

Section 7 Student Policies	05/02/14 -Originated
Section 7.1 Student Services and Activities	-Reviewed w/ changes
	-Reviewed w/o changes
Policy 7.1.11 Student Sexual Misconduct, Sexual Harassment, and Sexual Assault Policy	05/02/14 -Effective
	Council of Deans -Author

Student Sexual Misconduct, Sexual Harassment, and Sexual Assault Policy

Definitions

Sexual Misconduct: Sexual misconduct includes, but is not limited to, 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 and inappropriate for the workplace or classroom.

Sexual Harassment: Sexual harassment includes, but is not limited to:

1. Any criminal offense under the Texas Penal Code of a sexual nature, including rape, sexual assault, sexual battery, sexual coercion, or other acts of sexual violence; and
2. Unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature when:
 - a. submission to such conduct is made either explicitly or implicitly a term or condition of employment or student status or participation in University activities; or
 - b. such conduct is sufficiently severe or pervasive that it substantially interferes with an individual's education, employment, or participation in University activities, or creates an objectively hostile environment; or
 - c. 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 University activities, or creating an intimidating, hostile, or offensive environment.

Examples of inappropriate behavior that may constitute sexual misconduct and/or sexual harassment include, but are not limited to:

1. Intentional touching;
2. Explicit or implicit propositions to engage in sexual activity;
3. Gratuitous comments of a sexual nature such as explicit statements, questions, jokes or anecdotes;
4. Remarks of a sexual nature about a person's clothing or body;
5. Remarks about sexual activities or speculation about sexual experiences;
6. Exposure to gratuitous sexually suggestive visual displays such as

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**Definitions,
continued**

- photographs, graffiti, posters, calendars or other materials;
7. Deliberate physical interference with or restriction of an individual's movements;
 8. Persistent, unwanted sexual/romantic attention;
 9. Subtle or overt pressure for sexual favors; and/or
 10. Deliberate, repeated humiliation or intimidation based upon the sex of the individual.

Sexual Assault: Sexual assault occurs when one person threatens, or uses violence or coercion to cause another person to participate in any type of forced sexual activity. Sexual assault is a crime. A student charged with sexual assault can be prosecuted under state criminal statutes and/or disciplined under UTMB’s Code of Student Conduct.

Policy

The University of Texas Medical Branch at Galveston (“UTMB” or “University”) is committed to the principle that the University’s working and learning environment be free from inappropriate conduct of a sexual nature. Sexual misconduct, sexual harassment, and sexual assault in any form will not be tolerated, and individuals who engage in such conduct will be subject to disciplinary action.

Applicability

This policy applies to all University students and applicants for admissions. It applies to conduct regardless of where it occurs, including off University property, if it potentially affects the alleged victim’s education or employment. It also applies regardless of the gender of the complainant or the alleged harasser.

IHOP Policy 3.2.4 applies to faculty, employees, and staff conduct.

**Filing a
Complaint of
Sexual
Misconduct,
Sexual
Harassment,
Sexual Assault
and Reporting
Responsibilities**

Sexual Misconduct and/or Sexual Harassment:

UTMB encourages any student who believes that he or she has been subjected to sexual misconduct or sexual harassment to immediately file a complaint or grievance with the Office of Title IX Compliance:

**Title IX Coordinator
Office of Title IX Compliance
2.118 Jamail Student Center (Next to Old Red)
(409) 772-2112
Title.ix@utmb.edu**

Sexual Assault:

Students are advised to notify either on campus or local police immediately

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Filing a Complaint of Sexual Misconduct, Sexual Harassment, Sexual Assault and Reporting Responsibilities, continued

of an alleged sexual assault. It is also strongly recommended that students seek medical treatment immediately. Students have the option of being assisted by campus authorities in notifying proper authorities.

Additionally, the Title IX Coordinator or his or her designee is available at all times to assist students regarding allegations of sexual assault and to provide information regarding disciplinary action, counseling, medical services, mental health or student services, both on campus and in the community.

Students also have the right to request assistance with changing academic and/or arrangements following an alleged sexual assault if such arrangements are reasonably available.

If there is probable cause to believe that UTMB’s regulation prohibiting sexual assault has been violated, UTMB will pursue strong disciplinary action through its own channels. Additionally, both the accuser and accused involved in a sexual assault are entitled to the following: (1) to have an advisor of their choice in all of the grievance meetings; (2) to be simultaneously informed, in writing, of the outcome of any University disciplinary proceeding regarding allegations of sexual assault; and (3) to appeal the outcome of the University’s investigation and/or disciplinary proceedings regarding allegations of sexual assault.

Reporting Responsibilities:

Every supervisor, administrator, and University official is responsible for promptly reporting student incidents of sex discrimination, sexual misconduct, sexual harassment, and/or sexual assault that come to his or her attention to The Office of Title IX Compliance.

Additionally, students, faculty and staff who witness or are aware of suspected student incidents of sexual misconduct, sexual harassment, and/or sexual assault are strongly encouraged to immediately report the incident to The Office of Title IX Compliance. The Office of Title IX Compliance’s contact information is:

Title IX Coordinator
Office of Title IX Compliance
2.118 Jamail Student Center (Next to Old Red)
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IHOP Policy 3.2.4 governs UTMB’s sexual misconduct and sexual harassment complaint process and reporting responsibilities as related to faculty, employees, and staff conduct.

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When to File a Complaint

Complaints and reports of sexual misconduct, sexual harassment, and sexual assault should be filed as soon as possible after the conduct giving rise to the complaint. Delay in filing or reporting can greatly limit the University’s ability to stop the harassment and take effective action against the alleged perpetrator.

Retaliation

An administrator, faculty member, student, or employee who retaliates in any way against an individual who has brought a complaint pursuant to the University’s sexual misconduct, sexual harassment, and sexual assault policy or against an individual who has participated in an investigation of such a complaint is subject to disciplinary action, including dismissal.

False Complaints

Any person who knowingly and intentionally files a false complaint under the University’s sexual misconduct, sexual harassment, and sexual assault policy is subject to disciplinary action, up to and including dismissal from the University.

References

- Title VII of the Civil Rights Act of 1964
- Title IX of the Civil Rights Act of 1972
- 20 U.S.C. § 1092(f)(8) (regarding disclosure of campus security policies and campus crime statistics)
- Texas Labor Code §21.051 *et al.*
- IHOP 7.1.3 Student Conduct and Discipline
- IHOP7.1.14 Student Non-Academic Grievance Procedures
- IHOP 8.2.2 Campus Security Reporting
- IHOP 3.2.4 Sexual Harassment and Misconduct
- United States Department of Education, Office of Civil Rights, April of 2011 Dear Colleague Letter