtain ownership rights to that content.
Roles & Responsibilities

Appropriate levels of information security can only be achieved with a well-coordinated team effort across the UT Dallas organization. Stakeholders must work together to identify risks and take responsibility for appropriate controls.

ISO: The ISO promotes compliance and transparent discussion of risks associated with UT Dallas Information Systems. The ISO has oversight responsibility including establishing the Information Security and Acceptable Use Policy and related Information Security Standards, testing for compliance, and reporting risk posture to internal and external stakeholders.

Data Owners (DO): The DO is typically the responsible manager of a school or department that collects or is the primary user of a data asset, or the Principal Investigator (PI) on a UT Dallas-managed research project. DOs are responsible for achieving compliance with this Policy, applying for exemptions when justified, and accepting residual risk when security threats cannot be further mitigated. DO responsibilities include approving or denying requests to access their data and periodically reviewing access assignments and taking corrective action if inappropriate access is detected.

Information Security Coordinator (ISC): An ISC is an individual typically designated by a dean or department head to serve as a liaison between the ISO and the DOs.

Data Custodian (DC): The DC is designated by the DO and assists with the ongoing operational tasks of managing information assets. For example, server and application administrators and software developers may be considered DCs.

Data User (DU): DUs are the individuals who the DOs authorized to access a data asset. DUs typically have no role in determining the security requirements for the information asset or performing server or application maintenance. Nonetheless, DUs must understand and abide by the security requirements of the information asset and the expectations of the DO and this Policy.

Data Classification

All University Data is subject to a risk-based data classification standard maintained by the ISO and must be protected accordingly. Classifications are Confidential Data, Controlled Data, and Public Data.

Data classification is the primary factor for establishing necessary security controls. Additional controls may be warranted for systems where integrity, availability, and/or accountability requirements are more critical than the requirements for confidentiality.
General

UT Dallas Information Systems are provided for the purpose of conducting the business of UT Dallas and/or UT System. However, Users are permitted to use UT Dallas Information Systems for use that is incidental to the User's official duties to UT Dallas or UT System (Incidental Use) as permitted by this Policy.

Users have no expectation of privacy when using UT Dallas Information Systems except as otherwise provided by UT Dallas's Privacy Policy and applicable privacy laws. UT Dallas has the authority and responsibility to access and monitor UT Dallas Information Systems for purposes consistent with UT Dallas's duties and mission.

University Data created or stored on a User's personally owned computers, mobile computing devices, removable storage devices, or in databases that are not part of UT Dallas's Information Systems are subject to Public Information Requests, subpoenas, court orders, litigation holds, discovery requests and other requirements applicable to UT Dallas Information Systems.

The table below is provided to help Users understand the expectations associated with various scenarios involving data and computing devices:

<table>
<thead>
<tr>
<th>University Data</th>
<th>UT Dallas Information Systems</th>
<th>Personally Owned Computing Device</th>
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Users shall never use UT Dallas Information Systems to deprive access to individuals otherwise entitled to access University Data, to circumvent UT Dallas information security measures; or, in any way that is contrary to UT Dallas’s mission(s) or applicable law.

Users may not intentionally deny access to designated administrators of UT Dallas Information Systems.

Users may not delete logs from systems to hide possible security violations or prevent authorized investigations. This does not apply when done for other purposes, such as anonymizing research data.

Users may be required to complete training on information security, specific to their role in the organization.

Users should report misuse of UT Dallas Information Systems or violations of this policy to their management, to the ISO, or via the Compliance Hotline.

**Confidentiality & Security of Data**

Users shall access University Data only to conduct UT Dallas business and only as permitted by applicable confidentiality and privacy laws. Users must not attempt to access data on systems they are not expressly authorized to access.
Users shall not disclose Confidential Data or Controlled Data except as permitted or required by law and only as part of their official duties on behalf of UT Dallas.

Confidential Data or other information essential to the mission of UT Dallas should be stored on a UT Dallas-managed network server when possible, rather than on a UT Dallas-owned desktop workstation, laptop, or portable device.

Users are encouraged to store any University Data on UT Dallas Information Systems, rather than personally owned equipment.

In cases when a User must create or store Confidential Data on a local hard drive or a portable device such as a laptop computer, tablet computer, or smart phone, the User must ensure the data is encrypted in accordance with UT Dallas, UT System and any other applicable requirements.

Confidential Data must be encrypted during transmission over unsecured networks (i.e. Internet or hotel wireless network). Users will be provided with tools and processes to send encrypted data over unsecured networks.

Users may not store University Data with a third party storage service (often referred to as "cloud" storage) unless the service has been approved by ISO. Because some computing devices are configured to automatically connect to potentially insecure remote storage services, Users are encouraged to confirm current settings on any computing devices used to access University Data and disable features they do not intend to use.

Users may not use security testing tools (i.e. password crackers, vulnerability scanners and/or exploitation code) from and/or against UT Dallas Information Systems unless required for performance of official duties on behalf of UT Dallas.

The ISO may temporarily limit or disable network connectivity for devices that pose a significant threat to UT Dallas Information Systems or University Data.

UT Dallas Information Systems may be observed by ISO and/or OIT personnel responding to an investigation or incident, at the direction of UT Dallas's President, UT Dallas Human Resources, UT Dallas or UT System Counsel, and/or law enforcement; or at the direction of UT Dallas Office of Administration when processing requests made in accordance with the Texas Public Information Act.

**Incidental Use of UT Dallas Information Systems**

Incidental Use of UT Dallas Information Systems must not interfere with User's performance of official UT Dallas business, pose an unreasonable burden on system resources, result in direct costs to UT Dallas, expose UT Dallas to unreasonable risks, or violate applicable laws or other UT Dallas or UT System policy.
Users are encouraged to use personally owned systems, rather than UT Dallas Information Systems, for conducting personal computing and must understand that personally owned content stored on UT Dallas Information Systems may be visible to UT Dallas personnel whose job responsibilities involve the management and monitoring of UT Dallas Information Systems.

A User's Incidental Use of UT Dallas Information Systems does not extend to the User's family members or others regardless of physical location.

Incidental Use may include communications such as e-mails, web pages, and social media posts; if such communications could be reasonably interpreted as expressing the opinion or position of UT Dallas, they should be accompanied by a disclaimer (i.e. "The opinions expressed are my own, and not necessarily those of my employer, The University of Texas at Dallas").

Incidental Use of UT Dallas Information Systems that directly results in financial gain to the individual—such as work in support of outside employment or self-employment—is prohibited unless such use is approved by the User's dean or department head. This is intended to prevent a conflict of interest.

Incidental Use for purposes of political lobbying or campaigning is prohibited.

Accessing, creating, storing, or transmitting sexually explicit materials during Incidental Use is prohibited. Questions regarding whether particular content is "sexually explicit material" should be directed to UT Dallas counsel or the UT System Office of General Counsel.

**Email**

Emails sent or received by Users in the course of conducting UT Dallas business are University Data that are subject to state records retention and security requirements.

Users are expected to use UT Dallas-provided email accounts for conducting UT Dallas business, rather than personal email accounts; Users are encouraged to use personal email accounts for conducting personal communication and business, rather than UT Dallas-provided email accounts.

Emails containing Confidential Data must be encrypted with tools and processes approved by the ISO in order to reduce risk of interception.

The following email activities are prohibited when using a UT Dallas-provided email account:

1. Sending an email under another individual's name or email address, except when authorized to do so by the intended User of the email account for a work-related purpose.
2. Accessing the content of another User's email account except: 1) as part of an authorized investigation; 2) as part of an approved monitoring process; or 3) for other purposes specifically associated with the User's official duties on behalf of UT Dallas.
3. Maliciously sending or forwarding any email that is suspected by the User to contain computer malware. Forwarding to a malware researcher or ISO for analysis does not represent malicious intent.
4. Any Incidental Use prohibited by this policy.
5. Any use prohibited by applicable UT Dallas or UT System policy.

**Portable and Remote Computing**

All electronic devices including personally owned computing devices used to access, create or store Confidential Data or Controlled Data must be protected by mechanisms (i.e. passwords or biometrics) that limit access to authorized Users, in accordance with UT Dallas Information Security Standards.

UT Dallas-issued mobile computing devices must be encrypted.

Any personally owned computing devices on which Confidential Data is stored or created must be encrypted in a manner which protects the Confidential Data from unauthorized access.

University Data created and/or stored on personal computers, other computing devices and/or non-UT Dallas Information Systems should be transferred to UT Dallas Information Systems as soon as feasible.

Because portable computers, smart phones, and other computing devices are targets for theft, Users are expected to take reasonable precautions to physically secure UT Dallas Information Systems or personally owned computing devices containing University Data when theft is likely (i.e. place inside vehicle trunk when traveling, don't leave unattended at a coffee shop or food court, and/or lock in hotel safe when provided).

All remote access to Confidential Data and Controlled Data must be accomplished using an encrypted method approved by ISO (i.e. VPN, SSH, and/or Outlook Web Access).

**Access Control**

Each individual provided with a system account shall maintain securely and never disclose his/her account password or credentials or knowingly permit another individual to access UT Dallas Information Systems via his/her account, except in accordance with a lawful investigation. Any individual who knowingly accesses UT Dallas Information Systems with a user account not specifically assigned to him/her is in violation of this Policy. **Similarly, Users may not share individually-assigned access devices including Comet Cards, hardware tokens, and door keys unless necessary to preserve life safety in the event of an emergency.**

Computing accounts will be assigned to individuals, except when a shared account is justified by the functions being performed. Accounts designed specifically for a shared purpose or specific
system task, such as facilitating data backups or scheduled batch processing, will be granted only in cases when absolutely necessary and will be shared with as few individuals necessary to effectively perform UT Dallas operations.

Computing accounts providing access to UT Dallas Information Systems will only be created when necessary to achieve UT Dallas objectives. Access privileges will be assigned to provide the minimum necessary permission to perform job responsibilities.

UT Dallas Information Systems are subject to risk-based authentication configuration settings defined in Information Security Standards (i.e. password length, complexity, and two-factor authentication).

Account credentials should not be hard coded into scripts, software code, or system configurations. When hard coding credentials is deemed necessary, system owners will store these files in a secure manner and will maintain sufficient documentation to allow periodic manual changes to passwords or other credentials.

ISO will administer an annual account sponsorship renewal process, whereby accounts will be verified by responsible management and disabled if no longer necessary or associated with a valid User at UT Dallas.

When employment relationships are subject to change or termination, responsible management will participate in checkout processes defined by Human Resources to ensure timely disabling of system access.

In order to limit the possibility of malicious access, the ISO may disable computing accounts based on reasonable indication that the account has been disclosed to, or compromised by, a malicious third party. ISO shall assist in re-establishing control of the account by the intended User.

UT Dallas Information Systems access should be designed to maintain separation of duties to reduce the risk of a malicious individual performing conflicting activities (i.e. requesting system access while also approving one's own system access). Compensating controls such as log monitoring and system-enforced thresholds may also be implemented when conflicting duties cannot be separated.

**Computer Systems Security**

All UT Dallas Information Systems, including production and non-production systems, must be configured and operated in accordance with Information Security Standards.

All UT Dallas Information Systems should be updated with the latest compatible software patches. This includes patches for the operating system and third-party applications. High-
priority patches may need to be installed outside of routine change control procedures at the request of the ISO in order to address critical security vulnerabilities.

The ISO may participate at key steps of projects involving access to Confidential Data or Controlled Data. ISO should assess security controls and notify stakeholders of risks prior to introducing new solutions into production. Costs of security testing, if applicable, will be considered part of the project budget.

All software used at UT Dallas, including commercial and open source, must be used in compliance with End User License Agreements (EULAs). Software requiring fees for usage may not be used in a manner intended to avoid paying such fees.

Harmful or unlicensed software may be removed from UT Dallas Information Systems at the direction of the ISO.

**Backup & Recovery**

UT Dallas Information Systems are subject to backup procedures and methods to ensure continuity of operations. Data backups must be performed according to a schedule consistent with data retention and destruction requirements appropriate for the data type and classification. Backups must be periodically tested to ensure functionality.

All backup media (i.e. removable backup tapes) stored outside UT Dallas data centers must be encrypted to reduce risk of interception by unauthorized parties and should be stored at a distance sufficiently far from the primary data location to ensure that a regional disaster will not disrupt access to both the primary and backup data simultaneously.

When backup media is retired, it must be destroyed according to Information Security Standards.

**Data Destruction**

Data must be stored and retained according to the UT Dallas Records Retention Schedule. To prevent access to Confidential Data by unauthorized parties, storage media must be destroyed according to Information Security Standards.

Storage media (i.e. hard drives, flash memory, magnetic data tapes, and floppy disks) must be securely overwitten before reuse and physically destroyed at the end of the useful life of the device.

Paper and CD/DVD optical media must be securely shredded in a manner sufficient to prevent reassembly.
UT Dallas-issued mobile computing devices are subject to electronic erase or factory reset procedures before the device is issued to another User or retired from service.

Vendors who host data remotely must provide UT Dallas with a certificate of data destruction upon termination of the contract.

**Physical Security**

Locations that support access to UT Dallas Information Systems must be protected in accordance with value of the information assets at risk. High-risk locations include, but are not limited to, data centers, server closets, wiring closets, file rooms, and research labs.

Users are encouraged to wear UT Dallas identification in restricted access areas; visible UT Dallas identification may be required at the discretion of a dean or department head.

Users who work in restricted access areas should remain aware of unidentified individuals who may attempt to gain access.

Locked doors protecting restricted access areas should not be propped open if unattended.

Users will maintain a workspace where Confidential Data or Controlled Data is stored in a manner to mitigate risk of observation or theft by unauthorized parties (i.e. locked offices, locked file cabinets, and/or privacy screens).

**Third-Party Vendors**

All third-party vendors that host or access University Data are subject to assessment by the ISO.

Contracts with third parties will include expectations for information security.

Third parties will be expected to protect UT Dallas Information Systems and University Data with security equal to or better than levels defined in this Policy and applicable Information Security Standards.

All third parties performing tasks or data processing for UT Dallas are required to notify UT Dallas immediately if a security incident has occurred, or is suspected to have occurred.

**Business Continuity Planning**

Individuals responsible for critical operations must maintain a business continuity plan which accounts for facilities, equipment, staffing, and UT Dallas Information Systems needs.
Exemptions

Compliance with all elements of this policy may not be possible in some situations given the tradeoffs between risk, cost, and operational impact. Users may request exemptions to elements of this Policy; requests will be subject to approval or denial by the ISO within 30 days of the request. When applicable, DOs will be asked to accept risks associated with non-compliance. Exemption requests should include an explanation of why compliance with specific Policy elements is not feasible and should describe compensating controls that are in place to reduce risk. Approved exemptions will include an expiration date and be tracked by the ISO.

Exemption requests not approved by the ISO may be appealed to UT Dallas's President.

Disciplinary Actions

Instances of noncompliance, or attempted noncompliance, may constitute a security violation that is subject to investigation and possible disciplinary action, civil prosecution, and/or criminal prosecution in accordance with applicable policies and laws.

Violations may result in disciplinary action by Human Resources in accordance with pertinent policies, up to and including termination of work relationships. Students involved in violations will be referred to the Office of Student Affairs' Community Standards and Conduct. Suspected illegal activities will be escalated to appropriate law enforcement agencies.

This Policy does not create or supersede any existing UT Dallas processes for taking disciplinary action. The ISO, which shall not take direct disciplinary action against a User, will participate in existing UT Dallas processes for taking disciplinary action.

Server and application administrators may be called upon to provide information to support a disciplinary investigation or similar purpose. Before doing so, proper authorization procedures must be followed to ensure such information is necessary and appropriate. Accessing emails, logfiles, or other data for investigative purposes without proper authorization – particularly in retaliation for whistleblower complaints – is an actionable abuse of privilege.

Acceptable Use

Per UTS-165, all institutions within UT System must have an Acceptable Use Policy. By acknowledging this Information Security and Acceptable Use Policy, users are acknowledging policies for Acceptable Use.

User Acknowledgement

Users must acknowledge that they received and read the Information Security and Acceptable Use Policy. They must understand and agree that use of UT Dallas Information Systems is
conditioned upon agreement to comply; noncompliance may result in disciplinary action as outlined above.

Related Links

Texas Administrative Code 202 (TAC 202)
University of Texas System 165 (UTS-165)
Texas Medical Records Privacy Act
Texas Public Information Act
Family Educational Rights and Privacy Act (FERPA)
Health Insurance Portability and Accountability Act (HIPAA)
Payment Card Industry Data Security Standard (PCI DSS)
Gramm–Leach–Bliley Act (GLBA)
Digital Millennium Copyright Act (DMCA)
UT Dallas Records Retention Schedule

Criminal Justice Information Services (CJIS) Security Policy

Policy History

• Issued: January 22, 2015

Policy Links

• Permalink for this policy: http://policy.utdallas.edu/utdbp3096
• Link to PDF version: http://policy.utdallas.edu/pdf/utdbp3096
• Link to printable version: http://policy.utdallas.edu/print/utdbp3096
Item 14: Consideration of Senate on the Interpretation of Tile 9
The sense of the Senate of the University of Texas at Dallas is that the policy titled Prohibited Discrimination and Sexual Harassment/Sexual Misconduct Policy is being interpreted and applied by the Office of Compliance in a way that is inconsistent with the plain meaning of its language and with Title IX of the Civil Rights Act that it is intended to implement. It is also contrary to the spirit of cooperation, mutual concern and regard for one another that we consider to be foundation of safety and security of all forms for all members of the U T Dallas campus community. To cultivate a campus of open communication free of discrimination or intimidation, we believe it is imperative that survivors of sexual assault and misconduct have voice and agency in their own process.

The Senate rejects the demand by Mr. Dockery, made in his training sessions and reaffirmed in his discussion with the Academic Senate on January 16, 2016, that a faculty member must report to his office all mentions of actual or possible sexual misconduct or assault, including indirect allusions such as might be found in class writing exercises, in confidential emails between students and faculty, and via online discussion boards, whether or not the student who is the source of the information wishes such a report to be made or whether the student in fact considers that sexual misconduct or a sexual assault has occurred. The Senate also rejects the violation of privacy implicit in the present formal reporting process and incident reporting forms provided by the University of Texas at Dallas Title IX office, which require an identified report with victim names and contact information for all responsible university officials (RUO’s) without the victim’s consent or permission.

The policy approved by the Senate requires faculty to report “incidents” and “complaints.” An enquiry about a possible assault, a request between students and university faculty for clarification or explanation of Title IX policies or options, or a vague allusion to a possibility is neither an incident nor a complaint.

The Senate takes related exception to Mr. Dockery’s position that it is not up to faculty to interpret the law. It is his contention that faculty are to accept Mr. Dockery’s interpretation. In American law, each individual is responsible for their own compliance or non-compliance and each individual has not only the right, but the duty, to make their own interpretation.

The Senate of the University of Texas at Dallas considers that all members of the faculty, and all members of the campus community, are obligated to assure each others’ security and safety. It follows that if a faculty member is approached by anyone seeking to discuss a matter that may threaten such safety and security, or that may indicate a failure to provide such safety and security, the faculty member should feel free to engage in the discussion in order to arrive at an understanding of what may have happened and provide whatever advice and assistance they consider appropriate on behalf the student directly concerned as well as the community as a whole. It is the duty of a faculty member to be informed on the process of Title IX complaints and to be able to direct students or other members of the university community to appropriate resources. If a student wishes to lodge a formal complaint, in accordance with the policy approved by the Senate, the faculty member must assist them in doing so. However, if a student does not wish to be identified in a formal complaint, a reporting option should be available to a
faculty member that allows them to report the incident to the Title IX office without student identifying information. Such a policy is consistent with the spirit of Title IX as directed by the Office of Civil Rights within the U.S. Department of Education, which states, “when a responsible employee knows or reasonably should know of possible sexual violence, OCR deems a school to have notice of the sexual violence. The school must take immediate and appropriate steps to investigate or otherwise determine what occurred (subject to confidentiality provisions….”) (U.S. Department of Education, p. 15). Moreover, the Office of Civil Rights “strongly supports a student’s interest in confidentiality in cases involving sexual violence” (p. 18) and says that institutional exceptions to such wishes should be very limited. Indeed, it posits that “a school should be aware that disregarding requests for confidentiality can have a chilling effect and discourage other students from reporting sexual violence” (p. 19). As the main goal of Title IX is provide an equitable, open, and transparent climate where sexual assaults and misconduct are investigated and all members of our university community are ensured equal protections, to disregard these compelling issues related to cultural, gender, sexual orientation, religion, or other personal issues related to the victim and event are contrary to the spirit of the law.

To ensure that this process is as transparent to all parties involved as possible, it is imperative that all members of the UT Dallas community are clear regarding how incidents of sexual assault, misconduct, or harassment will be handled and what situations are covered under the law. If the faculty member determines that a sexual assault or any other action that threatens the safety of others has occurred but the student does not wish to lodge a complaint, the disinclination of the student must not bar the faculty from making the report on their own per Title IX law. However, this report by the faculty member should seek to determine and respect the student’s reasons for hesitation to report, especially regarding compelling reasons related to maintaining victim anonymity and confidentiality, insofar as it does not endanger others. Such a policy is in keeping with best practices across other American university campuses who provide for anonymous reporting of incidents of sexual misconduct and violence by responsible university officials and with the U.S. Department of Education Office of Civil Rights directive on Title IX compliance.

A faculty member may believe that engaging in a conversation regarding Title IX issues are beyond their authority or competence. If a student approaches such a faculty member with a concern about relationships of a sexual nature that the faculty member feels unable to respond to, which may or may not attract Title IX, they should direct the student to someone else who can understand their concerns and respond appropriately. These options may include the Counseling Center, Student Health Center, Galerstein Women’s Center, off-campus resources, and/or the Office of Institutional Equity & Compliance.

The Senate notes the following wording in the policy and urges that it be taken in its ordinary and clear sense.

Sec. 3. “All members of the University Community…are “strongly encouraged” to report. They are not required to report. If they report they are not required to provide with full identifying
information on the victim. They are compelled to maintain anonymity and confidentiality of student reports.

They are to report “any incidents of …”. Faculty are not required to report enquiries about sexual misconduct or assault, allusions to, or rumors of. The same wording occurs in Section 3.2.

Sec 3.3 refers to “a complaint of sexual misconduct.” A request to discuss the topic of sexual misconduct or violence, an enquiry, a rumor, or an indirect allusion is not a complaint.

The Senate notes that Sec 4 of the policy says: “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.” This statement appears to allude to Section d-1 of Questions and Answers on Title IX and Sexual Violence, issued by the Assistant Secretary of the Office of Civil Rights. The question is: “Which school employees are obligated to report incidents of possible sexual violence to school officials?” The statement in response is: “A responsible employee must report incidents of sexual violence to the Title IX coordinator or other appropriate school designee, subject to the exemption for school counseling employees discussed in question E-3.” The obligation should attach to faculty to report “incidents,” not, “reports” and a fortiori not conversations, enquiries, allusions, or rumors. Accordingly, the Senate withdraws its approval of this section of the policy until it is reworded consistently with the law.
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 IX 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. Responsible Employees can find contact information for the Title IX Coordinator and Deputy Coordinators at the following website: www.utdallas.edu/titleIX

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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

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) 669-4000, 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 IX 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/ or https://www.texasattorneygeneral.gov/victims/sapcs.shtml#survivors
The cost of the forensic portion of the exam is covered by the law enforcement agency that is investigating the assault or, in cases where a report will not be made to the police, the Texas Department of Public Safety. This does not include fees related to medical treatment that are not a part of the SAFE.

(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 UTD 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 compliant 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.

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 to have occurred 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.utdallas.edu/oiec](http://www.utdallas.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 control the other person's conduct by administering any substance without the other person's knowledge; (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat.

\(^5\) 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.

\(^6\) 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

(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:
   o unwelcome intentional touching; or
   o 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:
   o explicit or implicit propositions to engage in sexual activity;
   o gratuitous comments, jokes, questions, anecdotes or remarks of a sexual nature about clothing or bodies;
   o gratuitous remarks about sexual activities or speculation about sexual experiences;
   o persistent, unwanted sexual or romantic attention;
   o subtle or overt pressure for sexual favors;
   o exposure to sexually suggestive visual displays such as photographs, graffiti, posters, calendars or other materials; or
   o 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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8 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 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 IGNITE Texas- [www.ignitetx.org](http://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 the Report (check all that apply):

☐ Discrimination
☐ Harassment
☐ Relationship Violence
☐ Retaliation
☐ Sexual Misconduct,
    (including Sexual Harassment and Sexual Violence)
☐ Stalking

Other: ________________________________

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
- [ ] Not Applicable
- [ ] Color
- [ ] Sex (including pregnancy)
- [ ] Veteran Status
- [ ] Genetic Information

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.

v. 2.7.15
Item 11: Amendments to UTDPP1013-Academic Program Review Committee Charge
Title IX of the Education Amendments of 1972 ("Title IX") is a federal civil rights law that prohibits discrimination on the basis of sex in federally funded education programs and activities. All public and private elementary and secondary schools, school districts, colleges, and universities receiving any federal financial assistance (hereinafter “schools”, “recipients”, or “recipient institutions”) must comply with Title IX.

On April 4, 2011, the Office for Civil Rights (OCR) in the U.S. Department of Education issued a Dear Colleague Letter on student-on-student sexual harassment and sexual violence ("DCL"). The DCL explains a school’s responsibility to respond promptly and effectively to sexual violence against students in accordance with the requirements of Title IX. Specifically, the DCL:

- Provides guidance on the unique concerns that arise in sexual violence cases, such as a school’s independent responsibility under Title IX to investigate (apart from any separate criminal investigation by local police) and address sexual violence.

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1 The Department has determined that this document is a “significant guidance document” under the Office of Management and Budget’s Final Bulletin for Agency Good Guidance Practices, 72 Fed. Reg. 3432 (Jan. 25, 2007), available at www.whitehouse.gov/sites/default/files/omb/fedreg/2007/012507_good_guidance.pdf. The Office for Civil Rights (OCR) issues this and other policy guidance to provide recipients with information to assist them in meeting their obligations, and to provide members of the public with information about their rights, under the civil rights laws and implementing regulations that we enforce. OCR’s legal authority is based on those laws and regulations. This guidance does not add requirements to applicable law, but provides information and examples to inform recipients about how OCR evaluates whether covered entities are complying with their legal obligations. If you are interested in commenting on this guidance, please send an e-mail with your comments to OCR@ed.gov, or write to the following address: Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202.

2 20 U.S.C. § 1681 et seq.

3 Throughout this document the term “schools” refers to recipients of federal financial assistance that operate educational programs or activities. For Title IX purposes, at the elementary and secondary school level, the recipient generally is the school district; and at the postsecondary level, the recipient is the individual institution of higher education. An educational institution that is controlled by a religious organization is exempt from Title IX to the extent that the law’s requirements conflict with the organization’s religious tenets. 20 U.S.C. § 1681(a)(3); 34 C.F.R. § 106.12(a). For application of this provision to a specific institution, please contact the appropriate OCR regional office.


5 Although this document and the DCL focus on sexual violence, the legal principles generally also apply to other forms of sexual harassment.
• Provides guidance and examples about key Title IX requirements and how they relate to sexual violence, such as the requirements to publish a policy against sex discrimination, designate a Title IX coordinator, and adopt and publish grievance procedures.

• Discusses proactive efforts schools can take to prevent sexual violence.

• Discusses the interplay between Title IX, the Family Educational Rights and Privacy Act ("FERPA"), 6 and the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act ("Clery Act") 7 as it relates to a complainant’s right to know the outcome of his or her complaint, including relevant sanctions imposed on the perpetrator.

• Provides examples of remedies and enforcement strategies that schools and OCR may use to respond to sexual violence.

The DCL supplements OCR’s Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, issued in 2001 (2001 Guidance). 8 The 2001 Guidance discusses in detail the Title IX requirements related to sexual harassment of students by school employees, other students, or third parties. The DCL and the 2001 Guidance remain in full force and we recommend reading these Questions and Answers in conjunction with these documents.

In responding to requests for technical assistance, OCR has determined that elementary and secondary schools and postsecondary institutions would benefit from additional guidance concerning their obligations under Title IX to address sexual violence as a form of sexual harassment. The following questions and answers further clarify the legal requirements and guidance articulated in the DCL and the 2001 Guidance and include examples of proactive efforts schools can take to prevent sexual violence and remedies schools may use to end such conduct, prevent its recurrence, and address its effects. In order to gain a complete understanding of these legal requirements and recommendations, this document should be read in full.

Authorized by

/s/

Catherine E. Lhamon
Assistant Secretary for Civil Rights

April 29, 2014

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Notice of Language Assistance
Questions and Answers on Title IX and Sexual Violence

Notice of Language Assistance: If you have difficulty understanding English, you may, free of charge, request language assistance services for this Department information by calling 1-800-USA-LEARN (1-800-872-5327) (TTY: 1-800-877-8339), or email us at: Ed.Language.Assistance@ed.gov.

Aviso a personas con dominio limitado del idioma inglés: Si usted tiene alguna dificultad en entender el idioma inglés, puede, sin costo alguno, solicitar asistencia lingüística con respecto a esta información llamando al 1-800-USA-LEARN (1-800-872-5327) (TTY: 1-800-877-8339), o envíe un mensaje de correo electrónico a: Ed.Language.Assistance@ed.gov.

給英語能力有限人士的通知: 如果您不懂英語，或者使用英語有困難，您可以申請獲得向大眾提供的語言協助服務，幫助您理解教育部資訊。這些語言協助服務均可免費提供。如果您需要有關口譯或筆譯服務的詳細資訊，請致電 1-800-USA-LEARN (1-800-872-5327) (聽語障人士專線：1-800-877-8339), 或電郵: Ed.Language.Assistance@ed.gov。

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Înșirare privind penștii cu capătul limitat al limbii englez: Dacă aveți dificultăți în înțelegerea limba engleză, puteți, fără cost, solicita servicii de asistență limbă pentru această informație prin numărul 1-800-USA-LEARN (1-800-872-5327) (TTY: 1-800-877-8339), sau trimiteți un e-mail la Ed.Language.Assistance@ed.gov.

Уведомление для лиц с ограниченным знанием английского языка: Если вы испытываете трудности в понимании английского языка, вы можете попросить, чтобы вам предоставили перевод информации, которую Министерство Образования доводит до всеобщего сведения. Этот перевод предоставляется бесплатно. Если вы хотите получить более подробную информацию об услугах устного и письменного перевода, звоните по телефону 1-800-USA-LEARN (1-800-872-5327) (служба для слабослышащих: 1-800-877-8339), или отправьте сообщение по адресу: Ed.Language.Assistance@ed.gov.
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A. A School’s Obligation to Respond to Sexual Violence

A-1. What is sexual violence?

Answer: Sexual violence, as that term is used in this document and prior OCR guidance, refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent (e.g., due to the student’s age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, other students, or third parties. All such acts of sexual violence are forms of sex discrimination prohibited by Title IX.

A-2. How does Title IX apply to student-on-student sexual violence?

Answer: Under Title IX, federally funded schools must ensure that students of all ages are not denied or limited in their ability to participate in or benefit from the school’s educational programs or activities on the basis of sex. A school violates a student’s rights under Title IX regarding student-on-student sexual violence when the following conditions are met: (1) the alleged conduct is sufficiently serious to limit or deny a student’s ability to participate in or benefit from the school’s educational program, i.e. creates a hostile environment; and (2) the school, upon notice, fails to take prompt and effective steps reasonably calculated to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.9

A-3. How does OCR determine if a hostile environment has been created?

Answer: As discussed more fully in OCR’s 2001 Guidance, OCR considers a variety of related factors to determine if a hostile environment has been created; and also considers the conduct in question from both a subjective and an objective perspective. Specifically, OCR’s standards require that the conduct be evaluated from the perspective of a reasonable person in the alleged victim’s position, considering all the circumstances. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. Indeed, a single or isolated incident of sexual violence may create a hostile environment.

9 This is the standard for administrative enforcement of Title IX and in court cases where plaintiffs are seeking injunctive relief. See 2001 Guidance at ii-v, 12-13. The standard in private lawsuits for monetary damages is actual knowledge and deliberate indifference. See Davis v. Monroe Cnty Bd. of Educ., 526 U.S. 629, 643 (1999).
A-4. When does OCR consider a school to have notice of student-on-student sexual violence?

**Answer:** OCR deems a school to have notice of student-on-student sexual violence if a responsible employee knew, or in the exercise of reasonable care should have known, about the sexual violence. See question D-2 regarding who is a responsible employee.

A school can receive notice of sexual violence in many different ways. Some examples of notice include: a student may have filed a grievance with or otherwise informed the school’s Title IX coordinator; a student, parent, friend, or other individual may have reported an incident to a teacher, principal, campus law enforcement, staff in the office of student affairs, or other responsible employee; or a teacher or dean may have witnessed the sexual violence.

The school may also receive notice about sexual violence in an indirect manner, from sources such as a member of the local community, social networking sites, or the media. In some situations, if the school knows of incidents of sexual violence, the exercise of reasonable care should trigger an investigation that would lead to the discovery of additional incidents. For example, if school officials receive a credible report that a student has perpetrated several acts of sexual violence against different students, that pattern of conduct should trigger an inquiry as to whether other students have been subjected to sexual violence by that student. In other cases, the pervasiveness of the sexual violence may be widespread, openly practiced, or well-known among students or employees. In those cases, OCR may conclude that the school should have known of the hostile environment. In other words, if the school would have found out about the sexual violence had it made a proper inquiry, knowledge of the sexual violence will be imputed to the school even if the school failed to make an inquiry. A school’s failure to take prompt and effective corrective action in such cases (as described in questions G-1 to G-3 and H-1 to H-3) would violate Title IX even if the student did not use the school’s grievance procedures or otherwise inform the school of the sexual violence.

A-5. What are a school’s basic responsibilities to address student-on-student sexual violence?

**Answer:** When a school knows or reasonably should know of possible sexual violence, it must take immediate and appropriate steps to investigate or otherwise determine what occurred (subject to the confidentiality provisions discussed in Section E). If an investigation reveals that sexual violence created a hostile environment, the school must then take prompt and effective steps reasonably calculated to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its
effects. But a school should not wait to take steps to protect its students until students have already been deprived of educational opportunities.

Title IX requires a school to protect the complainant and ensure his or her safety as necessary, including taking interim steps before the final outcome of any investigation. The school should take these steps promptly once it has notice of a sexual violence allegation and should provide the complainant with periodic updates on the status of the investigation. If the school determines that the sexual violence occurred, the school must continue to take these steps to protect the complainant and ensure his or her safety, as necessary. The school should also ensure that the complainant is aware of any available resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance, and the right to report a crime to campus or local law enforcement. For additional information on interim measures, see questions G-1 to G-3.

If a school delays responding to allegations of sexual violence or responds inappropriately, the school’s own inaction may subject the student to a hostile environment. If it does, the school will also be required to remedy the effects of the sexual violence that could reasonably have been prevented had the school responded promptly and appropriately. For example, if a school’s ignoring of a student’s complaints of sexual assault by a fellow student results in the complaining student having to remain in classes with the other student for several weeks and the complaining student’s grades suffer because he or she was unable to concentrate in these classes, the school may need to permit the complaining student to retake the classes without an academic or financial penalty (in addition to any other remedies) in order to address the effects of the sexual violence.

A-6. Does Title IX cover employee-on-student sexual violence, such as sexual abuse of children?

Answer: Yes. Although this document and the DCL focus on student-on-student sexual violence, Title IX also protects students from other forms of sexual harassment (including sexual violence and sexual abuse), such as sexual harassment carried out by school employees. Sexual harassment by school employees can include unwelcome sexual advances; requests for sexual favors; and other verbal, nonverbal, or physical conduct of a sexual nature, including but not limited to sexual activity. Title IX’s prohibition against

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10 Throughout this document, unless otherwise noted, the term “complainant” refers to the student who allegedly experienced the sexual violence.

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sexual harassment generally does not extend to legitimate nonsexual touching or other nonsexual conduct. But in some circumstances, nonsexual conduct may take on sexual connotations and rise to the level of sexual harassment. For example, a teacher repeatedly hugging and putting his or her arms around students under inappropriate circumstances could create a hostile environment. Early signs of inappropriate behavior with a child can be the key to identifying and preventing sexual abuse by school personnel.

A school’s Title IX obligations regarding sexual harassment by employees can, in some instances, be greater than those described in this document and the DCL. Recipients should refer to OCR’s 2001 Guidance for further information about Title IX obligations regarding harassment of students by school employees. In addition, many state and local laws have mandatory reporting requirements for schools working with minors. Recipients should be careful to satisfy their state and local legal obligations in addition to their Title IX obligations, including training to ensure that school employees are aware of their obligations under such state and local laws and the consequences for failing to satisfy those obligations.

With respect to sexual activity in particular, OCR will always view as unwelcome and nonconsensual sexual activity between an adult school employee and an elementary school student or any student below the legal age of consent in his or her state. In cases involving a student who meets the legal age of consent in his or her state, there will still be a strong presumption that sexual activity between an adult school employee and a student is unwelcome and nonconsensual. When a school is on notice that a school employee has sexually harassed a student, it is responsible for taking prompt and effective steps reasonably calculated to end the sexual harassment, eliminate the hostile environment, prevent its recurrence, and remedy its effects. Indeed, even if a school was not on notice, the school is nonetheless responsible for remediying any effects of the sexual harassment on the student, as well as for ending the sexual harassment and preventing its recurrence, when the employee engaged in the sexual activity in the context of the employee’s provision of aid, benefits, or services to students (e.g., teaching, counseling, supervising, advising, or transporting students).

A school should take steps to protect its students from sexual abuse by its employees. It is therefore imperative for a school to develop policies prohibiting inappropriate conduct by school personnel and procedures for identifying and responding to such conduct. For example, this could include implementing codes of conduct, which might address what is commonly known as grooming – a desensitization strategy common in adult educator sexual misconduct. Such policies and procedures can ensure that students, parents, and
school personnel have clear guidelines on what are appropriate and inappropriate interactions between adults and students in a school setting or in school-sponsored activities. Additionally, a school should provide training for administrators, teachers, staff, parents, and age-appropriate classroom information for students to ensure that everyone understands what types of conduct are prohibited and knows how to respond when problems arise.11

B. **Students Protected by Title IX**

**B-1. Does Title IX protect all students from sexual violence?**

**Answer:** Yes. Title IX protects all students at recipient institutions from sex discrimination, including sexual violence. Any student can experience sexual violence: from elementary to professional school students; male and female students; straight, gay, lesbian, bisexual and transgender students; part-time and full-time students; students with and without disabilities; and students of different races and national origins.

**B-2. How should a school handle sexual violence complaints in which the complainant and the alleged perpetrator are members of the same sex?**

**Answer:** A school’s obligation to respond appropriately to sexual violence complaints is the same irrespective of the sex or sexes of the parties involved. Title IX protects all students from sexual violence, regardless of the sex of the alleged perpetrator or complainant, including when they are members of the same sex. A school must investigate and resolve allegations of sexual violence involving parties of the same sex using the same procedures and standards that it uses in all complaints involving sexual violence.

Title IX’s sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity and OCR accepts such complaints for investigation. Similarly, the actual or perceived sexual orientation or gender identity of the parties does not change a school’s obligations. Indeed, lesbian, gay, bisexual, and transgender (LGBT) youth report high rates of sexual harassment and sexual violence. A school should investigate and resolve allegations of sexual violence regarding LGBT students using the same procedures and standards that it

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uses in all complaints involving sexual violence. The fact that incidents of sexual violence may be accompanied by anti-gay comments or be partly based on a student’s actual or perceived sexual orientation does not relieve a school of its obligation under Title IX to investigate and remedy those instances of sexual violence.

If a school’s policies related to sexual violence include examples of particular types of conduct that violate the school’s prohibition on sexual violence, the school should consider including examples of same-sex conduct. In addition, a school should ensure that staff are capable of providing culturally competent counseling to all complainants. Thus, a school should ensure that its counselors and other staff who are responsible for receiving and responding to complaints of sexual violence, including investigators and hearing board members, receive appropriate training about working with LGBT and gender-nonconforming students and same-sex sexual violence. See questions J-1 to J-4 for additional information regarding training.

Gay-straight alliances and similar student-initiated groups can also play an important role in creating safer school environments for LGBT students. On June 14, 2011, the Department issued guidance about the rights of student-initiated groups in public secondary schools under the Equal Access Act. That guidance is available at http://www2.ed.gov/policy/elsec/guid/secletter/110607.html.

B-3. What issues may arise with respect to students with disabilities who experience sexual violence?

Answer: When students with disabilities experience sexual violence, federal civil rights laws other than Title IX may also be relevant to a school’s responsibility to investigate and address such incidents. Certain students require additional assistance and support. For example, students with intellectual disabilities may need additional help in learning about sexual violence, including a school’s sexual violence education and prevention programs, what constitutes sexual violence and how students can report incidents of sexual

12 OCR enforces two civil rights laws that prohibit disability discrimination. Section 504 of the Rehabilitation Act of 1973 (Section 504) prohibits disability discrimination by public or private entities that receive federal financial assistance, and Title II of the American with Disabilities Act of 1990 (Title II) prohibits disability discrimination by all state and local public entities, regardless of whether they receive federal funding. See 29 U.S.C. § 794 and 34 C.F.R. part 104; 42 U.S.C. § 12131 et seq. and 28 C.F.R. part 35. OCR and the U.S. Department of Justice (DOJ) share the responsibility of enforcing Title II in the educational context. The Department of Education’s Office of Special Education Programs in the Office of Special Education and Rehabilitative Services administers Part B of the Individuals with Disabilities Education Act (IDEA). 20 U.S.C. 1400 et seq. and 34 C.F.R. part 300. IDEA provides financial assistance to states, and through them to local educational agencies, to assist in providing special education and related services to eligible children with disabilities ages three through twenty-one, inclusive.
violence. In addition, students with disabilities who experience sexual violence may require additional services and supports, including psychological services and counseling services. Postsecondary students who need these additional services and supports can seek assistance from the institution’s disability resource office.

A student who has not been previously determined to have a disability may, as a result of experiencing sexual violence, develop a mental health-related disability that could cause the student to need special education and related services. At the elementary and secondary education level, this may trigger a school’s child find obligations under IDEA and the evaluation and placement requirements under Section 504, which together require a school to evaluate a student suspected of having a disability to determine if he or she has a disability that requires special education or related aids and services.\(^\text{13}\)

A school must also ensure that any school reporting forms, information, or training about sexual violence be provided in a manner that is accessible to students and employees with disabilities, for example, by providing electronically-accessible versions of paper forms to individuals with print disabilities, or by providing a sign language interpreter to a deaf individual attending a training. See question J-4 for more detailed information on student training.

**B-4. What issues arise with respect to international students and undocumented students who experience sexual violence?**

**Answer:** Title IX protects all students at recipient institutions in the United States regardless of national origin, immigration status, or citizenship status.\(^\text{14}\) A school should ensure that all students regardless of their immigration status, including undocumented students and international students, are aware of their rights under Title IX. A school must also ensure that any school reporting forms, information, or training about sexual violence be provided in a manner accessible to students who are English language learners. OCR recommends that a school coordinate with its international office and its undocumented student program coordinator, if applicable, to help communicate information about Title IX in languages that are accessible to these groups of students. OCR also encourages schools to provide foreign national complainants with information about the U nonimmigrant status and the T nonimmigrant status. The U nonimmigrant status is set

\(^{13}\) See 34 C.F.R. §§ 300.8; 300.111; 300.201; 300.300-300.311 (IDEA); 34 C.F.R. §§ 104.3(j) and 104.35 (Section 504). Schools must comply with applicable consent requirements with respect to evaluations. See 34 C.F.R. § 300.300.

\(^{14}\) OCR enforces Title VI of the Civil Rights Act of 1964, which prohibits discrimination by recipients of federal financial assistance on the basis of race, color, or national origin. 42 U.S.C. § 2000d.
aside for victims of certain crimes who have suffered substantial mental or physical abuse as a result of the crime and are helpful to law enforcement agency in the investigation or prosecution of the qualifying criminal activity. The T nonimmigrant status is available for victims of severe forms of human trafficking who generally comply with a law enforcement agency in the investigation or prosecution of the human trafficking and who would suffer extreme hardship involving unusual and severe harm if they were removed from the United States.

A school should be mindful that unique issues may arise when a foreign student on a student visa experiences sexual violence. For example, certain student visas require the student to maintain a full-time course load (generally at least 12 academic credit hours per term), but a student may need to take a reduced course load while recovering from the immediate effects of the sexual violence. OCR recommends that a school take steps to ensure that international students on student visas understand that they must typically seek prior approval of the designated school official (DSO) for student visas to drop below a full-time course load. A school may also want to encourage its employees involved in handling sexual violence complaints and counseling students who have experienced sexual violence to approach the DSO on the student’s behalf if the student wishes to drop below a full-time course load. OCR recommends that a school take steps to ensure that its employees who work with international students, including the school’s DSO, are trained on the school’s sexual violence policies and that employees involved in handling sexual violence complaints and counseling students who have experienced sexual violence are aware of the special issues that international students may encounter. See questions J-1 to J-4 for additional information regarding training.

A school should also be aware that threatening students with deportation or invoking a student’s immigration status in an attempt to intimidate or deter a student from filing a Title IX complaint would violate Title IX’s protections against retaliation. For more information on retaliation see question K-1.

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16 For more information on the T nonimmigrant status, see http://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-human-trafficking-t-nonimmigrant-status.
B-5. How should a school respond to sexual violence when the alleged perpetrator is not affiliated with the school?

**Answer:** The appropriate response will differ depending on the level of control the school has over the alleged perpetrator. For example, if an athlete or band member from a visiting school sexually assaults a student at the home school, the home school may not be able to discipline or take other direct action against the visiting athlete or band member. However (and subject to the confidentiality provisions discussed in Section E), it should conduct an inquiry into what occurred and should report the incident to the visiting school and encourage the visiting school to take appropriate action to prevent further sexual violence. The home school should also notify the student of any right to file a complaint with the alleged perpetrator’s school or local law enforcement. The home school may also decide not to invite the visiting school back to its campus.

Even though a school’s ability to take direct action against a particular perpetrator may be limited, the school must still take steps to provide appropriate remedies for the complainant and, where appropriate, the broader school population. This may include providing support services for the complainant, and issuing new policy statements making it clear that the school does not tolerate sexual violence and will respond to any reports about such incidents. For additional information on interim measures see questions G-1 to G-3.

C. Title IX Procedural Requirements

*Overview*

C-1. What procedures must a school have in place to prevent sexual violence and resolve complaints?

**Answer:** The Title IX regulations outline three key procedural requirements. Each school must:

1. disseminate a notice of nondiscrimination (see question C-2);\(^{17}\)

2. designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX (see questions C-3 to C-4);\(^{18}\) and

\(^{17}\) 34 C.F.R. § 106.9.

\(^{18}\) Id. § 106.8(a).
(3) adopt and publish grievance procedures providing for the prompt and equitable resolution of student and employee sex discrimination complaints (see questions C-5 to C-6). 19

These requirements apply to all forms of sex discrimination and are particularly important for preventing and effectively responding to sexual violence.

Procedural requirements under other federal laws may also apply to complaints of sexual violence, including the requirements of the Clery Act. 20 For additional information about the procedural requirements in the Clery Act, please see http://www2.ed.gov/lead/safety/campus.html.

**Notice of Nondiscrimination**

**C-2. What information must be included in a school’s notice of nondiscrimination?**

**Answer:** The notice of nondiscrimination must state that the school does not discriminate on the basis of sex in its education programs and activities, and that it is required by Title IX not to discriminate in such a manner. The notice must state that questions regarding Title IX may be referred to the school’s Title IX coordinator or to OCR. The school must notify all of its students and employees of the name or title, office address, telephone number, and email address of the school’s designated Title IX coordinator. 21

**Title IX Coordinator**

**C-3. What are a Title IX coordinator’s responsibilities?**

**Answer:** A Title IX coordinator’s core responsibilities include overseeing the school’s response to Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. This means that the Title IX coordinator must have knowledge of the requirements of Title IX, of the school’s own policies and procedures on sex discrimination, and of all complaints raising Title IX issues throughout the school. To accomplish this, subject to the exemption for school counseling employees discussed in question E-3, the Title IX coordinator must be informed of all

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19 Id. § 106.8(b).
20 All postsecondary institutions participating in the Higher Education Act’s Title IV student financial assistance programs must comply with the Clery Act.
reports and complaints raising Title IX issues, even if the report or complaint was initially filed with another individual or office or if the investigation will be conducted by another individual or office. The school should ensure that the Title IX coordinator is given the training, authority, and visibility necessary to fulfill these responsibilities.

Because the Title IX coordinator must have knowledge of all Title IX reports and complaints at the school, this individual (when properly trained) is generally in the best position to evaluate a student’s request for confidentiality in the context of the school’s responsibility to provide a safe and nondiscriminatory environment for all students. A school may determine, however, that another individual should perform this role. For additional information on confidentiality requests, see questions E-1 to E-4. If a school relies in part on its disciplinary procedures to meet its Title IX obligations, the Title IX coordinator should review the disciplinary procedures to ensure that the procedures comply with the prompt and equitable requirements of Title IX as discussed in question C-5.

In addition to these core responsibilities, a school may decide to give its Title IX coordinator additional responsibilities, such as: providing training to students, faculty, and staff on Title IX issues; conducting Title IX investigations, including investigating facts relevant to a complaint, and determining appropriate sanctions against the perpetrator and remedies for the complainant; determining appropriate interim measures for a complainant upon learning of a report or complaint of sexual violence; and ensuring that appropriate policies and procedures are in place for working with local law enforcement and coordinating services with local victim advocacy organizations and service providers, including rape crisis centers. A school must ensure that its Title IX coordinator is appropriately trained in all areas over which he or she has responsibility. The Title IX coordinator or designee should also be available to meet with students as needed.

If a school designates more than one Title IX coordinator, the school’s notice of nondiscrimination and Title IX grievance procedures should describe each coordinator’s responsibilities, and one coordinator should be designated as having ultimate oversight responsibility.

C-4. Are there any employees who should not serve as the Title IX coordinator?

Answer: Title IX does not categorically preclude particular employees from serving as Title IX coordinators. However, Title IX coordinators should not have other job responsibilities that may create a conflict of interest. Because some complaints may raise issues as to whether or how well the school has met its Title IX obligations, designating
the same employee to serve both as the Title IX coordinator and the general counsel (which could include representing the school in legal claims alleging Title IX violations) poses a serious risk of a conflict of interest. Other employees whose job responsibilities may conflict with a Title IX coordinator’s responsibilities include Directors of Athletics, Deans of Students, and any employee who serves on the judicial/hearing board or to whom an appeal might be made. Designating a full-time Title IX coordinator will minimize the risk of a conflict of interest.

**Grievance Procedures**

C-5. **Under Title IX, what elements should be included in a school’s procedures for responding to complaints of sexual violence?**

**Answer:** Title IX requires that a school adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints of sex discrimination, including sexual violence. In evaluating whether a school’s grievance procedures satisfy this requirement, OCR will review all aspects of a school’s policies and practices, including the following elements that are critical to achieve compliance with Title IX:

1. notice to students, parents of elementary and secondary students, and employees of the grievance procedures, including where complaints may be filed;

2. application of the grievance procedures to complaints filed by students or on their behalf alleging sexual violence carried out by employees, other students, or third parties;

3. provisions for adequate, reliable, and impartial investigation of complaints, including the opportunity for both the complainant and alleged perpetrator to present witnesses and evidence;

4. designated and reasonably prompt time frames for the major stages of the complaint process (see question F-8);

5. written notice to the complainant and alleged perpetrator of the outcome of the complaint (see question H-3); and

6. assurance that the school will take steps to prevent recurrence of any sexual violence and remedy discriminatory effects on the complainant and others, if appropriate.
To ensure that students and employees have a clear understanding of what constitutes sexual violence, the potential consequences for such conduct, and how the school processes complaints, a school’s Title IX grievance procedures should also explicitly include the following in writing, some of which themselves are mandatory obligations under Title IX:

1. A statement of the school’s jurisdiction over Title IX complaints;
2. Adequate definitions of sexual harassment (which includes sexual violence) and an explanation as to when such conduct creates a hostile environment;
3. Reporting policies and protocols, including provisions for confidential reporting;
4. Identification of the employee or employees responsible for evaluating requests for confidentiality;
5. Notice that Title IX prohibits retaliation;
6. Notice of a student’s right to file a criminal complaint and a Title IX complaint simultaneously;
7. Notice of available interim measures that may be taken to protect the student in the educational setting;
8. The evidentiary standard that must be used (preponderance of the evidence) (i.e., more likely than not that sexual violence occurred) in resolving a complaint;
9. Notice of potential remedies for students;
10. Notice of potential sanctions against perpetrators; and
11. Sources of counseling, advocacy, and support.

For more information on interim measures, see questions G-1 to G-3.

The rights established under Title IX must be interpreted consistently with any federally guaranteed due process rights. Procedures that ensure the Title IX rights of the complainant, while at the same time according any federally guaranteed due process to both parties involved, will lead to sound and supportable decisions. Of course, a school should ensure that steps to accord any due process rights do not restrict or unnecessarily delay the protections provided by Title IX to the complainant.
A school’s procedures and practices will vary in detail, specificity, and components, reflecting differences in the age of its students, school size and administrative structure, state or local legal requirements (e.g., mandatory reporting requirements for schools working with minors), and what it has learned from past experiences.

C-6. Is a school required to use separate grievance procedures for sexual violence complaints?

**Answer:** No. Under Title IX, a school may use student disciplinary procedures, general Title IX grievance procedures, sexual harassment procedures, or separate procedures to resolve sexual violence complaints. However, any procedures used for sexual violence complaints, including disciplinary procedures, must meet the Title IX requirement of affording a complainant a prompt and equitable resolution (as discussed in question C-5), including applying the preponderance of the evidence standard of review. As discussed in question C-3, the Title IX coordinator should review any process used to resolve complaints of sexual violence to ensure it complies with requirements for prompt and equitable resolution of these complaints. When using disciplinary procedures, which are often focused on the alleged perpetrator and can take considerable time, a school should be mindful of its obligation to provide interim measures to protect the complainant in the educational setting. For more information on timeframes and interim measures, see questions F-8 and G-1 to G-3.

D. Responsible Employees and Reporting

D-1. Which school employees are obligated to report incidents of possible sexual violence to school officials?

**Answer:** Under Title IX, whether an individual is obligated to report incidents of alleged sexual violence generally depends on whether the individual is a responsible employee of the school. A responsible employee must report incidents of sexual violence to the Title IX coordinator or other appropriate school designee, subject to the exemption for school counseling employees discussed in question E-3. This is because, as discussed in question A-4, a school is obligated to address sexual violence about which a responsible employee knew or should have known. As explained in question C-3, the Title IX coordinator must be informed of all reports and complaints raising Title IX issues, even if the report or

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22 This document addresses only Title IX’s reporting requirements. It does not address requirements under the Clery Act or other federal, state, or local laws, or an individual school’s code of conduct.
complaint was initially filed with another individual or office, subject to the exemption for school counseling employees discussed in question E-3.

D-2. Who is a “responsible employee”?

**Answer:** According to OCR’s 2001 Guidance, a responsible employee includes any employee: who has the authority to take action to redress sexual violence; who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty.23

A school must make clear to all of its employees and students which staff members are responsible employees so that students can make informed decisions about whether to disclose information to those employees. A school must also inform all employees of their own reporting responsibilities and the importance of informing complainants of: the reporting obligations of responsible employees; complainants’ option to request confidentiality and available confidential advocacy, counseling, or other support services; and complainants’ right to file a Title IX complaint with the school and to report a crime to campus or local law enforcement.

Whether an employee is a responsible employee will vary depending on factors such as the age and education level of the student, the type of position held by the employee, and consideration of both formal and informal school practices and procedures. For example, while it may be reasonable for an elementary school student to believe that a custodial staff member or cafeteria worker has the authority or responsibility to address student misconduct, it is less reasonable for a college student to believe that a custodial staff member or dining hall employee has this same authority.

As noted in response to question A-4, when a responsible employee knows or reasonably should know of possible sexual violence, OCR deems a school to have notice of the sexual violence. The school must take immediate and appropriate steps to investigate or otherwise determine what occurred (subject to the confidentiality provisions discussed in Section E), and, if the school determines that sexual violence created a hostile environment, the school must then take appropriate steps to address the situation. The

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23 The Supreme Court held that a school will only be liable for money damages in a private lawsuit where there is actual notice to a school official with the authority to address the alleged discrimination and take corrective action. *Gebser v. Lago Vista Ind. Sch. Dist.*, 524 U.S. 274, 290 (1998), and *Davis*, 524 U.S. at 642. The concept of a “responsible employee” under OCR’s guidance for administrative enforcement of Title IX is broader.
school has this obligation regardless of whether the student, student’s parent, or a third party files a formal complaint. For additional information on a school’s responsibilities to address student-on-student sexual violence, see question A-5. For additional information on training for school employees, see questions J-1 to J-3.

D-3. **What information is a responsible employee obligated to report about an incident of possible student-on-student sexual violence?**

**Answer:** Subject to the exemption for school counseling employees discussed in question E-3, a responsible employee must report to the school’s Title IX coordinator, or other appropriate school designee, all relevant details about the alleged sexual violence that the student or another person has shared and that the school will need to determine what occurred and to resolve the situation. This includes the names of the alleged perpetrator (if known), the student who experienced the alleged sexual violence, other students involved in the alleged sexual violence, as well as relevant facts, including the date, time, and location. A school must make clear to its responsible employees to whom they should report an incident of alleged sexual violence.

To ensure compliance with these reporting obligations, it is important for a school to train its responsible employees on Title IX and the school’s sexual violence policies and procedures. For more information on appropriate training for school employees, see question J-1 to J-3.

D-4. **What should a responsible employee tell a student who discloses an incident of sexual violence?**

**Answer:** Before a student reveals information that he or she may wish to keep confidential, a responsible employee should make every effort to ensure that the student understands: (i) the employee’s obligation to report the names of the alleged perpetrator and student involved in the alleged sexual violence, as well as relevant facts regarding the alleged incident (including the date, time, and location), to the Title IX coordinator or other appropriate school officials, (ii) the student’s option to request that the school maintain his or her confidentiality, which the school (e.g., Title IX coordinator) will consider, and (iii) the student’s ability to share the information confidentially with counseling, advocacy, health, mental health, or sexual-assault-related services (e.g., sexual assault resource centers, campus health centers, pastoral counselors, and campus mental health centers). As discussed in questions E-1 and E-2, if the student requests confidentiality, the Title IX coordinator or other appropriate school designee responsible for evaluating requests for confidentiality should make every effort to respect this request.
and should evaluate the request in the context of the school’s responsibility to provide a safe and nondiscriminatory environment for all students.

D-5. **If a student informs a resident assistant/advisor (RA) that he or she was subjected to sexual violence by a fellow student, is the RA obligated under Title IX to report the incident to school officials?**

**Answer:** As discussed in questions D-1 and D-2, for Title IX purposes, whether an individual is obligated under Title IX to report alleged sexual violence to the school’s Title IX coordinator or other appropriate school designee generally depends on whether the individual is a responsible employee.

The duties and responsibilities of RAs vary among schools, and, therefore, a school should consider its own policies and procedures to determine whether its RAs are responsible employees who must report incidents of sexual violence to the Title IX coordinator or other appropriate school designee. When making this determination, a school should consider if its RAs have the general authority to take action to redress misconduct or the duty to report misconduct to appropriate school officials, as well as whether students could reasonably believe that RAs have this authority or duty. A school should also consider whether it has determined and clearly informed students that RAs are generally available for confidential discussions and do not have the authority or responsibility to take action to redress any misconduct or to report any misconduct to the Title IX coordinator or other appropriate school officials. A school should pay particular attention to its RAs’ obligations to report other student violations of school policy (e.g., drug and alcohol violations or physical assault). If an RA is required to report other misconduct that violates school policy, then the RA would be considered a responsible employee obligated to report incidents of sexual violence that violate school policy.

If an RA is a responsible employee, the RA should make every effort to ensure that before the student reveals information that he or she may wish to keep confidential, the student understands the RA’s reporting obligation and the student’s option to request that the school maintain confidentiality. It is therefore important that schools widely disseminate policies and provide regular training clearly identifying the places where students can seek confidential support services so that students are aware of this information. The RA

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24 Postsecondary institutions should be aware that, regardless of whether an RA is a responsible employee under Title IX, RAs are considered “campus security authorities” under the Clery Act. A school’s responsibilities in regard to crimes reported to campus security authorities are discussed in the Department’s regulations on the Clery Act at 34 C.F.R. § 668.46.
should also explain to the student (again, before the student reveals information that he or she may wish to keep confidential) that, although the RA must report the names of the alleged perpetrator (if known), the student who experienced the alleged sexual violence, other students involved in the alleged sexual violence, as well as relevant facts, including the date, time, and location to the Title IX coordinator or other appropriate school designee, the school will protect the student’s confidentiality to the greatest extent possible. Prior to providing information about the incident to the Title IX coordinator or other appropriate school designee, the RA should consult with the student about how to protect his or her safety and the details of what will be shared with the Title IX coordinator. The RA should explain to the student that reporting this information to the Title IX coordinator or other appropriate school designee does not necessarily mean that a formal complaint or investigation under the school’s Title IX grievance procedure must be initiated if the student requests confidentiality. As discussed in questions E-1 and E-2, if the student requests confidentiality, the Title IX coordinator or other appropriate school designee responsible for evaluating requests for confidentiality should make every effort to respect this request and should evaluate the request in the context of the school’s responsibility to provide a safe and nondiscriminatory environment for all students.

Regardless of whether a reporting obligation exists, all RAs should inform students of their right to file a Title IX complaint with the school and report a crime to campus or local law enforcement. If a student discloses sexual violence to an RA who is a responsible employee, the school will be deemed to have notice of the sexual violence even if the student does not file a Title IX complaint. Additionally, all RAs should provide students with information regarding on-campus resources, including victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance. RAs should also be familiar with local rape crisis centers or other off-campus resources and provide this information to students.

E. Confidentiality and a School’s Obligation to Respond to Sexual Violence

E-1. How should a school respond to a student’s request that his or her name not be disclosed to the alleged perpetrator or that no investigation or disciplinary action be pursued to address the alleged sexual violence?

Answer: Students, or parents of minor students, reporting incidents of sexual violence sometimes ask that the students’ names not be disclosed to the alleged perpetrators or that no investigation or disciplinary action be pursued to address the alleged sexual violence. OCR strongly supports a student’s interest in confidentiality in cases involving sexual violence. There are situations in which a school must override a student’s request
for confidentiality in order to meet its Title IX obligations; however, these instances will be limited and the information should only be shared with individuals who are responsible for handling the school’s response to incidents of sexual violence. Given the sensitive nature of reports of sexual violence, a school should ensure that the information is maintained in a secure manner. A school should be aware that disregarding requests for confidentiality can have a chilling effect and discourage other students from reporting sexual violence. In the case of minors, state mandatory reporting laws may require disclosure, but can generally be followed without disclosing information to school personnel who are not responsible for handling the school’s response to incidents of sexual violence.\(^{25}\)

Even if a student does not specifically ask for confidentiality, to the extent possible, a school should only disclose information regarding alleged incidents of sexual violence to individuals who are responsible for handling the school’s response. To improve trust in the process for investigating sexual violence complaints, a school should notify students of the information that will be disclosed, to whom it will be disclosed, and why. Regardless of whether a student complainant requests confidentiality, a school must take steps to protect the complainant as necessary, including taking interim measures before the final outcome of an investigation. For additional information on interim measures see questions G-1 to G-3.

For Title IX purposes, if a student requests that his or her name not be revealed to the alleged perpetrator or asks that the school not investigate or seek action against the alleged perpetrator, the school should inform the student that honoring the request may limit its ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator. The school should also explain that Title IX includes protections against retaliation, and that school officials will not only take steps to prevent retaliation but also take strong responsive action if it occurs. This includes retaliatory actions taken by the school and school officials. When a school knows or reasonably should know of possible retaliation by other students or third parties, including threats, intimidation, coercion, or discrimination (including harassment), it must take immediate

\(^{25}\) The school should be aware of the alleged student perpetrator’s right under the Family Educational Rights and Privacy Act (“FERPA”) to request to inspect and review information about the allegations if the information directly relates to the alleged student perpetrator and the information is maintained by the school as an education record. In such a case, the school must either redact the complainant’s name and all identifying information before allowing the alleged perpetrator to inspect and review the sections of the complaint that relate to him or her, or must inform the alleged perpetrator of the specific information in the complaint that are about the alleged perpetrator. See 34 C.F.R. § 99.12(a) The school should also make complainants aware of this right and explain how it might affect the school’s ability to maintain complete confidentiality.

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and appropriate steps to investigate or otherwise determine what occurred. Title IX requires the school to protect the complainant and ensure his or her safety as necessary. See question K-1 regarding retaliation.

If the student still requests that his or her name not be disclosed to the alleged perpetrator or that the school not investigate or seek action against the alleged perpetrator, the school will need to determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students, including the student who reported the sexual violence. As discussed in question C-3, the Title IX coordinator is generally in the best position to evaluate confidentiality requests. Because schools vary widely in size and administrative structure, OCR recognizes that a school may reasonably determine that an employee other than the Title IX coordinator, such as a sexual assault response coordinator, dean, or other school official, is better suited to evaluate such requests. Addressing the needs of a student reporting sexual violence while determining an appropriate institutional response requires expertise and attention, and a school should ensure that it assigns these responsibilities to employees with the capability and training to fulfill them. For example, if a school has a sexual assault response coordinator, that person should be consulted in evaluating requests for confidentiality. The school should identify in its Title IX policies and procedures the employee or employees responsible for making such determinations.

If the school determines that it can respect the student’s request not to disclose his or her identity to the alleged perpetrator, it should take all reasonable steps to respond to the complaint consistent with the request. Although a student’s request to have his or her name withheld may limit the school’s ability to respond fully to an individual allegation of sexual violence, other means may be available to address the sexual violence. There are steps a school can take to limit the effects of the alleged sexual violence and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the student complainant. Examples include providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; changing and publicizing the school’s policies on sexual violence; and conducting climate surveys regarding sexual violence. In instances affecting many students, an alleged perpetrator can be put on notice of allegations of harassing behavior and be counseled appropriately without revealing, even indirectly, the identity of the student complainant. A school must also take immediate action as necessary to protect the student while keeping the identity of the student confidential. These actions may include providing support services to the student and changing living arrangements or course schedules, assignments, or tests.
E-2. **What factors should a school consider in weighing a student’s request for confidentiality?**

**Answer:** When weighing a student’s request for confidentiality that could preclude a meaningful investigation or potential discipline of the alleged perpetrator, a school should consider a range of factors.

These factors include circumstances that suggest there is an increased risk of the alleged perpetrator committing additional acts of sexual violence or other violence (e.g., whether there have been other sexual violence complaints about the same alleged perpetrator, whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence, whether the alleged perpetrator threatened further sexual violence or other violence against the student or others, and whether the sexual violence was committed by multiple perpetrators). These factors also include circumstances that suggest there is an increased risk of future acts of sexual violence under similar circumstances (e.g., whether the student’s report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group). Other factors that should be considered in assessing a student’s request for confidentiality include whether the sexual violence was perpetrated with a weapon; the age of the student subjected to the sexual violence; and whether the school possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence).

A school should take requests for confidentiality seriously, while at the same time considering its responsibility to provide a safe and nondiscriminatory environment for all students, including the student who reported the sexual violence. For example, if the school has credible information that the alleged perpetrator has committed one or more prior rapes, the balance of factors would compel the school to investigate the allegation of sexual violence, and if appropriate, pursue disciplinary action in a manner that may require disclosure of the student’s identity to the alleged perpetrator. If the school determines that it must disclose a student’s identity to an alleged perpetrator, it should inform the student prior to making this disclosure. In these cases, it is also especially important for schools to take whatever interim measures are necessary to protect the student and ensure the safety of other students. If a school has a sexual assault response coordinator, that person should be consulted in identifying safety risks and interim measures that are necessary to protect the student. In the event the student requests that the school inform the perpetrator that the student asked the school not to investigate or seek discipline, the school should honor this request and inform the alleged perpetrator that the school made the decision to go forward. For additional information on interim measures see questions G-1 to G-3. Any school officials responsible for
discussing safety and confidentiality with students should be trained on the effects of trauma and the appropriate methods to communicate with students subjected to sexual violence. See questions J-1 to J-3.

On the other hand, if, for example, the school has no credible information about prior sexual violence committed by the alleged perpetrator and the alleged sexual violence was not perpetrated with a weapon or accompanied by threats to repeat the sexual violence against the complainant or others or part of a larger pattern at a given location or by a particular group, the balance of factors would likely compel the school to respect the student’s request for confidentiality. In this case the school should still take all reasonable steps to respond to the complaint consistent with the student’s confidentiality request and determine whether interim measures are appropriate or necessary. Schools should be mindful that traumatic events such as sexual violence can result in delayed decisionmaking by a student who has experienced sexual violence. Hence, a student who initially requests confidentiality might later request that a full investigation be conducted.

E-3. **What are the reporting responsibilities of school employees who provide or support the provision of counseling, advocacy, health, mental health, or sexual assault-related services to students who have experienced sexual violence?**

**Answer:** OCR does not require campus mental-health counselors, pastoral counselors, social workers, psychologists, health center employees, or any other person with a professional license requiring confidentiality, or who is supervised by such a person, to report, without the student’s consent, incidents of sexual violence to the school in a way that identifies the student. Although these employees may have responsibilities that would otherwise make them responsible employees for Title IX purposes, OCR recognizes the importance of protecting the counselor-client relationship, which often requires confidentiality to ensure that students will seek the help they need.

Professional counselors and pastoral counselors whose official responsibilities include providing mental-health counseling to members of the school community are not required by Title IX to report any information regarding an incident of alleged sexual violence to the Title IX coordinator or other appropriate school designee.

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26 The exemption from reporting obligations for pastoral and professional counselors under Title IX is consistent with the Clery Act. For additional information on reporting obligations under the Clery Act, see Office of Postsecondary Education, *Handbook for Campus Safety and Security Reporting* (2011), available at [http://www2.ed.gov/admins/lead/safety/handbook.pdf](http://www2.ed.gov/admins/lead/safety/handbook.pdf). Similar to the Clery Act, for Title IX purposes, a pastoral counselor is a person who is associated with a religious order or denomination, is recognized by that religious
OCR recognizes that some people who provide assistance to students who experience sexual violence are not professional or pastoral counselors. They include all individuals who work or volunteer in on-campus sexual assault centers, victim advocacy offices, women’s centers, or health centers (“non-professional counselors or advocates”), including front desk staff and students. OCR wants students to feel free to seek their assistance and therefore interprets Title IX to give schools the latitude not to require these individuals to report incidents of sexual violence in a way that identifies the student without the student’s consent. These non-professional counselors or advocates are valuable sources of support for students, and OCR strongly encourages schools to designate these individuals as confidential sources.

Pastoral and professional counselors and non-professional counselors or advocates should be instructed to inform students of their right to file a Title IX complaint with the school and a separate complaint with campus or local law enforcement. In addition to informing students about campus resources for counseling, medical, and academic support, these persons should also indicate that they are available to assist students in filing such complaints. They should also explain that Title IX includes protections against retaliation, and that school officials will not only take steps to prevent retaliation but also take strong responsive action if it occurs. This includes retaliatory actions taken by the school and school officials. When a school knows or reasonably should know of possible retaliation by other students or third parties, including threats, intimidation, coercion, or discrimination (including harassment), it must take immediate and appropriate steps to investigate or otherwise determine what occurred. Title IX requires the school to protect the complainant and ensure his or her safety as necessary.

In order to identify patterns or systemic problems related to sexual violence, a school should collect aggregate data about sexual violence incidents from non-professional counselors or advocates in their on-campus sexual assault centers, women’s centers, or

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27 Postsecondary institutions should be aware that an individual who is counseling students, but who does not meet the Clery Act definition of a pastoral or professional counselor, is not exempt from being a campus security authority if he or she otherwise has significant responsibility for student and campus activities. See fn. 24.
health centers. Such individuals should report only general information about incidents of sexual violence such as the nature, date, time, and general location of the incident and should take care to avoid reporting personally identifiable information about a student. Non-professional counselors and advocates should consult with students regarding what information needs to be withheld to protect their identity.

E-4. Is a school required to investigate information regarding sexual violence incidents shared by survivors during public awareness events, such as “Take Back the Night”?  

**Answer:** No. OCR wants students to feel free to participate in preventive education programs and access resources for survivors. Therefore, public awareness events such as “Take Back the Night” or other forums at which students disclose experiences with sexual violence are not considered notice to the school for the purpose of triggering an individual investigation unless the survivor initiates a complaint. The school should instead respond to these disclosures by reviewing sexual assault policies, creating campus-wide educational programs, and conducting climate surveys to learn more about the prevalence of sexual violence at the school. Although Title IX does not require the school to investigate particular incidents discussed at such events, the school should ensure that survivors are aware of any available resources, including counseling, health, and mental health services. To ensure that the entire school community understands their Title IX rights related to sexual violence, the school should also provide information at these events on Title IX and how to file a Title IX complaint with the school, as well as options for reporting an incident of sexual violence to campus or local law enforcement.

F. **Investigations and Hearings**

Overview

F-1. What elements should a school’s Title IX investigation include?

**Answer:** The specific steps in a school’s Title IX investigation will vary depending on the nature of the allegation, the age of the student or students involved, the size and administrative structure of the school, state or local legal requirements (including mandatory reporting requirements for schools working with minors), and what it has learned from past experiences.

For the purposes of this document the term “investigation” refers to the process the school uses to resolve sexual violence complaints. This includes the fact-finding investigation and any hearing and decision-making process the school uses to determine: (1) whether or not the conduct occurred; and, (2) if the conduct occurred, what actions
the school will take to end the sexual violence, eliminate the hostile environment, and prevent its recurrence, which may include imposing sanctions on the perpetrator and providing remedies for the complainant and broader student population.

In all cases, a school’s Title IX investigation must be adequate, reliable, impartial, and prompt and include the opportunity for both parties to present witnesses and other evidence. The investigation may include a hearing to determine whether the conduct occurred, but Title IX does not necessarily require a hearing. Furthermore, neither Title IX nor the DCL specifies who should conduct the investigation. It could be the Title IX coordinator, provided there are no conflicts of interest, but it does not have to be. All persons involved in conducting a school’s Title IX investigations must have training or experience in handling complaints of sexual violence and in the school’s grievance procedures. For additional information on training, see question J-3.

When investigating an incident of alleged sexual violence for Title IX purposes, to the extent possible, a school should coordinate with any other ongoing school or criminal investigations of the incident and establish appropriate fact-finding roles for each investigator. A school should also consider whether information can be shared among the investigators so that complainants are not unnecessarily required to give multiple statements about a traumatic event. If the investigation includes forensic evidence, it may be helpful for a school to consult with local or campus law enforcement or a forensic expert to ensure that the evidence is correctly interpreted by school officials. For additional information on working with campus or local law enforcement see question F-3.

If a school uses its student disciplinary procedures to meet its Title IX obligation to resolve complaints of sexual violence promptly and equitably, it should recognize that imposing sanctions against the perpetrator, without additional remedies, likely will not be sufficient to eliminate the hostile environment and prevent recurrence as required by Title IX. If a school typically processes complaints of sexual violence through its disciplinary process and that process, including any investigation and hearing, meets the Title IX requirements discussed above and enables the school to end the sexual violence, eliminate the hostile environment, and prevent its recurrence, then the school may use that process to satisfy its Title IX obligations and does not need to conduct a separate Title IX investigation. As discussed in question C-3, the Title IX coordinator should review the disciplinary process

This answer addresses only Title IX’s requirements for investigations. It does not address legal rights or requirements under the U.S. Constitution, the Clery Act, or other federal, state, or local laws.
to ensure that it: (1) complies with the prompt and equitable requirements of Title IX; (2) allows for appropriate interim measures to be taken to protect the complainant during the process; and (3) provides for remedies to the complainant and school community where appropriate. For more information about interim measures, see questions G-1 to G-3, and about remedies, see questions H-1 and H-2.

The investigation may include, but is not limited to, conducting interviews of the complainant, the alleged perpetrator, and any witnesses; reviewing law enforcement investigation documents, if applicable; reviewing student and personnel files; and gathering and examining other relevant documents or evidence. While a school has flexibility in how it structures the investigatory process, for Title IX purposes, a school must give the complainant any rights that it gives to the alleged perpetrator. A balanced and fair process that provides the same opportunities to both parties will lead to sound and supportable decisions. Specifically:

- Throughout the investigation, the parties must have an equal opportunity to present relevant witnesses and other evidence.

- The school must use a preponderance-of-the-evidence (i.e., more likely than not) standard in any Title IX proceedings, including any fact-finding and hearings.

- If the school permits one party to have lawyers or other advisors at any stage of the proceedings, it must do so equally for both parties. Any school-imposed restrictions on the ability of lawyers or other advisors to speak or otherwise participate in the proceedings must also apply equally.

- If the school permits one party to submit third-party expert testimony, it must do so equally for both parties.

- If the school provides for an appeal, it must do so equally for both parties.

- Both parties must be notified, in writing, of the outcome of both the complaint and any appeal (see question H-3).

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29 As explained in question C-5, the parties may have certain due process rights under the U.S. Constitution.
**Intersection with Criminal Investigations**

**F-2. What are the key differences between a school’s Title IX investigation into allegations of sexual violence and a criminal investigation?**

**Answer:** A criminal investigation is intended to determine whether an individual violated criminal law; and, if at the conclusion of the investigation, the individual is tried and found guilty, the individual may be imprisoned or subject to criminal penalties. The U.S. Constitution affords criminal defendants who face the risk of incarceration numerous protections, including, but not limited to, the right to counsel, the right to a speedy trial, the right to a jury trial, the right against self-incrimination, and the right to confrontation. In addition, government officials responsible for criminal investigations (including police and prosecutors) normally have discretion as to which complaints from the public they will investigate.

By contrast, a Title IX investigation will never result in incarceration of an individual and, therefore, the same procedural protections and legal standards are not required. Further, while a criminal investigation is initiated at the discretion of law enforcement authorities, a Title IX investigation is not discretionary; a school has a duty under Title IX to resolve complaints promptly and equitably and to provide a safe and nondiscriminatory environment for all students, free from sexual harassment and sexual violence. Because the standards for pursuing and completing criminal investigations are different from those used for Title IX investigations, the termination of a criminal investigation without an arrest or conviction does not affect the school’s Title IX obligations.

Of course, criminal investigations conducted by local or campus law enforcement may be useful for fact gathering if the criminal investigation occurs within the recommended timeframe for Title IX investigations; but, even if a criminal investigation is ongoing, a school must still conduct its own Title IX investigation.

A school should notify complainants of the right to file a criminal complaint and should not dissuade a complainant from doing so either during or after the school’s internal Title IX investigation. Title IX does not require a school to report alleged incidents of sexual violence to law enforcement, but a school may have reporting obligations under state, local, or other federal laws.
F-3. How should a school proceed when campus or local law enforcement agencies are conducting a criminal investigation while the school is conducting a parallel Title IX investigation?

Answer: A school should not wait for the conclusion of a criminal investigation or criminal proceeding to begin its own Title IX investigation. Although a school may need to delay temporarily the fact-finding portion of a Title IX investigation while the police are gathering evidence, it is important for a school to understand that during this brief delay in the Title IX investigation, it must take interim measures to protect the complainant in the educational setting. The school should also continue to update the parties on the status of the investigation and inform the parties when the school resumes its Title IX investigation. For additional information on interim measures see questions G-1 to G-3.

If a school delays the fact-finding portion of a Title IX investigation, the school must promptly resume and complete its fact-finding for the Title IX investigation once it learns that the police department has completed its evidence gathering stage of the criminal investigation. The school should not delay its investigation until the ultimate outcome of the criminal investigation or the filing of any charges. OCR recommends that a school work with its campus police, local law enforcement, and local prosecutor’s office to learn when the evidence gathering stage of the criminal investigation is complete. A school may also want to enter into a memorandum of understanding (MOU) or other agreement with these agencies regarding the protocols and procedures for referring allegations of sexual violence, sharing information, and conducting contemporaneous investigations. Any MOU or other agreement must allow the school to meet its Title IX obligation to resolve complaints promptly and equitably, and must comply with the Family Educational Rights and Privacy Act (“FERPA”) and other applicable privacy laws.

The DCL states that in one instance a prosecutor’s office informed OCR that the police department’s evidence gathering stage typically takes three to ten calendar days, although the delay in the school’s investigation may be longer in certain instances. OCR understands that this example may not be representative and that the law enforcement agency’s process often takes more than ten days. OCR recognizes that the length of time for evidence gathering by criminal investigators will vary depending on the specific circumstances of each case.
Off-Campus Conduct

F-4. Is a school required to process complaints of alleged sexual violence that occurred off campus?

Answer: Yes. Under Title IX, a school must process all complaints of sexual violence, regardless of where the conduct occurred, to determine whether the conduct occurred in the context of an education program or activity or had continuing effects on campus or in an off-campus education program or activity.

A school must determine whether the alleged off-campus sexual violence occurred in the context of an education program or activity of the school; if so, the school must treat the complaint in the same manner that it treats complaints regarding on-campus conduct. In other words, if a school determines that the alleged misconduct took place in the context of an education program or activity of the school, the fact that the alleged misconduct took place off campus does not relieve the school of its obligation to investigate the complaint as it would investigate a complaint of sexual violence that occurred on campus.

Whether the alleged misconduct occurred in this context may not always be apparent from the complaint, so a school may need to gather additional information in order to make such a determination. Off-campus education programs and activities are clearly covered and include, but are not limited to: activities that take place at houses of fraternities or sororities recognized by the school; school-sponsored field trips, including athletic team travel; and events for school clubs that occur off campus (e.g., a debate team trip to another school or to a weekend competition).

Even if the misconduct did not occur in the context of an education program or activity, a school must consider the effects of the off-campus misconduct when evaluating whether there is a hostile environment on campus or in an off-campus education program or activity because students often experience the continuing effects of off-campus sexual violence while at school or in an off-campus education program or activity. The school cannot address the continuing effects of the off-campus sexual violence at school or in an off-campus education program or activity unless it processes the complaint and gathers appropriate additional information in accordance with its established procedures.

Once a school is on notice of off-campus sexual violence against a student, it must assess whether there are any continuing effects on campus or in an off-campus education program or activity that are creating or contributing to a hostile environment and, if so, address that hostile environment in the same manner in which it would address a hostile environment created by on-campus misconduct. The mere presence on campus or in an
off-campus education program or activity of the alleged perpetrator of off-campus sexual violence can have continuing effects that create a hostile environment. A school should also take steps to protect a student who alleges off-campus sexual violence from further harassment by the alleged perpetrator or his or her friends, and a school may have to take steps to protect other students from possible assault by the alleged perpetrator. In other words, the school should protect the school community in the same way it would had the sexual violence occurred on campus. Even if there are no continuing effects of the off-campus sexual violence experienced by the student on campus or in an off-campus education program or activity, the school still should handle these incidents as it would handle other off-campus incidents of misconduct or violence and consistent with any other applicable laws. For example, if a school, under its code of conduct, exercises jurisdiction over physical altercations between students that occur off campus outside of an education program or activity, it should also exercise jurisdiction over incidents of student-on-student sexual violence that occur off campus outside of an education program or activity.

Hearings

F-5. Must a school allow or require the parties to be present during an entire hearing?

Answer: If a school uses a hearing process to determine responsibility for acts of sexual violence, OCR does not require that the school allow a complainant to be present for the entire hearing; it is up to each school to make this determination. But if the school allows one party to be present for the entirety of a hearing, it must do so equally for both parties. At the same time, when requested, a school should make arrangements so that the complainant and the alleged perpetrator do not have to be present in the same room at the same time. These two objectives may be achieved by using closed circuit television or other means. Because a school has a Title IX obligation to investigate possible sexual violence, if a hearing is part of the school’s Title IX investigation process, the school must not require a complainant to be present at the hearing as a prerequisite to proceed with the hearing.

As noted in question F-1, the investigation may include a hearing to determine whether the conduct occurred, but Title IX does not necessarily require a hearing. Although Title IX does not dictate the membership of a hearing board, OCR discourages schools from allowing students to serve on hearing boards in cases involving allegations of sexual violence.
F-6.  May every witness at the hearing, including the parties, be cross-examined?

**Answer:** OCR does not require that a school allow cross-examination of witnesses, including the parties, if they testify at the hearing. But if the school allows one party to cross-examine witnesses, it must do so equally for both parties.

OCR strongly discourages a school from allowing the parties to personally question or cross-examine each other during a hearing on alleged sexual violence. Allowing an alleged perpetrator to question a complainant directly may be traumatic or intimidating, and may perpetuate a hostile environment. A school may choose, instead, to allow the parties to submit questions to a trained third party (e.g., the hearing panel) to ask the questions on their behalf. OCR recommends that the third party screen the questions submitted by the parties and only ask those it deems appropriate and relevant to the case.

F-7.  May the complainant’s sexual history be introduced at hearings?

**Answer:** Questioning about the complainant’s sexual history with anyone other than the alleged perpetrator should not be permitted. Further, a school should recognize that the mere fact of a current or previous consensual dating or sexual relationship between the two parties does not itself imply consent or preclude a finding of sexual violence. The school should also ensure that hearings are conducted in a manner that does not inflict additional trauma on the complainant.

*Timeframes*

F-8.  What stages of the investigation are included in the 60-day timeframe referenced in the DCL as the length for a typical investigation?

**Answer:** As noted in the DCL, the 60-calendar day timeframe for investigations is based on OCR’s experience in typical cases. The 60-calendar day timeframe refers to the entire investigation process, which includes conducting the fact-finding investigation, holding a hearing or engaging in another decision-making process to determine whether the alleged sexual violence occurred and created a hostile environment, and determining what actions the school will take to eliminate the hostile environment and prevent its recurrence, including imposing sanctions against the perpetrator and providing remedies for the complainant and school community, as appropriate. Although this timeframe does not include appeals, a school should be aware that an unduly long appeals process may impact whether the school’s response was prompt and equitable as required by Title IX.
OCR does not require a school to complete investigations within 60 days; rather OCR evaluates on a case-by-case basis whether the resolution of sexual violence complaints is prompt and equitable. Whether OCR considers an investigation to be prompt as required by Title IX will vary depending on the complexity of the investigation and the severity and extent of the alleged conduct. OCR recognizes that the investigation process may take longer if there is a parallel criminal investigation or if it occurs partially during school breaks. A school may need to stop an investigation during school breaks or between school years, although a school should make every effort to try to conduct an investigation during these breaks unless so doing would sacrifice witness availability or otherwise compromise the process.

Because timeframes for investigations vary and a school may need to depart from the timeframes designated in its grievance procedures, both parties should be given periodic status updates throughout the process.

G. **Interim Measures**

G-1. **Is a school required to take any interim measures before the completion of its investigation?**

**Answer:** Title IX requires a school to take steps to ensure equal access to its education programs and activities and protect the complainant as necessary, including taking interim measures before the final outcome of an investigation. The school should take these steps promptly once it has notice of a sexual violence allegation and should provide the complainant with periodic updates on the status of the investigation. The school should notify the complainant of his or her options to avoid contact with the alleged perpetrator and allow the complainant to change academic and extracurricular activities or his or her living, transportation, dining, and working situation as appropriate. The school should also ensure that the complainant is aware of his or her Title IX rights and any available resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance, and the right to report a crime to campus or local law enforcement. If a school does not offer these services on campus, it should enter into an MOU with a local victim services provider if possible.

Even when a school has determined that it can respect a complainant’s request for confidentiality and therefore may not be able to respond fully to an allegation of sexual violence and initiate formal action against an alleged perpetrator, the school must take immediate action to protect the complainant while keeping the identity of the complainant confidential. These actions may include: providing support services to the
complainant; changing living arrangements or course schedules, assignments, or tests; and providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred.

G-2. How should a school determine what interim measures to take?

**Answer:** The specific interim measures implemented and the process for implementing those measures will vary depending on the facts of each case. A school should consider a number of factors in determining what interim measures to take, including, for example, the specific need expressed by the complainant; the age of the students involved; the severity or pervasiveness of the allegations; any continuing effects on the complainant; whether the complainant and alleged perpetrator share the same residence hall, dining hall, class, transportation, or job location; and whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

In general, when taking interim measures, schools should minimize the burden on the complainant. For example, if the complainant and alleged perpetrator share the same class or residence hall, the school should not, as a matter of course, remove the complainant from the class or housing while allowing the alleged perpetrator to remain without carefully considering the facts of the case.

G-3. If a school provides all students with access to counseling on a fee basis, does that suffice for providing counseling as an interim measure?

**Answer:** No. Interim measures are determined by a school on a case-by-case basis. If a school determines that it needs to offer counseling to the complainant as part of its Title IX obligation to take steps to protect the complainant while the investigation is ongoing, it must not require the complainant to pay for this service.
H. Remedies and Notice of Outcome

H-1. What remedies should a school consider in a case of student-on-student sexual violence?

**Answer:** Effective remedial action may include disciplinary action against the perpetrator, providing counseling for the perpetrator, remedies for the complainant and others, as well as changes to the school’s overall services or policies. All services needed to remedy the hostile environment should be offered to the complainant. These remedies are separate from, and in addition to, any interim measure that may have been provided prior to the conclusion of the school’s investigation. In any instance in which 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.

If a school uses its student disciplinary procedures to meet its Title IX obligation to resolve complaints of sexual violence promptly and equitably, it should recognize that imposing sanctions against the perpetrator, without more, likely will not be sufficient to satisfy its Title IX obligation to eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects. Additional remedies for the complainant and the school community may be necessary. If the school’s student disciplinary procedure does not include a process for determining and implementing these remedies for the complainant and school community, the school will need to use another process for this purpose.

Depending on the specific nature of the problem, remedies for the complainant may include, but are not limited to:

- Providing an effective escort to ensure that the complainant can move safely between classes and activities;

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31 As explained in question A-5, if a school delays responding to allegations of sexual violence or responds inappropriately, the school’s own inaction may subject the student to be subjected to a hostile environment. In this case, in addition to the remedies discussed in this section, the school will also be required to remedy the effects of the sexual violence that could reasonably have been prevented had the school responded promptly and appropriately.
• Ensuring the complainant and perpetrator do not share classes or extracurricular activities;

• Moving the perpetrator or complainant (if the complainant requests to be moved) to a different residence hall or, in the case of an elementary or secondary school student, to another school within the district;

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

• Arranging for the complainant to have extra time to complete or re-take a class or withdraw from a class without an academic or financial penalty; and

• Reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the sexual violence and the misconduct that may have resulted in the complainant being disciplined.  

Remedies for the broader student population may include, but are not limited to:

• Designating an individual from the school’s counseling center who is specifically trained in providing trauma-informed comprehensive services to victims of sexual violence to be on call to assist students whenever needed;

• Training or retraining school employees on the school’s responsibilities to address allegations of sexual violence and how to conduct Title IX investigations;

• Developing materials on sexual violence, which should be distributed to all students;

• Conducting bystander intervention and sexual violence prevention programs with students;

• Issuing policy statements or taking other steps that clearly communicate that the school does not tolerate sexual violence and will respond to any incidents and to any student who reports such incidents;

\[32\] For example, if the complainant was disciplined for skipping a class in which the perpetrator was enrolled, the school should review the incident to determine if the complainant skipped class to avoid contact with the perpetrator.

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• Conducting, in conjunction with student leaders, a campus climate check to assess the effectiveness of efforts to ensure that the school is free from sexual violence, and using that information to inform future proactive steps that the school will take;

• Targeted training for a group of students if, for example, the sexual violence created a hostile environment in a residence hall, fraternity or sorority, or on an athletic team; and

• Developing a protocol for working with local law enforcement as discussed in question F-3.

When a school is unable to conduct a full investigation into a particular incident (i.e., when it received a general report of sexual violence without any personally identifying information), it should consider remedies for the broader student population in response.

H-2. If, after an investigation, a school finds the alleged perpetrator responsible and determines that, as part of the remedies for the complainant, it must separate the complainant and perpetrator, how should the school accomplish this if both students share the same major and there are limited course options?

**Answer:** If there are limited sections of required courses offered at a school and both the complainant and perpetrator are required to take those classes, the school may need to make alternate arrangements in a manner that minimizes the burden on the complainant. For example, the school may allow the complainant to take the regular sections of the courses while arranging for the perpetrator to take the same courses online or through independent study.

H-3. **What information must be provided to the complainant in the notice of the outcome?**

**Answer:** Title IX requires both parties to be notified, in writing, about the outcome of both the complaint and any appeal. OCR recommends that a school provide written notice of the outcome to the complainant and the alleged perpetrator concurrently.

For Title IX purposes, a school must inform the complainant as to whether or not it found that the alleged conduct occurred, any individual remedies offered or provided to the complainant or any sanctions imposed on the perpetrator that directly relate to the complainant, and other steps the school has taken to eliminate the hostile environment, if the school finds one to exist, and prevent recurrence. The perpetrator should not be notified of the individual remedies offered or provided to the complainant.
Sanctions that directly relate to the complainant (but that may also relate to eliminating the hostile environment and preventing recurrence) include, but are not limited to, requiring that the perpetrator stay away from the complainant until both parties graduate, prohibiting the perpetrator from attending school for a period of time, or transferring the perpetrator to another residence hall, other classes, or another school. Additional steps the school has taken to eliminate the hostile environment may include counseling and academic support services for the complainant and other affected students. Additional steps the school has taken to prevent recurrence may include sexual violence training for faculty and staff, revisions to the school’s policies on sexual violence, and campus climate surveys. Further discussion of appropriate remedies is included in question H-1.

In addition to the Title IX requirements described above, the Clery Act requires, and FERPA permits, postsecondary institutions to inform the complainant of the institution’s final determination and any disciplinary sanctions imposed on the perpetrator in sexual violence cases (as opposed to all harassment and misconduct covered by Title IX) not just those sanctions that directly relate to the complainant.33

I. Appeals

I-1. What are the requirements for an appeals process?

Answer: While Title IX does not require that a school provide an appeals process, OCR does recommend that the school do so where procedural error or previously unavailable relevant evidence could significantly impact the outcome of a case or where a sanction is substantially disproportionate to the findings. If a school chooses to provide for an appeal of the findings or remedy or both, it must do so equally for both parties. The specific design of the appeals process is up to the school, as long as the entire grievance process, including any appeals, provides prompt and equitable resolutions of sexual violence complaints, and the school takes steps to protect the complainant in the educational setting during the process. Any individual or body handling appeals should be trained in the dynamics of and trauma associated with sexual violence.

If a school chooses to offer an appeals process it has flexibility to determine the type of review it will apply to appeals, but the type of review the school applies must be the same regardless of which party files the appeal.

I-2. Must an appeal be available to a complainant who receives a favorable finding but does not believe a sanction that directly relates to him or her was sufficient?

Answer: The appeals process must be equal for both parties. For example, if a school allows a perpetrator to appeal a suspension on the grounds that it is too severe, the school must also allow a complainant to appeal a suspension on the grounds that it was not severe enough. See question H-3 for more information on what must be provided to the complainant in the notice of the outcome.

J. Title IX Training, Education and Prevention

J-1. What type of training on Title IX and sexual violence should a school provide to its employees?

Answer: A school needs to ensure that responsible employees with the authority to address sexual violence know how to respond appropriately to reports of sexual violence, that other responsible employees know that they are obligated to report sexual violence to appropriate school officials, and that all other employees understand how to respond to reports of sexual violence. A school should ensure that professional counselors, pastoral counselors, and non-professional counselors or advocates also understand the extent to which they may keep a report confidential. A school should provide training to all employees likely to witness or receive reports of sexual violence, including teachers, professors, school law enforcement unit employees, school administrators, school counselors, general counsels, athletic coaches, health personnel, and resident advisors. Training for employees should include practical information about how to prevent and identify sexual violence, including same-sex sexual violence; the behaviors that may lead to and result in sexual violence; the attitudes of bystanders that may allow conduct to continue; the potential for revictimization by responders and its effect on students; appropriate methods for responding to a student who may have experienced sexual violence, including the use of nonjudgmental language; the impact of trauma on victims; and, as applicable, the person(s) to whom such misconduct must be reported. The training should also explain responsible employees’ reporting obligation, including what should be included in a report and any consequences for the failure to report and the procedure for responding to students’ requests for confidentiality, as well as provide the contact

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34 As explained earlier, although this document focuses on sexual violence, the legal principles apply to other forms of sexual harassment. Schools should ensure that any training they provide on Title IX and sexual violence also covers other forms of sexual harassment. Postsecondary institutions should also be aware of training requirements imposed under the Clery Act.

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information for the school’s Title IX coordinator. A school also should train responsible employees to inform students of: the reporting obligations of responsible employees; students’ option to request confidentiality and available confidential advocacy, counseling, or other support services; and their right to file a Title IX complaint with the school and to report a crime to campus or local law enforcement. For additional information on the reporting obligations of responsible employees and others see questions D-1 to D-5.

There is no minimum number of hours required for Title IX and sexual violence training at every school, but this training should be provided on a regular basis. Each school should determine based on its particular circumstances how such training should be conducted, who has the relevant expertise required to conduct the training, and who should receive the training to ensure that the training adequately prepares employees, particularly responsible employees, to fulfill their duties under Title IX. A school should also have methods for verifying that the training was effective.

J-2. How should a school train responsible employees to report incidents of possible sexual harassment or sexual violence?

Answer: Title IX requires a school to take prompt and effective steps reasonably calculated to end sexual harassment and sexual violence that creates a hostile environment (i.e., conduct that is sufficiently serious as to limit or deny a student’s ability to participate in or benefit from the school’s educational program and activity). But a school should not wait to take steps to protect its students until students have already been deprived of educational opportunities.

OCR therefore recommends that a school train responsible employees to report to the Title IX coordinator or other appropriate school official any incidents of sexual harassment or sexual violence that may violate the school’s code of conduct or may create or contribute to the creation of a hostile environment. The school can then take steps to investigate and prevent any harassment or violence from recurring or escalating, as appropriate. For example, the school may separate the complainant and alleged perpetrator or conduct sexual harassment and sexual violence training for the school’s students and employees. Responsible employees should understand that they do not need to determine whether the alleged sexual harassment or sexual violence actually occurred or that a hostile environment has been created before reporting an incident to the school’s Title IX coordinator. Because the Title IX coordinator should have in-depth knowledge of Title IX and Title IX complaints at the school, he or she is likely to be in a better position than are other employees to evaluate whether an incident of sexual
harassment or sexual violence creates a hostile environment and how the school should respond. There may also be situations in which individual incidents of sexual harassment do not, by themselves, create a hostile environment; however when considered together, those incidents may create a hostile environment.

J-3. **What type of training should a school provide to employees who are involved in implementing the school’s grievance procedures?**

**Answer:** All persons involved in implementing a school’s grievance procedures (e.g., Title IX coordinators, others who receive complaints, investigators, and adjudicators) must have training or experience in handling sexual violence complaints, and in the operation of the school’s grievance procedures. The training should include information on working with and interviewing persons subjected to sexual violence; information on particular types of conduct that would constitute sexual violence, including same-sex sexual violence; the proper standard of review for sexual violence complaints (preponderance of the evidence); information on consent and the role drugs or alcohol can play in the ability to consent; the importance of accountability for individuals found to have committed sexual violence; the need for remedial actions for the perpetrator, complainant, and school community; how to determine credibility; how to evaluate evidence and weigh it in an impartial manner; how to conduct investigations; confidentiality; the effects of trauma, including neurobiological change; and cultural awareness training regarding how sexual violence may impact students differently depending on their cultural backgrounds.

In rare circumstances, employees involved in implementing a school’s grievance procedures may be able to demonstrate that prior training and experience has provided them with competency in the areas covered in the school’s training. For example, the combination of effective prior training and experience investigating complaints of sexual violence, together with training on the school’s current grievance procedures may be sufficient preparation for an employee to resolve Title IX complaints consistent with the school’s grievance procedures. In-depth knowledge regarding Title IX and sexual violence is particularly helpful. Because laws and school policies and procedures may change, the only way to ensure that all employees involved in implementing the school’s grievance procedures have the requisite training or experience is for the school to provide regular training to all individuals involved in implementing the school’s Title IX grievance procedures even if such individuals also have prior relevant experience.
J-4. **What type of training on sexual violence should a school provide to its students?**

**Answer:** To ensure that students understand their rights under Title IX, a school should provide age-appropriate training to its students regarding Title IX and sexual violence. At the elementary and secondary school level, schools should consider whether sexual violence training should also be offered to parents, particularly training on the school’s process for handling complaints of sexual violence. Training may be provided separately or as part of the school’s broader training on sex discrimination and sexual harassment. However, sexual violence is a unique topic that should not be assumed to be covered adequately in other educational programming or training provided to students. The school may want to include this training in its orientation programs for new students; training for student athletes and members of student organizations; and back-to-school nights. A school should consider educational methods that are most likely to help students retain information when designing its training, including repeating the training at regular intervals. OCR recommends that, at a minimum, the following topics (as appropriate) be covered in this training:

- Title IX and what constitutes sexual violence, including same-sex sexual violence, under the school’s policies;
- the school’s definition of consent applicable to sexual conduct, including examples;
- how the school analyzes whether conduct was unwelcome under Title IX;
- how the school analyzes whether unwelcome sexual conduct creates a hostile environment;
- reporting options, including formal reporting and confidential disclosure options and any timeframes set by the school for reporting;
- the school’s grievance procedures used to process sexual violence complaints;
- disciplinary code provisions relating to sexual violence and the consequences of violating those provisions;
- effects of trauma, including neurobiological changes;
- the role alcohol and drugs often play in sexual violence incidents, including the deliberate use of alcohol and/or other drugs to perpetrate sexual violence;
- strategies and skills for bystanders to intervene to prevent possible sexual violence;
- how to report sexual violence to campus or local law enforcement and the ability to pursue law enforcement proceedings simultaneously with a Title IX grievance; and
- Title IX’s protections against retaliation.

The training should also encourage students to report incidents of sexual violence. The training should explain that students (and their parents or friends) do not need to determine whether incidents of sexual violence or other sexual harassment created a
hostile environment before reporting the incident. A school also should be aware that persons may be deterred from reporting incidents if, for example, violations of school or campus rules regarding alcohol or drugs were involved. As a result, a school should review its disciplinary policy to ensure it does not have a chilling effect on students’ reporting of sexual violence offenses or participating as witnesses. OCR recommends that a school inform students that the school’s primary concern is student safety, and that use of alcohol or drugs never makes the survivor at fault for sexual violence.

It is also important for a school to educate students about the persons on campus to whom they can confidentially report incidents of sexual violence. A school’s sexual violence education and prevention program should clearly identify the offices or individuals with whom students can speak confidentially and the offices or individuals who can provide resources such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance. It should also identify the school’s responsible employees and explain that if students report incidents to responsible employees (except as noted in question E-3) these employees are required to report the incident to the Title IX coordinator or other appropriate official. This reporting includes the names of the alleged perpetrator and student involved in the sexual violence, as well as relevant facts including the date, time, and location, although efforts should be made to comply with requests for confidentiality from the complainant. For more detailed information regarding reporting and responsible employees and confidentiality, see questions D-1 to D-5 and E-1 to E-4.

K. Retaliation

K-1. Does Title IX protect against retaliation?

Answer: Yes. The Federal civil rights laws, including Title IX, make it unlawful to retaliate against an individual for the purpose of interfering with any right or privilege secured by these laws. This means that if an individual brings concerns about possible civil rights problems to a school’s attention, including publicly opposing sexual violence or filing a sexual violence complaint with the school or any State or Federal agency, it is unlawful for the school to retaliate against that individual for doing so. It is also unlawful to retaliate against an individual because he or she testified, or participated in any manner, in an OCR or school’s investigation or proceeding. Therefore, if a student, parent, teacher, coach, or other individual complains formally or informally about sexual violence or participates in an OCR or school’s investigation or proceedings related to sexual violence, the school is prohibited from retaliating (including intimidating, threatening, coercing, or in any way
discriminating against the individual) because of the individual’s complaint or participation.

A school should take steps to prevent retaliation against a student who filed a complaint either on his or her own behalf or on behalf of another student, or against those who provided information as witnesses.

Schools should be aware that complaints of sexual violence may be followed by retaliation against the complainant or witnesses by the alleged perpetrator or his or her associates. When a school knows or reasonably should know of possible retaliation by other students or third parties, it must take immediate and appropriate steps to investigate or otherwise determine what occurred. Title IX requires the school to protect the complainant and witnesses and ensure their safety as necessary. At a minimum, this includes making sure that the complainant and his or her parents, if the complainant is in elementary or secondary school, and witnesses know how to report retaliation by school officials, other students, or third parties by making follow-up inquiries to see if there have been any new incidents or acts of retaliation, and by responding promptly and appropriately to address continuing or new problems. A school should also tell complainants and witnesses that Title IX prohibits retaliation, and that school officials will not only take steps to prevent retaliation, but will also take strong responsive action if it occurs.

L. First Amendment

L-1. How should a school handle its obligation to respond to sexual harassment and sexual violence while still respecting free-speech rights guaranteed by the Constitution?

Answer: The DCL on sexual violence did not expressly address First Amendment issues because it focuses on unlawful physical sexual violence, which is not speech or expression protected by the First Amendment.

However, OCR’s previous guidance on the First Amendment, including the 2001 Guidance, OCR’s July 28, 2003, Dear Colleague Letter on the First Amendment, and OCR’s October 26, 2010, Dear Colleague Letter on harassment and bullying, remain fully in effect. OCR has made it clear that the laws and regulations it enforces protect students from prohibited discrimination and do not restrict the exercise of any expressive activities or speech protected under the U.S. Constitution. Therefore, when a school works to prevent

and redress discrimination, it must respect the free-speech rights of students, faculty, and other speakers.

Title IX protects students from sex discrimination; it does not regulate the content of speech. OCR recognizes that the offensiveness of a particular expression as perceived by some students, standing alone, is not a legally sufficient basis to establish a hostile environment under Title IX. Title IX also does not require, prohibit, or abridge the use of particular textbooks or curricular materials. 37

**M. The Clery Act and the Violence Against Women Reauthorization Act of 2013**

**M-1. How does the Clery Act affect the Title IX obligations of institutions of higher education that participate in the federal student financial aid programs?**

**Answer:** Institutions of higher education that participate in the federal student financial aid programs are subject to the requirements of the Clery Act as well as Title IX. The Clery Act requires institutions of higher education to provide current and prospective students and employees, the public, and the Department with crime statistics and information about campus crime prevention programs and policies. The Clery Act requirements apply to many crimes other than those addressed by Title IX. For those areas in which the Clery Act and Title IX both apply, the institution must comply with both laws. For additional information about the Clery Act and its regulations, please see [http://www2.ed.gov/admins/lead/safety/campus.html](http://www2.ed.gov/admins/lead/safety/campus.html).

**M-2. Were a school’s obligations under Title IX and the DCL altered in any way by the Violence Against Women Reauthorization Act of 2013, Pub. L. No. 113-4, including Section 304 of that Act, which amends the Clery Act?**

**Answer:** No. The Violence Against Women Reauthorization Act has no effect on a school’s obligations under Title IX or the DCL. The Violence Against Women Reauthorization Act amended the Violence Against Women Act and the Clery Act, which are separate statutes. Nothing in Section 304 or any other part of the Violence Against Women Reauthorization Act relieves a school of its obligation to comply with the requirements of Title IX, including those set forth in these Questions and Answers, the 2011 DCL, and the 2001 Guidance. For additional information about the Department’s negotiated rulemaking related to the Violence Against Women Reauthorization Act please see [http://www2.ed.gov/policy/highered/reg/hearulemaking/2012/vawa.html](http://www2.ed.gov/policy/highered/reg/hearulemaking/2012/vawa.html).

37 34 C.F.R. § 106.42.
N. Further Federal Guidance

N-1. Whom should I contact if I have additional questions about the DCL or OCR’s other Title IX guidance?

Answer: Anyone who has questions regarding this guidance, or Title IX should contact the OCR regional office that serves his or her state. Contact information for OCR regional offices can be found on OCR’s webpage at https://wdrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm. If you wish to file a complaint of discrimination with OCR, you may use the online complaint form available at http://www.ed.gov/ocr/complaintintro.html or send a letter to the OCR enforcement office responsible for the state in which the school is located. You may also email general questions to OCR at ocr@ed.gov.

N-2. Are there other resources available to assist a school in complying with Title IX and preventing and responding to sexual violence?

Answer: Yes. OCR’s policy guidance on Title IX is available on OCR’s webpage at http://www.ed.gov/ocr/publications.html#TitleIX. In addition to the April 4, 2011, Dear Colleague Letter, OCR has issued the following resources that further discuss a school’s obligation to respond to allegations of sexual harassment and sexual violence:

- Dear Colleague Letter: Harassment and Bullying (October 26, 2010), http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf
- Sexual Harassment: It’s Not Academic (Revised September 2008), http://www2.ed.gov/about/offices/list/ocr/docs/ocrshpam.pdf
- Revised Sexual Harassment Guidance: Harassment of Students by Employees, Other Students, or Third Parties (January 19, 2001), http://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf
In addition to guidance from OCR, a school may also find resources from the Departments of Education and Justice helpful in preventing and responding to sexual violence:

- Department of Education’s Letter to Chief State School Officers on Teen Dating Violence Awareness and Prevention (February 28, 2013)
  [https://www2.ed.gov/policy/gen/guid/secletter/130228.html](https://www2.ed.gov/policy/gen/guid/secletter/130228.html)

- Department of Education’s National Center on Safe Supportive Learning Environments

- Department of Justice, Office on Violence Against Women