

Sexual Assault Prevention and Response

UTMB will not tolerate sexual assault in any form, including acquaintance rape. Sexual assault refers to rape as well as other forms of forcible or non-forcible activity. 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 UTMB student charged with sexual assault can be prosecuted under state criminal statutes, and/or be disciplined under the UTMB Code of Student Conduct.

What to do when a sex offense occurs

The UTMB Police Department offers a 12-hour Rape Aggression Defense (RAD) class, which is also taught nationally and in Canada and is endorsed by the International Association of Campus Law Enforcement Administrators (I.A.C.L.E.A.). The RAD approach to personal safety education embodies a practical blend of rape awareness, awareness of other sex offenses, threat avoidance strategies, and real-world assault resistance tactics. The focus of the RAD course of instruction is on the development of easily mastered personal safety skills, which can be safely practiced within a comfortable learning environment, and the coupling of those physical skills with a threat assessment process, which will increase physical safety awareness. The overall goal is to reduce victimization through informed decision-making and sensible action. The classes are free of charge to all employees, students and faculty and their family members. Information about the RAD class can be found on-line <http://www.utmb.edu/police/>.

- If a sex offense occurs, students are advised to notify either on campus or local police immediately. Time is important in order to preserve evidence since time is a critical factor for collection and preservation of evidence helpful in prosecution, which cannot be obtained later. It is also strongly recommended that students seek medical treatment immediately. Campus authorities will assist students in notifying the police if requested.
- The Student Affairs Office is available at all times to assist students in notifying authorities 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 ask for assistance in changing academic and living situations after an alleged sexual assault incident 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. Sanctions may include discipline up to and including termination of an employee or dismissal of a student perpetrator. Procedures for on-campus disciplinary action in cases of alleged sexual assault shall follow the procedures related to the UTMB Student Conduct and Discipline Policy (7.1.3). Those include, but are not limited to, notice, hearing procedures, challenges and appeals. Additionally, both accuser and accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding and; both the accuser and the accused shall be informed of the outcome of any campus disciplinary proceedings alleging sexual assault.

What constitutes sexual assault?

Texas Penal Code § 22.011 states:

A person commits an offense if the person:

- (1) intentionally or knowingly:
 - (A) causes the penetration of the anus or sexual organ of another person by any means without that person's consent;
 - (B) causes the penetration of the mouth or another person by the sexual organ of the actor, without that person's consent; or
 - (C) causes 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; or
- (2) intentionally or knowingly:
 - (A) causes the penetration of the anus or sexual organ of a child by any means;
 - (B) causes the penetration of the mouth or a child by the sexual organ of the actor;
 - (C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
 - (D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
 - (E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.

- a) A sexual assault under Subsection (a) (1) is without the consent of the other person 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 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;
 - (8) the actor is a public servant who coerces the other person to submit or participate;
 - (9) the actor is a mental health services provider
 - (10) the actor is a clergyman
 - (11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2 Family Code.

What to do if you have been sexually assaulted

UTMB students, faculty, and staff are strongly encouraged to report sexual assaults to UTMB Police Department either in person at the UTMB Police Department, 1.112 Administration Bldg., 301 University Blvd., Galveston, TX 77555-0101, or by telephone by dialing **2-1111** (on campus), or at Tel. **409-772-1111**. There are also emergency telephones installed in elevators on campus. Or contact police on-line <http://www.utmb.edu/police/>.

UTMB students may report sexual assaults to UTMB Police Department or any other UTMB campus security authority whether the assault occurs on or off campus, and no matter who the alleged assailant is. Reporting a sexual assault to UTMB officials, or filing a police report does not automatically initiate criminal charges.

If the assault occurs off campus, the UTMB Police will assist a victim with notifying the appropriate law enforcement agency having police jurisdiction where the crime occurred.

It is important for persons who have been sexually assaulted to seek medical attention. A medical examination called a "Rape Kit Exam," conducted by an area hospital, will help preserve important evidence of the sexual assault if the person who has been sexually assaulted decides later to prosecute. It is important for persons who have been sexually assaulted to contact the police who will arrange for immediate medical attention, and will initiate an investigation.

The UTMB Police Department will investigate all sexual assault complaints with sensitivity, compassion, patience and respect for the victim. Investigations are conducted in accordance with guidelines established by state laws and the Galveston (Texas) County District Attorney's Office.

In accordance with the Texas Code of Criminal Procedure Art. 57, victims may use a **pseudonym** to protect their identity. A pseudonym is a set of initials or a fictitious name chosen by the victim to be used in all public files and records concerning the sexual assault. Victims of sexual assault are not required to file criminal charges, however preferring charges is encouraged.

UTMB students may report sexual assaults to UTMB Police Department, or any other campus security authority. Reporting a sexual assault to anyone other than police will delay criminal investigation and possibly hinder criminal prosecution.

Remember-If you have been sexually assaulted:

1. Call UTMB Police Department **2-1111** (on campus), or Tel. **409-772-1111**.
2. DO NOT shower, bathe, or douche.
3. Have a trusted friend take you to UTMB Emergency Room / Trauma Center Hospital. Or to the hospital that is nearest to the location where the sexual assault took place.
4. Take the clothes in which you were assaulted with you to the hospital.
5. Remember it is not your fault. You will recover.

Non-Reported Sexual Assault Evidence Program

The Non-Reported Sexual Assault Evidence Program was created in House Bill 2626 by the 81st Texas Legislature and went into effect June 21, 2009. The program allows survivors of a sexual assault to obtain a forensic medical exam and have evidence collected, **without cost to the victim**, even if they do not wish to involve law enforcement personnel at the time of its collection. This will secure the evidence while giving the victim time to consider if they want to report the assault to law enforcement officials. Instructions for Submitting Non-Reported Sexual Assault Kits to the Texas Department of Public Safety (DPS) Link:

<http://www.txdps.state.tx.us/CrimeLaboratory/NRSA.htm>

Registered sex offenders

The Campus Sex Crimes Act of 2000 requires registered sex offenders to notify the UTMB Police Department whenever they enroll or become employed at UTMB. Further information regarding these registered sex offenders may be obtained on-line [http://records.txdps.state.tx.us/DPS WEB/SorNew/index.aspx](http://records.txdps.state.tx.us/DPS_WEB/SorNew/index.aspx), or by contacting the UTMB Police Department.